
A.L. 73 ta' l-2011

**ATT DWAR L-AMBJENT U L-IPPJANAR TA' L-IŻVILUPP
(KAP. 504)**

**ATT DWAR L-IBĦRA TERRITORJALI U Ż-ŻONA
KONTIGWA
(KAP. 226)**

**ATT DWAR IL-BLATA KONTINENTALI
(KAP. 194)**

**ATT BIEX JIĠU STABBILITI IBĦRA TAS-SAJD U
ĠURISDIZZJONI MARITTIMA ESTIŻA
(KAP. 479)**

**ATT DWAR IL-KONSERVAZZJONI U
L-AMMINISTRAZZJONI TAS-SAJD
(KAP. 425)**

**ATT DWAR L-AWTORITÀ GĦAT-TRASPORT F'MALTA
(KAP. 499)**

**ATT DWAR AWTORITÀ TA' MALTA DWAR IR-RIŻORSI
(KAP. 423)**

**Regolamenti ta' l- 2011 dwar Qafas fil-Politika Ambjentali tal-
Baħar**

BIS-SAĦĦA tal-poteri mogħtija bl-artikoli 3 (2), 4, 7 (1) ta' l-Att dwar l-Ibħra Territorjali u ż-Żona Kontigwa; ta' l-artikolu 3 ta' l-Att dwar il-Blata Kontinentali; ta' l-artikoli 4 (1), 37 u 38 ta' l-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd; ta' l-Att biex Jiġu Stabbiliti Ibħra tas-Sajd u Ġurisdizzjoni Marittima Estiża; ta' l-artikolu 6 (1) ta' l-Att dwar l-Awtorità għat-Trasport f'Malta; ta' l-artikolu 4 (1) ta' l-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi; ta' l-artikoli 2, 8, 61, 64 u 66 ta' l-Att dwar l-Ambjent u l-Ippjanar ta' l-Iżvilupp, il-Prim Ministru flimkien mal-Ministru

għall-Infrastruttura, Trasport u Kommunikazzjoni u l-Ministru tar-Riżorsi u Affarijiet Rurali, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, l-Awtorità għat-Trasport f'Malta, id-Dipartiment dwar il-Kontroll tal-Agricoltura u Sajd u l-Awtorità ta' Malta dwar ir-Riżorsi, għamlu ir-regolamenti li ġejjin:

Titolu u skop.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2011 dwar Qafas fil-Politika Ambjentali tal-Baħar.

(2) L-iskop ta' dawn ir-regolamenti huwa li jkun stabbilit qafas fejn għandhom jittieħdu l-miżuri meħtieġa sabiex jiksibu jew iżommu status ambjentali tajjeb fl-ambjent marin sa mhux aktar tard mis-sena 2020 kif ukoll jimplimenta il-provvedimenti tad-Direttiva 2008/56/EC tal-Parlament Ewropew u tal-Kunsill.

(3) Dawn ir-regolamenti għandhom jikkontribwixxu għall-koerenza bejn, u jkollha l-għan li tiżgura l-integrazzjoni ta' interessi ambjentali fil-linji politiċi, fi ftehim u f' miżuri leġislattivi differenti li jkollhom impatt fuq l-ambjent marin.

(4) Dawn ir-regolamenti għandhom japplikaw għall-ilmijiet marini kollha kif definiti fis-sub-regolament (1) tar-regolament 2, u għandhom iqisu l-effetti transkonfini fuq il-kwalità ta' l-ambjent marin ta' pajjiżi terzi fl-istess Reġjun jew Sub-Reġjun Marin, kif imfisser f'regolament 5.

(5) Dawn ir-regolamenti m' għandhomx japplikaw għal attivitajiet li l-uniku fini tagħhom hu d-difiża jew is-sigurtà nazzjonali. Madankollu, għandu jiġi żgurat kull sforz sabiex tali attivitajiet jitwettqu b'mod li jkun kompatibbli, safejn hu raġonevoli u prattikabbli, ma' l-oġettivi ta' dawn ir-regolamenti.

Tifsir.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma titlobx xort'ohra -

“ilmijiet marini” tfisser:

(a) ilmijiet, il-qiegħ tal-baħar u s-*subsoil* tan-naħa tal-baħar tal-linja bażi minn fejn il-medda ta' l-ilmijiet territorjali hija mkejla li testendi sat-tarf nett taż-żona fejn Stat Membru ikollu u, jew jeżerċita drittijiet ta' ġurisdizzjoni, skond Il-Konvenzjoni tan-

Nazzjonijiet Uniti dwar il-Liġi tal- Baħar u skond il-liġi internazzjonali, u

(b) ilmiġiet kostali kif definiti mir-Regolamenti ta' l-2004 dwar Pjan ta' Azzjoni fil-Qasam tal-Politika ta' l-Ilma, il-qiegħ tal-baħar u s-*subsoil* tagħhom, sa fejn aspetti partikolari ta' l-istatus ambjentali ta' l-ambjent marin ma jkunux diġà indirizzati permezz ta' dawk ir-regolamenti jew legiżlazzjoni oħra; A.L. 194 ta' l-2004.

“reġjun marin” tfisser reġjun tal-baħar li huwa identifikat taħt l-Artikolu 4. Ir-Regġuni Marini u s-Sub-Regġuni tagħhom huma nominati għall-fini tal-faċilitazzjoni ta' l-implimentazzjoni ta' d-Direttiva 2008/56/KE u huma determinati b'kont meħud tal-karatteristiċi idroloġiċi, oċeanografici u bijoġeografici;

“strategija marina” tfisser l-Istrategija li għandha tiġi żviluppata u implimentata fir-rigward ta' kull Reġjun jew Sub-Reġjun Marin involut kif stabbilit fir-regolament 4.

“status ambjentali” tfisser l-istat ġenerali ta' l-ambjent fl-ilmiġiet marini, b'kont meħud ta' l-istruttura, tal-funzjoni u tal-proċessi ta' l-ekosistemi marini kostitwenti flimkien mal-fatturi naturali fiżjografici, ġeografici, bijoloġiċi, ġeoloġiċi u klimatiċi, kif ukoll il-kondizzjonijiet fiżiċi, akustiċi u kimiċi inklużi dawk li jirriżultaw minn attivitajiet tal-bniedem ġewwa jew barra ż-zona konċernata;

“status ambjentali tajjeb” tfisser l-istatus ambjentali ta' ilmiġiet marini fejn dawn jikkostitwixxu oċeani u ilmiġiet ekoloġikament diversi u dinamiċi li jkunu nodfa, b'saħħithom u produttivi fil-kondizzjonijiet intrinsiċi tagħhom, u fejn l-użu ta' l-ambjent marin ikun f'livell li jkun sostenibbli, u li b'hekk jissalvagwardja l-potenzjal għall-użijiet u attivitajiet minn generazzjonijiet attwali u futuri, jiġifieri:

(a) l-istruttura, il-funzjonijiet u l-proċessi ta' l-ekosistemi marini kostitwenti, flimkien mal-fatturi assoċjati fiżjografici, ġeografici, ġeoloġiċi u klimatiċi, jippermettu dawk l-ekosistemi sabiex jiffunzjonaw bis-sħiħ u sabiex iżommu r-reżiljenza tagħhom għall-bidliet ambjentali kaġunati mill-bniedem. L-ispeċijiet u l-*habitats* marini ikunu protetti, it-tnaqqis tal-

biodiversità kaġunat mill-bniedem ikun impedit u komponenti bijoloġiċi differenti jiffunzjonaw f'armonija;

(b) il-proprjetajiet idro-morfoloġiċi, fiżiċi u kimiċi, ta' l-ekosistemi, inklużi dawk il-proprjetajiet li jirriżultaw minn attivitajiet tal-bniedem fiż-żona konċernata, jappoġġaw l-ekosistemi kif deskritt hawn qabel. *L-inputs* antropoġeniċi ta' sustanzi u enerġija, inkluż l-istorbju, fl-ambjent marin ma jikkawx effetti ta' tniġġis.

“kriterji” tfisser karatteristiċi tekniċi distintivi li huma marbutin mill-qrib ma' deskritturi kwalitattivi;

“mira ambjentali” tfisser dikjarazzjoni kwalitattiva jew kwantitattiva dwar il-kondizzjoni mixtieqa tal-komponenti differenti ta' l-ilmijiet marini fir-rigward ta' kull Reġjun jew Sub-Reġjun, u tal-pressjonijiet u l-impatti fuqhom. Il-miri ambjentali huma stabbiliti skond ir-regolament 8;

“tniġġis” tfisser introduzzjoni diretta jew indiretta fl-ambjent marin, kaġun ta' attività tal-bniedem, ta' sustanzi jew ta' enerġija, inkluż storbju taħt il-baħar ikkawżat mill-bniedem, li jirriżulta jew x'aktarx jirriżulta f'effetti detrimental bħal ħsara lir-riżorsi ħajjin u l-ekosistemi marini, inkluż it-telf tal-biodiversità, perikli għas-saħħa tal-bniedem, tfixkil ta' attivitajiet marini, inklużi s-sajd, it-turiżmu u r-rekreazzjoni u użu leġittimu ieħor tal-baħar, ħsara fil-kwalità ta' l-użu ta' l-ilma baħar u tnaqqis ta' amenitajiet jew, b'mod ġenerali, ħsara lill-użu sostennibbli ta' prodotti jew servizzi marini;

“l-Awtorità Kompetenti” tfisser l-Uffiċju tal-Prim Ministru, u kull korp ieħor jew persuna li l-Prim Ministru jista' jinnomina u korpi jew persuni differenti jistgħu jiġu nominati bħala l-awtorità kompetenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dawn ir-regolamenti;

“koperazzjoni reġjonali” tfisser koperazzjoni u koordinazzjoni ta' attivitajiet bejn Stati Membri tal-Unjoni Ewropea u, kull meta possibbli, pajjiżi terzi li jikkondividu l-istess Reġjun jew Sub-Reġjun Marin, bil-fini li jiġu żviluppati u implimentati Strategiji Marini;

“Konvenzjoni dwar Baħar Reġjonali” tfisser kull konvenzjoni internazzjonali jew ftehim internazzjonali flimkien mal-korpi governattivi tagħhom stabbiliti bil-fini li jiġi protett l-ambjent marin tar-Reġjuni Marini imsemmijin fir-regolament 5, bħall-Konvenzjoni dwar il-Protezzjoni ta' l-Ambjent Marin tal-Baħar Baltiku, il-Konvenzjoni dwar il-Protezzjoni ta' l-Ambjent Marin ta' l-Atlantiku tal-Grigal u l-Konvenzjoni dwar l-Ambjent Marin u r-Reġjun Kostali tal-Baħar tal-Mediterran.

(2) Għall-iskop ta' dawn ir-regolamenti, kull referenza għal Direttivi tal-Parlament Ewropew u tal-Kunsill, għandha tinqara' u tinftiehem bħala referenza għal dawk ir-regolamenti li jkunu jimplementaw il-provvedimenti ta' dik id-Direttiva fil-liġi ta' Malta.

3. (1) Għandu jkun hemm strateġija marina waħda li tiġi żviluppata u implementata għall-ilmijiet marini ta' Malta.

Koordinazzjoni ta' arrangamenti amministrattivi.

(2) L-Awtorità Kompetenti għandha tiegħu l-miżuri neċessarji kollha biex tiżgura arrangamenti amministrattivi xierqa għall-applikazzjoni ta' dawn ir-regolamenti.

(3) L-Awtorità Kompetenti għandha tiegħu l-miżuri meħtieġa biex tiżgura li l-kundizzjonijiet kollha ta' dawn ir-regolamenti, partikolarment għall-iżvilupp ta' valutazzjoni inizjali skond ir-regolament 6, programmi koordinati ta' monitoraġġ skond ir-regolament 9 u l-program ta' miżuri skond ir-regolament 10, huma koordinati.

(4) Għandha tinkiseb l-aċċettazzjoni tal-Ministru responsabbli għall-ambjent, għall-miri ambjentali.

(5) Għandha tinkiseb l-aċċettazzjoni tal-Gvern dwar l-istrateġija marina u l-program ta' miżuri.

4. (1) L-Istrateġija Marina għandha tiġi żviluppata u implementata skond il-pjan ta' azzjoni stabbilit bis-subregolament (2) tar-regolament 5, sabiex:

Żvilupp ta' Strateġija Marina.

(a) jiġi protett u preservat l-ambjent marin, jiġi prevenut id-deterjorament tiegħu jew, fejn ikun prattikabbli, jiġu rkuprati l-ekosistemi marini f'żoni fejn ġew milquta b'mod ħazin;

(b) jiġu prevenuti u mnaqqsa l-*inputs* fl-ambjent marin, bil-għan li jiġi gradwalment eliminat tniġġis kif definit fis-subregolament (1) tar-regolament 2, sabiex jiġi żgurat li ma jkun hemm ebda impatti sinifikanti fuq, jew riskji għall-biodiversità marina, għall-ekosistemi marini, għas-saħħa umana jew l-użu legittimu tal-baħar.

(2) L-Istrateġija Marina għandha tapplika approċċ ibbażat fuq il-konsiderazzjoni ta' l-ekosistema għall-ġestjoni ta' l-attivitajiet tal-bniedem, b'mod li jiżguraw li l-pressjoni kollettiva ta' daww l-attivitajiet tinżamm f'livelli kompatibbli mal-kisba ta' status ambjentali tajjeb u li l-kapaċità ta' l-ekosistemi marini li jirrispondu għal bidliet ikkawżati mill-bniedem ma tiġix compromessa, filwaqt li jippermettu l-użu sostenibbli ta' prodotti u servizzi marini minn generazzjonijiet preżenti u futuri.

Koperazzjoni
Reġjonali.

5. (1) Waqt l-iżvilupp tal-istrateġija marina, l-Awtorità Kompetenti għandha tiegħu kont tal-fatt li l-ilmijiet marini ta' Malta jiffurmaw parti integrali mis-sub-regjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali fi ħdan ir-regjun marin tal-Baħar Mediterran.

(2) L-Awtorità Kompetenti għandha tikkoopera ma Stati Membri tal-Unjoni Ewropea li jikkondividu l-istess sub-regjun marin sabiex tiżgura li l-miżuri li jkunu meħtieġa sabiex jinkisbu l-oġettivi ta' dawn ir-regolamenti, b'mod partikolari l-elementi differenti ta' l-istrateġija marina msemmija fil-paragrafi (a) u (b) ta' dan ir-regolament, ikunu koerenti u koordinati fis-sub-regjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali, konformament mal-pjan ta' azzjoni li ġej li fir-rigward tiegħu għandu jsir milli jista' biex jiġi segwit approċċ komuni.

(a) preparazzjoni:

(i) valutazzjoni inizjali, li għandha titlesta sal-15 ta' Lulju 2012, ta' l-istatus ambjentali attwali ta' l-ilmijiet involuti u ta' l-impatt ambjentali ta' l-attivitajiet tal-bniedem fuq dan, skond ir-regolament 6;

(ii) determinazzjoni, li għandha tiġi stabbilita sal-15 ta' Lulju 2012, ta' status ambjentali tajjeb għall-ilmijiet involuti, skond ir-regolament 7;

(iii) it-twaqqif, sal-15 ta' Lulju 2012, ta' serje ta' miri ambjentali u ta' indikaturi assoċjati, skond is-subregolament (1) tar-regolament 8;

(iv) it-twaqqif u l-implementazzjoni, sal-15 ta' Lulju 2014, ħlief fejn ikun diversifikament speċifikat fil-leġislazzjoni Kommunitarja rilevanti, ta' programm ta' monitoraġġ għall-valutazzjoni kontinwa u għall-aġġornamenti regolari tal-miri, skond is-subregolament (1) tar-regolament 9;

(b) programm ta' miżuri:

(i) l-iżvilupp, sa mhux aktar tard mill-2015, ta' programm ta' miżuri maħsub sabiex jinkiseb jew jinżamm status ambjentali tajjeb, skond is-sub-regolamenti (1), (2), (3) u (4) tar-regolament 10;

(ii) il-bidu ta' l-operazzjoni tal-programm previst fil-paragrafu (i), sa mhux aktar tard mill-2016, skond is-subregolament (11) tar-regolament 10.

(3) Fejn l-istatus tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali ikun tant kritiku li jkun jeħtieġ azzjoni urgenti, Malta trid taħdem flimkien ma' Stati Membri tal-Unjoni Ewropea li għandhom fruntieri fl-istess sub-reġjun marin, sabiex jitfassal pjan ta' azzjoni skond is-subregolament (1) tar-regolament 4, li jinkludi bidu iżjed bikri għall-operazzjoni ta' programmi ta' miżuri protettivi aktar stretti li jkunu possibbli, sakemm dan ma jipprevenix li jinkiseb jew jinżamm status ambjentali tajjeb f'reġjun jew sub-reġjun marin iehor.

(4) Sabiex tinkiseb il-koordinazzjoni msemmija fis-subregolament (2) ta' dan ir-regolament, l-Awtorità Kompetenti għandha, fejn ikun prattiku u adatt, tuża strutturi reġjonali ta' koperazzjoni istituzzjonali, tibni fuq programmi u attivitajiet eżistenti rilevanti żviluppati fil-qafas ta' strutturi stabbiliti taħt ftehim internazzjonali bħal dawk taħt il-Konvenzjoni dwar l-Ambjent Marin u r-Reġjun Kostali tal-Baħar tal-Mediterran.

(5) Għall-fini tat-twaqqif u l-implementazzjoni ta' l-istrategija marina, l-Awtorità Kompetenti għandha tagħmel kull sforz, bl-użu tal-fora internazzjonali rilevanti, inklużi mekkaniżmi, strutturi u tibni fuq programmi u attivitajiet eżistenti rilevanti żviluppati fil-qafas ta' strutturi stabbiliti taħt ftehim internazzjonali

bħal dawk taħt il-Konvenzjoni dwar l-Ambjent Marin u r-Regġun Kostali tal-Baħar tal-Mediterran, sabiex jikkordinaw l-azzjonijiet tagħhom ma' pajjiżi terzi li jkollom sovranià jew ġurisdizzjoni fuq l-ilimijiet tas-sub-regġun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali.

Valutazzjoni.

6. (1) L-Awtorità Kompetenti għandha tagħmel valutazzjoni inizjali ta' l-ilmijiet marini tagħhom, b'kont meħud ta' data eżistenti fejn disponibbli u li tkopri li ġej:

(a) analiżi ta' l-aspetti u tal-karatteristiċi essenzjali u ta' l-istatus ambjentali attwali ta' dawk l-ilmijiet, ibbażata fuq il-listi indikattivi ta' elementi stabbiliti fit-Tabella 1 tal-Iskeda II, u li tkopri l-karatteristiċi fiżiċi u kimiċi, it-tipi ta' *habitats*, il-karatteristiċi bioloġiċi u l-idromorfomologija;

(b) analiżi tal-pressjonijiet u l-impatti predominanti, inklużi dawk li jirriżultaw mill-attività tal-bniedem, dwar l-istatus ambjentali ta' dawk l-ilmijiet li:

(i) tkun ibbażata fuq il-listi indikattivi ta' l-elementi stabbiliti f'Tabella 2 tal-Iskeda II, u li tkopri t-taħlita kwalitattiva u kwantitattiva tal-pressjonijiet varji, kif ukoll ix-xejriet perċettibbli;

(ii) tkopri l-effetti kumulattivi u sinerġetiċi ewlenin; u

(iii) tiegħu kont ta' l-evalwazzjonijiet rilevanti li ġew imfassla skond il-leġislazzjoni Komunitarja eżistenti;

(c) analiżi ekonomika u soċjali ta' l-użu ta' dawk l-ilmijiet marini u ta' l-ispiza tad-degradazzjoni ta' l-ambjent marin.

(2) L-analiżi msemmin fis-subregolament (1) ta' dan ir-regolament, għandhom jiegħdu kont ta' l-elementi li jirrigwardaw ilmijiet kostali, ta' transizzjoni u territorji koperti mid-dispożizzjonijiet rilevanti ta' leġislazzjoni eżistenti, b'mod partikolari r-Regolamenti tal-2004 dwar il-Pjan ta' Azzjoni fil-Qasam tal-Politika tal-Ilma. Huma għandhom ukoll jiegħdu kont ta', jew jużaw bħala bażi tagħhom, valutazzjonijiet rilevanti oħra bħal dawk imwettqa b'mod kongunt fil-kuntest tal-Konvenzjonijiet dwar Ibħra Reġjonali sabiex jipproduċu valutazzjoni komprensiva ta' l-istatus ta' l-ambjent marin.

(3) Fit-thejjija tal-evalwazzjonijiet skond is-sub-regolament (1) ta' dan ir-regolament, l-Awtorità Kompetenti għandha, permezz tal-koordinazzjoni stabbilita skond ir-regolamenti 4 u 5, jagħmlu kull sforz sabiex jiżguraw li:

(a) il-metodoloġiji ta' l-evalwazzjoni jkunu konsistenti fir-reġjun jew sub-reġjun marin kollu;

(b) jitqiesu l-impatti transkonfini u l-karatteristiċi transkonfini.

7. (1) L-istatus ambjentali għandu jiġi determinat fil-livell tas-sub-reġjun kif imsemmi fir-regolament 5, abbażi tad-deskrizzjoni kwalitattivi generiċi fi Skeda I. Għandha tiġi applikata ġestjoni adatta abbażi ta' l-approċċ favur l-ekosistema sabiex jinkiseb status ambjentali tajjeb.

Determinazzjoni ta' status ambjentali tajjeb.

(2) B'referenza għall-valutazzjoni inizjali magħmula skond is-subregolament (1) tar-regolament 6, l-Awtorità Kompetenti għandha, fir-rigward tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali, tiddetermina, għall-ilmijiet marini ta' Malta, sett ta' karatteristiċi għal status ambjentali tajjeb, abbażi tad-deskrizzjoni kwalitattivi elenkati fi Skeda I. L-Awtorità Kompetenti għandha tiegħu kont tal-listi indikattivi ta' elementi stabbiliti fit-Tabella 1 ta' Skeda II u, b'mod partikolari, tal-karatteristiċi fiżiċi u kimiċi, tat-tipi ta' *habitats*, tal-karatteristiċi bijoloġiċi, u ta' l-idromorfoloġija.

(3) L-Awtorità Kompetenti għandha tiegħu kont ukoll tal-pressjonijiet jew l-impatti ta' l-attivitajiet umani f'kull reġjun jew sub-reġjun marin, filwaqt li jqisu l-listi indikattivi stabbiliti fit-Tabella 2 ta' Skeda II.

8. (1) Abbażi tal-valutazzjoni inizjali magħmula skond ir-regolament 6, l-Awtorità Kompetenti, fir-rigward tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali, għandha tistabbilixxi sett komprensiv ta' miri ambjentali u indikaturi assoċjati mal-ilmijiet marini tagħhom sabiex jiggwidaw il-progress lejn il-ksib ta' status ambjentali tajjeb fl-ambjent marin, b'kont meħud tal-listi indikattivi ta' pressjonijiet u impatti stabbiliti fit-Tabella 2 ta' Skeda II, u tal-karatteristiċi stabbiliti fi Skeda III.

Stabiliment ta' miri ambjentali.

(2) Fit-tfassil ta' dawk il-miri u indikaturi, l-Awtorità Kompetenti għandha tiegħu kont ta' l-applikazzjoni kontinwa ta' miri ambjentali eżistenti rilevanti, stabbiliti fil-livell nazzjonali,

Komunitarju jew internazzjonali fir-rigward ta' l-istess ilmiġiet, waqt li jiżguraw li dawn il-miri jkunu reċiprokament kompatibbli u li l-impatti transkonfini u l-karatteristiċi transkonfini jiġu meqjusa wkoll sa fejn hu possibbli.

Programmi ta' monitoraġġ.

9. (1) Abbażi tal-valutazzjoni inizjali magħmula skond is-subregolament (1) tar-regolament 6, l-Awtorità Kompetenti għandha tistabbilixxi u timplimenta programmi koordinati ta' monitoraġġ għall-valutazzjoni kontinwa ta' l-istatus ambjentali ta' l-ilmiġiet marini tagħhom abbażi tal-lista indikattiva ta' elementi stabbiliti fi Skeda II u tal-lista stabbilita fi Skeda IV, u b'referenza għall-miri ambjentali stabbiliti skond ir-regolament 8.

(2) Il-programmi ta' monitoraġġ għandhom ikunu kompatibbli fir-reġjun jew sub-reġjun marin u għandhom jibnu fuq, u jkunu kompattibli ma', dispożizzjonijiet rilevanti għall-valutazzjoni u l-monitoraġġ stipulati bil-leġislazzjoni Komunitarja, inklużi d-Direttivi dwar il-*Habitats* u l-Għasafar, jew taħt kull ftehim internazzjonali.

(3) L-Awtorità Kompetenti għandha, fl-interess tal-koerenza u tal-koordinazzjoni, tagħmel li tista' sabiex tiżgura li:

(a) il-metodi tal-monitoraġġ ikunu konsistenti fis-sub-reġjun tal-Baħar Jonju u l-Baħar Mediterran Ċentrali b'tali mod li tiġi faċilitata l-komparabbiltà tar-riżultati tal-monitoraġġ;

(b) jitqiesu l-impatti transkonfini u l-karatteristiċi transkonfini rilevanti.

Programm ta' miżuri.

10. (1) L-Awtorità Kompetenti għandha, fir-rigward tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali, tidentifika il-miżuri li għandhom jittiehdu sabiex jinkiseb jew jinżamm status ambjentali tajjeb, kif stabbilit skond regolament 7, fl-ilmiġiet marini ta' Malta.

(2) Dawk il-miżuri għandhom jitfasslu abbażi tal-valutazzjoni inizjali magħmula skond is-subregolament tar-regolament 6 u b'referenza għall-miri ambjentali stabbiliti skond is-subregolament (1) tar-regolament 8, u filwaqt li jittiehed kont tat-tipi ta' miżuri elenkati fi Skeda V.

(3) L-Awtorità Kompetenti għandha tintegra l-miżuri mfassla skond is-subregolament (1) ta' dan ir-regolament fi programm ta' miżuri, b'kont meħud tal-miżuri rilevanti meħtieġa

skond il-leġislazzjoni Komunitarja, b'mod partikolari d-Direttiva 2000/60/KE, id-Direttiva tal-Kunsill 91/271/KEE dwar it-trattament tal-ilma urban mormi, id-Direttiva 2006/7/KE tal-Parlament Ewropew u tal-Kunsill dwar l-immaniggar ta' l-ilma għall-ghawm, kif ukoll id-Direttiva 2008/105/KE dwar *standards* ta' kwalità ambjentali fil-qasam tal-politika ta' l-ilma jew kull ftehim internazzjonali.

(4) Fit-tfassil tal-programm ta' miżuri skond is-subregolament (3) ta' dan ir-regolament, l-Awtorità Kompetenti għandha tagħti konsiderazzjoni dovuta lill-iżvilupp sostenibbli u, b'mod partikolari, lill-impatti soċjali u ekonomiċi tal-miżuri previsti.

(5) L-Awtorità Kompetenti għandha tiżgura li l-miżuri ikunu effikaċi fir-rigward ta' l-ispiza u li jkunu teknikament fattibli, u għandhom iwettqu stimi ta' impatti, inklużi analiżi dettaljati tal-benefiċċji fir-rigward ta' l-ispiza, qabel l-introduzzjoni ta' kull miżura ġdida.

(6) Il-programmi ta' miżura stabbiliti skond dan ir-regolament għandhom jinkludu miżuri ta' protezzjoni ta' spazji, b'mod li jikkontribwixxu għal *networks* koerenti u rappreżentattivi ta' żoni marini protetti, li jkopru b'mod adegwat id-diversità ta' l-ekosistemi kostitwenti, bħal żoni speċjali skond id-Direttiva tal-*Habitats*, ta' żoni ta' protezzjoni speċjali skond id-Direttiva tal-Għasafar, u ta' żoni marini protetti skond il-qafas ta' ftehim internazzjonali jew reġjonali li minnu Malta tagħmel parti.

(7) Meta l-Awtorità Kompetenti tqis li l-maniggar ta' xi attività umana fuq livell Komunitarju jew internazzjonali x'aktarx li jkollu impatt sinifikattiv fuq l-ambjent marin, partikolarment f'arej imsemmija fis-subregolament (6) ta' dan ir-regolament, hi għandha, sew individwalment sew flimkien ma' Awtoritajiet Kompetenti tal-madwar, tinforma lill-Awtorità Kompetenti rilevanti jew l-organizzazzjoni internazzjonali konċernata għal ikkunsidrar u l-possibbli addozzjoni ta' miżuri li jistgħu jkunu neċessarji sabiex jintlaħqu l-iskopijiet ta' dawn ir-regolamenti, biex iġinu l-integrità, l-istruttura u l-funzjonar ta' ekosistemi fiż-żamma tagħhom jew, fejn ikun meħtieġ, restawrat.

(8) Sal-2013 l-aktar tard, l-Awtorità Kompetenti għandha tqiegħed għad-disposizzjoni tal-pubbliku, fir-rigward tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali, l-informazzjoni rilevanti dwar l-arej imsemmija fis-subregolamenti (6) u (7) ta' dan ir-regolament.

(9) L-Awtorità Kompetenti għandha tindika fil-programm ta' miżuri kif il-miżuri ikunu sejrin jigu implimentati u kif ikunu sejrin jikkontribwixxu lejn il-ksib tal-miri ambjentali stabbiliti fis-subregolament (1) tar-regolament 8.

(10) L-Awtorità Kompetenti għandha tqis l-implikazzjonijiet tal-programm ta' miżuri dwar ilmiġiet lil hinn mill-ilmiġiet marini ta' Malta biex jiġnaqqas ir-riskju ta' dannu lil, u possibbilment ikollu impatt pożittiv fuq, daww l-ilmiġiet.

(11) L-Awtorità Kompetenti għandha tiżgura li l-programm ta' miżuri jibda jopera fi żmien sena minn meta jiġi stabbilit.

Eċċezzjonijiet.

11. (1) L-Awtorità Kompetenti tista tidentifika każijiet fi hdan l-ilmiġiet marini ta' Malta fejn, kull raġuni elenkata taht il-paragrafi (a) sa (d), il-miri ambjentali jew l-istatus ambjentali tajjeb ma jistgħux jintlaħqu f'kull aspekk permezz ta' miżuri meħuda mill-Awtorità Kompetenti, jew, għal raġunijiet imsemmija taht il-paragrafu (e), dawn ma jistgħux jintlaħqu fil-perjodu ta' żmien involut:

(a) azzjoni jew nuqqas ta' azzjoni li għalihom Malta ma tkunx responsabbli;

(b) kawżi naturali;

(c) forza maġġuri;

(d) modifiki jew alterazzjonijiet fil-karatteristiċi fiżiċi ta' l-ilmiġiet marini kkawżati minn azzjonijiet meħuda minhabba raġunijiet ta' interess pubbliku prevalenti li jissuperaw l-impatt negattiv fuq l-ambjent, inkluż kull impatt transkonfini;

(e) kondizzjonijiet naturali li ma jippermettux titjib f'hin opportuni fl-istatus ta' l-ilmiġiet marini involuti.

(2) L-Awtorità Kompetenti għandha tidentifika każijiet bħal dawn b'mod ċar fil-programm ta' miżuri u għandha tikkonsidra l-konsegwenzi għall-Istati Membri fis-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali.

(3) Madankollu, l-Awtorità Kompetenti għandha tiegħu miżuri *ad hoc* adegwati bl-għan li tkompli tfittex tilhaq il-miri ambjentali, sabiex tipprevjeni deterjorament inferjuri fl-istatus ta'

l-ilmijiet marini milqutin għal raġunijiet identifikati taħt il-paragrafi (b), (c) jew (d) tas-subregolament (1) u sabiex ittaffi l-impatt hażin fil-livell tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali jew fl-ilmijiet marini ta' Stati Membri oħra.

(4) Fis-sitwazzjoni koperta mill-paragrafu (d) tas-subregolament (1) ta' dan ir-regolament, l-Awtorità Kompetenti għandha tiżgura li l-modifiki jew alterazzjonijiet ma jeskludux jew ma jikkompromettux b'mod permanenti l-kisba ta' status ambjentali tajjeb fil-livell tas-sub-reġjun marin tal-Baħar Jonju u l-Baħar Mediterran Ċentrali jew fl-ilmijiet marini ta' Stati Membri oħra.

(5) Il-miżuri *ad hoc* imsemmijin fis-subregolament (3) ta' dan ir-regolament għandhom jiġu integrati sa fejn ikun prattikabbli fil-programm ta' miżuri.

(6) L-Awtorità Kompetenti għandha tiżviluppa u timplimenta l-elementi kollha ta' l-istrateġija marina msemmija fis-subregolament (2) tar-regolament 5, hlief fir-rigward ta' l-evalwazzjoni inizjali deskritta fir-regolament 6, tiegħu passi speċifiċi fejn ma jkun hemm l-ebda riskju sinifikanti għall-ambjent marin, jew fejn l-ispejjeż ikunu sporporzjonati b'kont meħud tar-riskji għall-ambjent marin, u dan sakemm ma jkunx hemm aktar deterjorament filwaqt li tevita li jiġi permanentament compromess il-ksib ta' status ambjentali tajjeb.

(7) Meta l-Awtorità Kompetenti tidentifika kwistjoni li għandha impatt fuq l-istatus ambjentali tal-ibħra marini ta' Malta u li ma tistax tiġi indirizzata b'miżuri adottati fuq livell nazzjonali, jew li tkun marbuta ma' xi politika Komunitarja jew ma' xi ftehim internazzjonali ieħor, din għandha ttiprovdi ġustifikazzjoni sabiex tissostanzja l-fehma tagħha.

12. (1) L-Awtorità Kompetenti għandha tiżgura li, fir-rigward tas-sub-reġjun tal-Baħar Jonju u tal-Baħar Mediterran Ċentrali, l-istrateġija marina għall-ilmijiet marini ta' Malta tinżamm aġġornata.

Aġġornamenti.

(2) Għall-finijiet tas-subregolament (1) ta' dan ir-regolament, l-Awtorità Kompetenti għandha tirrevedi, b'mod koordinat kif imsemmi fir-regolament 5, l-elementi li ġejjin ta' l-istrateġija marina kull sitt snin wara t-twaqqif inizjali tagħha:

(a) il-valutazzjoni inizjali u d-determinazzjoni ta' status ambjentali tajjeb, kif provdut fis-subregolament (1) tar-regolament 6 u fir-regolament 7, rispettivament;

(b) il-miri ambjentali stabbiliti skond is-subregolament (1) tar-regolament 8;

(c) il-programmi ta' monitoraġġ stabbiliti skond is-subregolamenti (1) u (2) tar-regolament 9;

(d) il-programmi ta' miżuri stabbiliti skond is-subregolament (3) tar-regolament 10.

Rapporti interim

13. L-Awtorità Kompetenti għandha, sa tlett snin mill-pubblikazzjoni ta' programm ta' miżuri jew aġġornament tiegħu skond is-subregolament (2) tar-regolament 12, tipprepara rapport interim qasir li jiddeskrivi l-progress fl-implimentazzjoni ta' dak il-programm.

Konsultazzjoni
pubblika u
informazzjoni.

14. (1) Skond il-leġislazzjoni Komunitarja rilevanti eżistenti, l-Awtorità Kompetenti għandha tiżgura li l-partijiet interessati kollha jiġu mogħtija opportunitajiet bikrija u effettivi sabiex jipparteċipaw fl-implimentazzjoni ta' dawn ir-regolamenti, filwaqt li jiġu involuti, fejn ikun possibbli, korpi jew strutturi eżistenti ta' immaniġġar, inklużi Konvenzjonijiet dwar Ibħra Reġjonali, Korpi Konsultattivi Xjentifiċi u Kunsilli Konsultattivi Reġjonali.

(2) L-Awtorità Kompetenti għandha tippubblika, u tagħmel disponibbli għall-pubbliku, għall-finijiet ta' kummenti, sommarji ta' l-elementi li ġejjin fl-istrateġija marina, jew l-aġġornamenti relatati, kif ġej:

(a) il-valutazzjoni inizjali u d-determinazzjoni ta' status ambjentali tajjeb, kif previst fis-subregolament (1) tar-regolament 6 u r-regolament 7 rispettivament;

(b) il-miri ambjentali skond is-subregolament (1) tar-regolament 8;

(c) il-programm ta' monitoraġġ stabbilit skond is-subregolamenti (1) u (2) tar-regolament 9;

(d) il-programm ta' miżuri stabbilit skond is-subregolament (3) tar-regolament 10.

(3) Dwar l-aċċess għal informazzjoni ambjentali, għandha tapplika d-Direttiva 2003/4/KE tal-Parlament Ewropew u tal-Kunsill tat-28 ta' Jannar 2003 fuq l-aċċess pubbliku għall-informazzjoni ambjentali.

SKEDA I

Regolament 7**Deskritturi kwalitattivi għad-determinazzjoni ta' status ambjentali tajjeb**

- (1) Id-diversità bijoloġika hija miżmuma. Il-kwalità u l-preżenza tal-*habitats* u d-distribuzzjoni u l-abbundanza ta' l-ispeċi huma konformi mal-kondizzjonijiet fiżjografiċi, ġeografiċi u klimatiċi prevalenti.
- (2) Speċji mhux indigeni introdotti minn attivitajiet umani huma f'livelli li ma jbiddux negattivament l-ekosistemi.
- (3) Il-popolazzjonijiet tal-ħut u krostaċej kollha sfruttati kummerċjalment jinsabu f'limiti bijoloġiċi siguri, filwaqt li jippreżentaw distribuzzjoni tal-popolazzjoni fuq il-bażi ta' l-età u tad-daqs li tindika stokk b'saħħtu.
- (4) L-elementi kollha tas-sistemi marini ta' l-ikel, sa fejn huma magħrufa, jeżistu f'abbundanza u f'diversità normali u f'livelli li huma kapaċi jiżguraw l-abbundanza ta' l-ispeċi fuq perjodu twil ta' żmien u ż-żamma tal-kapaċità riproduttiva shiħa tagħhom.
- (5) L-ewtrofikazzjoni indotta mill-bniedem hi minimizzata, speċjalment l-effetti ħżiena tagħha, bħat-telf fil-bijodiversità, id-degradazzjoni ta' l-ekosistema, il-proliferazzjoni ta' algi dannużi, u n-nuqqas ta' ossiġnu fl-ilmijiet tal-qiegh.
- (6) L-integrità ta' qiegh il-baħar tkun f'livell li jiżgura li l-istruttura u il-funzjonijiet ta' l-ekosistemi huma salvagwardati u l-ekosistemi tal-flora u l-fawna ta' qiegh il-baħar, b'mod partikolari, ma jiġux milquta ħazin.
- (7) L-alterazzjoni permanenti tal-kondizzjonijiet idrografiċi ma tolqotx ħazin l-ekosistemi marittimi.
- (8) Il-konċentrazzjonijiet ta' kontaminanti huma f'livelli li ma jwasslux għal effetti ta' tniġġis.
- (9) Il-kontaminanti f'ħut u f'ikel tal-baħar iehor għall-konsum tal-bniedem ma jeċċedux livelli stabbiliti mil-leġislazzjoni Komunitarja jew *standards* rilevanti oħra.
- (10) Il-proprietajiet u l-kwantitajiet ta' rifjuti marini ma jikkawżawx dannu għall-ambjent kostali u marin.
- (11) L-introduzzjoni ta' l-enerġija, inkluż storbju ta' taħt il-baħar, hija f'livelli li ma jolqtux ħazin l-ambjent marin.

Sabiex jiddeterminaw il-karatteristiċi ta' status ambjentali tajjeb f'Reġjun jew Sub-Reġjun Marittimu kif previst fir-regolament 7, l-Awtorita` Kompetenti għandha tikkunsidra kull wiehed mid-deskritturi kwalitattivi elenkati f'dan l-Anness sabiex tidentifika dawk id-deskritturi li għandhom jintużaw fid-determinazzjoni ta' status ambjentali tajjeb għal dak ir-Reġjun jew Sub-Reġjun Marittimu. Meta l-Awtorita` Kompetenti tikkunsidra li ma jkunx il-każ li jintuża xi wiehed jew diversi minn dawk id-deskritturi, hija għandha ttipprovdi ġustifikazzjoni.

SKEDA II	
Regolament 6	
Listi indikattivi ta' karatteristiċi, pressjonijiet u impatti	
Tabella 1 Karatteristiċi	
Karatteristiċi fiżiċi u kimiċi	— Topografija u batimetrija ta' qiegħ il-baħar; — Reġim tat-temperatura u koperta tas-silġ annwali u staġjonali, veloċità attwali, <i>upwelling</i>, kxiġ għall-mewġ, it-tahlit ta' karatteristiċi, turbidità, ħin ta' residenza; — Distribuzzjoni ġeografika u temporali ta' salinità; — Distribuzzjoni ġeografika u temporali ta' nutrijenti (DIN, TN, DIP, TP, TOC) u ossiġnu; — Profili pH, pCO₂ jew informazzjoni ekwivalenti użati għall-kejl ta' l-aċidifikazzjoni marina.
Tipi ta' <i>habitats</i>	— It-tip(i) predominanti ta' <i>habitats</i> ta' qiegħ il-baħar u l-kolonna tal-ilma b'deskrizzjoni tal-karatteristiċi fiżiċi u kimiċi tipiċi, bħal fond, reġim tat-temperatura ta' l-ilma, kurrenti u movimenti oħra ta' l-ilma, salinità, kompożizzjoni ta' l-istruttura u s-sottostrat tal-qiegħ; — Identifikazzjoni u ppjantar ta' tipi ta' <i>habitats</i> speċjali speċjalment dawk rikonoxxuti jew identifikati taħt il-leġislazzjoni Komunitarja (id-Direttiva dwar il-<i>Habitats</i> u d-Direttiva dwar l-Għasafar) jew konvenzjonijiet internazzjonali bħala ta' interess speċjali xjentifiku jew ta' bijodiversità; — <i>Habitats</i> f'żoni li minhabba l-karatteristiċi, il-post jew l-importanza strateġika tagħhom jisthoqqlhom referenza partikolari. Din tista' tinkludi żoni soġġetti għal pressjonijiet intensi jew speċifiċi jew żoni li jisthoqqlhom reġim ta' protezzjoni speċifika.
Karatteristiċi bijoloġiċi	— Deskrizzjoni tal-komunitajiet bijoloġiċi assoċjati mal-<i>habitats</i> predominanti ta' qiegħ il-baħar u <i>water column</i>. Din tkun tinkludi informazzjoni dwar il-komunitajiet ta' fitoplankton u zooplankton inkluż l-ispeċi u l-varjabbiltà staġjonali u ġeografika; — Informazzjoni dwar l-aṅġjospermi, il-makro-algae u l-fawna invertebrata tal-qiegħ, inkluż il-kompożizzjoni ta' l-ispeċi, il-bijomassa u l-varjabbiltà annwali/staġjonali; — Informazzjoni dwar l-istruttura tal-popolazzjonijiet ta' hut inklużi l-abbundanza, id-distribuzzjoni u l-istruttura ta' età/daqs tal-popolazzjonijiet; — Deskrizzjoni tad-dinamika tal-popolazzjoni, il-firxa u l-status naturali u attwali ta' l-ispeċi kollha tal-mammiferi u r-rettili marini li jinsabu fir-Reġjun jew Sub-Reġjun Marin; — Deskrizzjoni tad-dinamika tal-popolazzjoni, il-firxa u l-status naturali u attwali ta' l-ispeċi kollha ta' għasafar tal-baħar li jinsabu fir-Reġjun jew Sub-Reġjun Marin; — Deskrizzjoni tad-dinamika tal-popolazzjoni, il-firxa u l-status naturali u attwali ta' l-ispeċi kollha l-oħrajn li jinsabu fir-Reġjun jew Sub-Reġjun Marin li jiffurmaw is-sugġett tal-leġislazzjoni Komunitarja jew ta' ftehim internazzjonali; — Inventarju tal-preżenza temporanja, ta' l-abbundanza u tad-distribuzzjoni ġeografika ta' speċi eżotiċi mhux indigeni jew, fejn rilevanti, forom ta' speċi nativi distinti ġenetikament, li jinsabu fir-Reġjun jew Sub-Reġjun Marin.
Karatteristiċi oħrajn	— Deskrizzjoni tas-sitwazzjoni fir-rigward ta' kimiki, inklużi kimiki li johlqu tħassib, kontaminazzjoni tas-sediment, żoni shan, kwistjonijiet ta' saħħa u kontaminazzjoni tal-biota (speċjalment il-biota maħsuba għall-konsum tal-bniedem); — Deskrizzjoni ta' kull aspett ieħor jew ta' karatteristiċi tipiċi ta', jew speċifiċi għar-Reġjun jew Sub-Reġjun Marin.

Tabella 2 Pressjonijiet u Impatti	
Telf fiziku	— Soppressjoni (eż. bi strutturi magħmula mill-bniedem, rimi tat-thammil); — Issiġillar (eż. b'kostruzzjonijiet permanenti)
Ħsara fizika	— Tibdil fl-insabbjament (eż. bi skarkir ta' ilma, b' <i>run-off</i> miżjuda, bit-thammil/bir-rimi tatthammil); — Grif (eż. impatt fuq qiegh il-baħar minn sajd kummerċjali, tbaħħir, ankrar, sajd kummerċjali); — Estratt selettiv (eż. esplorazzjoni u sfruttament ta' riżorsi ħajjin u mhux ħajjin f'qiegh il-baħar u fis- <i>subsoil</i>).
Disturbi fiżiċi oħrajn	— Storbju sottomarin (eż. minn bastimenti, tagħmir akustiku ta' taħt l-ilma); — Ħmieġ marin
Interferenza ma' proċessi idroloġiċi	— Tibdil sinifikanti fir-reġim termali (eż. skarikar ta' ilma minn <i>power stations</i>); — Tibdil sinifikanti fir-reġim tas-salinità (eż. b'kostruzzjonijiet li jimpedixxu l-flussi ta' l-ilma, bl-astrazzjoni ta' l-ilma).
Kontaminazzjoni b'sustanzi perikolużi	— Introduzzjoni ta' komposti sintetici (eż. sustanzi prijoritarji taħt id-Direttiva 2000/60/KE li huma rilevanti għall-ambjent marin, bħal pesticidi, <i>antifoulants</i> , farmaċewtiċi, li jirriżultaw per eżempju minn ħruġ minn sorsi diffużi, inkwinament minn vapuri, depożiti atmosferiċi) u sustanzi bijoloġikament attivi; — Introduzzjoni ta' sustanzi u komposti mhux sintetici (eż. metalli tqal, idrokarburi li jirriżultaw per eżempju minn tniġġis minn bastimenti u esplorazzjoni u sfruttament ta' żejt, gass u minerali, depożitu atmosferiku, <i>inputs mix-xmajjar</i>); — Introduzzjoni ta' <i>radio nuclides</i> .
Rilaxx sistematiku u intenzjonat ta' sustanzi	— Introduzzjoni ta' sustanzi oħra, kemm jekk solidi, likwidi jew gass, fl-ilmijiet marini, li jirriżultaw mir-rilaxx sistematiku u/jew intenzjonat tagħhom fl-ambjent marin, kif permess konformement ma' leġislazzjoni Komunitarja oħra u/jew konvenzjonijiet internazzjonali.
Arrikkiment nutrijenti u organiku ta' materji	— <i>Inputs</i> ta' fertilizzanti u sustanzi oħra li fihom ħafna nitroġenu jew fosfru (eż. minn siti ta' emissjoni, ħruġ minn siti diffużi inklużi l-agrikoltura, l-akwakultura, depożitu atmosferiku); — <i>Inputs</i> ta' materja organika (eż. drenagg, marikultura, <i>inputs mix-xmara</i>).
Disturbi bijoloġiċi	— Introduzzjoni ta' patoġeni mikrobiċi; — Introduzzjoni ta' speċi mhux indigeni u traslokazzjonijiet; — Estratt selettiv ta' speċi, inkluż qbid mhux immirat inċidentali (eż. b'sajd kummerċjali u rikreattiv).

SKEDA III

Regolament 8**Listi indikattivi ta' karatteristiċi li tagħhom irid jittiehed kont għad-determinazzjoni ta' miri ambjentali**

- (1) Kopertura adegwata ta' l-elementi li jikkaratterizzaw l-ilmijiet marini taħt is-sovranità jew il-ġurisdizzjoni ta' l-Istati Membri f'Regjun jew Sub-Regjun Marin.
- (2) Il-ħtieġa li jiġu stabbiliti (a) miri li jistabbilixxu l-kondizzjonijiet mixtieqa bbażati fuq id-definizzjoni ta' status ambjentali tajjeb; (b) miri miżurabbli u indikaturi assoċjati li jippermettu l-monitoraġġ u l-valutazzjoni; u (ċ) miri operattivi relatati ma' miżuri konkreti ta' implimentazzjoni sabiex jappoġġaw il-kisba tagħhom.
- (3) Speċifikazzjoni ta' l-istatus ambjentali li għandu jintlaħaq jew jinżamm u formulazzjoni ta' dak l-istatus f'termini ta' kwalitajiet miżurabbli ta' l-elementi li jikkaratterizzaw l-ilmijiet marini ta' Stat Membru f'Regjun jew Sub-Regjun Marin.
- (4) Konsistenza tas-sett ta' miri; assenza ta' konflitti bejniethom.
- (5) Speċifikazzjoni tar-riżorsi meħtieġa sabiex jintlaħqu l-miri.
- (6) Formulazzjoni tal-miri, li jinkludu miri *interim* possibbli, b'perijodu definit ta' żmien sabiex jintlaħqu.
- (7) Speċifikazzjoni ta' indikaturi maħsuba sabiex jissorveljaw il-progress u sabiex jiggwidaw deċiżjonijiet maniġerjali sabiex jintlaħqu l-miri.
- (8) Meta jkun adatt, speċifikazzjoni ta' punti ta' riferiment (punti ta' riferiment għall-miri u l-limiti).
- (9) Konsiderazzjoni dovuta ta' interessi soċjali u ekonomiċi meta jiġu stabbiliti l-miri.
- (10) Ezami tas-sett ta' miri ambjentali, indikaturi assoċjati u punti ta' riferiment tal-limiti u l-miri żviluppati fid-dawl ta' l-oġettiv ambjentali stipulat fir-regolament 1, sabiex jiġi valutat jekk il-kisba tal-miri twassalx l-ilmijiet marini li jaqgħu taħt is-sovranità jew il-ġurisdizzjoni ta' l-Istati Membri f'Regjun Marin għal status li jikkorrispondi magħhom.
- (11) Kompatibbiltà tal-miri ma' l-oġettivi li l-Komunità u l-Istati Membri tagħha kkommettew ruħhom għalihom taħt kull ftehim internazzjonali u reġjonali rilevanti, bl-użu ta' dawk li huma l-aktar rilevanti għar-Regjun jew Sub-Regjun Marin konċernat bl-għan li jinkisbu l-oġettivi ambjentali stabbiliti fir-regolament 1.
- (12) Meta jiġi stabbilit is-sett ta' miri u indikaturi, dawn għandhom jiġu eżaminati flimkien relattivament ma' l-oġettiv ambjentali stipulat fir-regolament 1 sabiex jiġi valutat jekk il-kisba tal-miri twassalx l-ambjent marin għal status li jikkorrispondi magħhom.

SKEDA IV

Regolament 9**Programmi ta' monitoraġġ**

- (1) Il-htieġa li tiġi provduta informazzjoni għall-valutazzjoni ta' l-istatus ambjentali u għal stima tad-distanza minn, u l-progress lejn, status ambjentali tajjeb konformement ma' l-Iskeda I u mal-kriterji u *standards* metodologiċi li għandhom jiġu definiti mill-Kummissjoni Ewropea.
- (2) Il-htieġa li tiġi żgurata l-ġenerazzjoni ta' l-informazzjoni li tippermetti l-identifikazzjoni ta' indikaturi adatti għall-miri ambjentali previsti fir-regolament 8.
- (3) Il-htieġa li tiġi żgurata l-ġenerazzjoni ta' l-informazzjoni li tippermetti l-istima ta' l-impatt tal-miżuri previsti fir-regolament 10.
- (4) Il-htieġa li jiġu inklużi attivitajiet sabiex tiġi identifikata l-kawża tal-bidla u għalhekk il-miżuri korrettivi possibbli li jkunu meħtieġa li jittiehdu sabiex jerga jinkiseb l-istatus ambjentali tajjeb, meta d-devjazzjonijiet mill-firxa ta' l-istatus mixtieq ikunu identifikati.
- (5) Il-htieġa li tiġi provduta informazzjoni dwar inkwinanti kimiċi fi speċi għall-konsum tal-bniedem minn żoni ta' sajd kummerċjali.
- (6) Il-htieġa li jiġu inklużi attivitajiet sabiex jikkonfermaw li l-miżuri korrettivi jwasslu t-tibdil mixtieq u l-ebda effetti sekondarji mhux mixtieqa.
- (7) Il-htieġa li tingabar flimkien l-informazzjoni b'referenza għal Reġjuni jew Sub-Reġjuni Marini skond ir-regolament 5.
- (8) Il-htieġa li tiġi żgurata l-komparabbiltà ta' approċċi u metodi ta' valutazzjoni fi u bejn reġjuni marini jew sub-reġjuni.
- (9) Il-htieġa li jiġu żviluppati speċifikazzjonijiet tekniċi u metodi standardizzati għall-monitoraġġ fil-livell Komunitarju li jippermettu l-komparabbiltà ta' l-informazzjoni.
- (10) Il-htieġa li kemm jista' jkun possibbli tiġi żgurata l-kompatibbiltà ma' programmi eżistenti żviluppati fil-livelli reġjonali u internazzjonali bil-ħsieb li titrawwem konsistenza bejn dawn il-programmi u li tiġi evitata d-duplikazzjoni ta' l-isforzi, bl-użu ta' daww il-linji gwida ta' monitoraġġ li huma l-aktar rilevanti għar-Reġjun jew għas-Sub-Reġjun Marin konċernat.
- (11) Il-htieġa li tiġi nkluża bħala parti mill-valutazzjoni inizjali prevista fir-regolament 6 l-valutazzjoni ta' bidliet kbar fil-kondizzjonijiet ambjentali kif ukoll, fejn meħtieġ, ta' kwistjonijiet ġodda u emergenti.
- (12) Il-htieġa li jiġu indirizzati bħala parti mill-valutazzjoni inizjali prevista fir-regolament 6, l-elementi rilevanti elenkati fi Skeda I inkluża l-varjabbiltà naturali tagħhom u sabiex jiġi evalwat il-progress lejn il-kisba tal-miri ambjentali stipulati skond ir-regolament 8, bl-użu, kif jixraq, ta' l-indikaturi stabbiliti u l-punti ta' referenza tal-limiti jew miri tagħhom.

SKEDA V

Regolament 10**Programmi ta' miżuri**

- (1) Kontrolli ta' *l-input*: miżuri ta' ġestjoni li jinfluwenzaw l-ammont ta' attività tal-bniedem li tkun permessa.
- (2) Kontrolli ta' *l-output*: miżuri ta' ġestjoni li jinfluwenzaw il-grad ta' perturbazzjoni ta' komponent ta' l-ekosistema li jkun permess.
- (3) Kontrolli tad-distribuzzjoni ġeografika u temporali: miżuri ta' ġestjoni li jinfluwenzaw fejn u meta jkun permess li ssehh xi attività.
- (4) Miżuri ta' koordinazzjoni tal-ġestjoni: strumenti sabiex jiżguraw li l-ġestjoni tkun koordinata.
- (5) Miżuri sabiex titjeb it-traċċabbiltà, fejn dan ikun fattibbli, tat-tniġġis marin.
- (6) Inċentivi ekonomiċi: miżuri ta' ġestjoni li jagħmluha fl-interess ekonomiku ta' dawk li jużaw l-ekosistemi marini li jagixxu b'modi li jgħinu fil-kisba ta' l-oġettivi ta' status ambjentali tajjeb.
- (7) Strumenti ta' mitigazzjoni u rimedju: strumenti ta' ġestjoni li jiggwidaw l-attivitajiet tal-bniedem sabiex jirrestawraw komponenti danneġġati ta' l-ekosistemi marini.
- (8) Komunikazzjoni, l-involviment tal-partijiet interessati u t-tqajjim ta' kuxjenza pubblika.

L.N. 73 of 2011

**ENVIRONMENT AND DEVELOPMENT PLANNING ACT
(CAP. 504)**

**TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT
(CAP. 226)**

**CONTINENTAL SHELF ACT
(CAP. 194)**

**FISHING WATERS (DESIGNATION) AND
EXTENDED MARITIME JURISDICTION ACT
(CAP. 479)**

**FISHERIES CONSERVATION AND MANAGEMENT ACT
(CAP. 425)**

**AUTHORITY FOR TRANSPORT IN MALTA ACT
(CAP. 499)**

**MALTA RESOURCES ACT
(CAP. 423)**

Marine Policy Framework Regulations, 2011

BY VIRTUE of the powers conferred by articles 3 (2), 4, 7 (1) of the Territorial Waters and Contiguous Zone Act, article 3 of the Continental Shelf Act, articles 4 (1), 37 and 38 of the Fisheries Conservation and Management Act, the Fishing Waters (Designation) and Extended Maritime Jurisdiction Act, article 6 (1) of the Authority for Transport in Malta Act, article 4 (1) of the Malta Resources Act, articles 2, 8, 61, 64 and 66, of the Environment and Development Planning Act, the Prime Minister, and the Minister for Infrastructure, Transport and Communication and the Minister for Resources and Rural Affairs, after consultation with the Malta Environment and Planning Authority, Transport Malta, Agriculture and Fisheries Regulation Department and the Malta Resources Authority, have made the following regulations:-

1. (1) The title of these regulations is the Marine Policy Framework Regulations, 2011. Title and scope.

(2) These regulations establish a framework within which Malta shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest and to transpose the provisions of Directive 2008/56/EC of the European Parliament and of the Council.

(3) These regulations shall contribute to coherence between, and aim to ensure the integration of environmental concerns into the different policies, agreements and legislative measures which have an impact on the marine environment.

(4) These regulations shall apply to all marine waters as defined in sub-regulation (1) of regulation 2 and shall take account of the transboundary effects on the quality of the marine environment of third States in the same marine region or subregion as defined in regulation 5.

(5) These regulations shall not apply to activities the sole purpose of which is defence or national security. Effort shall be made however to ensure that such activities are conducted in a manner that is compatible, so far as reasonable and practicable, with the objectives of these regulations.

Definitions.

2. (1) In these regulations the following definitions shall apply:

“marine waters” means

(a) waters, the seabed and subsoil on the seaward side of the baseline from which the extent of territorial waters is measured extending to the outmost reach of the area where Malta has and, or exercises jurisdictional rights, in accordance with the United Nations Convention on the Law of the Sea and general international law.

L.N. 194 of 2004.

(b) coastal waters as defined by the Water Policy Framework Regulations, 1994, their seabed and their subsoil, in so far as particular aspects of the environmental status of the marine environment are not already addressed through those regulations or other legislation;

“marine region” means a sea region which is identified under regulation 5. Marine regions and their subregions are

designated for the purpose of facilitating implementation of Directive 2008/56/EC and are determined taking into account hydrological, oceanographic and biogeographic features;

“marine strategy” means the strategy to be developed and implemented in respect of each marine region or subregion concerned as laid down in regulation 4;

“environmental status” means the overall state of the environment in marine waters, taking into account the structure, function and processes of the constituent marine ecosystems together with natural physiographic, geographic, biological, geological and climatic factors, as well as physical, acoustic and chemical conditions, including those resulting from human activities inside or outside the area concerned;

“good environmental status” means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations, namely:

(a) the structure, functions and processes of the constituent marine ecosystems, together with the associated physiographic, geographic, geological and climatic factors, allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;

(b) hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy, including noise, into the marine environment do not cause pollution effects;

“criteria” means distinctive technical features that are closely linked to qualitative descriptors;

“environmental target” means a qualitative or quantitative statement on the desired condition of the different components of, and pressures and impacts on, marine waters in respect of each marine region or subregion. Environmental targets are established in accordance with regulation 8;

“pollution” means the direct or indirect introduction into the marine environment, as a result of human activity, of substances or energy, including human-induced marine underwater noise, which results or is likely to result in deleterious effects such as harm to living resources and marine ecosystems, including loss of biodiversity, hazards to human health, the hindering of marine activities, including fishing, tourism and recreation and other legitimate uses of the sea, impairment of the quality for use of sea water and reduction of amenities or, in general, impairment of the sustainable use of marine goods and services;

“regional cooperation” means cooperation and coordination of activities between EU Member States and, whenever possible, third countries sharing the same marine region or subregion, for the purpose of developing and implementing marine strategies;

“the Competent Authority” means the Office of the Prime Minister, and such other body or person as the Prime Minister may prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

“regional sea convention” means any of the international conventions or international agreements together with their governing bodies established for the purpose of protecting the marine environment of the marine regions referred to in regulation 5, such as the Convention on the Protection of the Marine Environment of the Baltic Sea, the Convention for the Protection of the Marine Environment of the North-east Atlantic and the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

(2) For the purposes of these regulations, any reference to Directives of the European Parliament and of the Council, shall be read and construed as if reference is made to the provisions of the regulations transposing the provisions of such directive into Maltese law.

3. (1) There shall be one marine strategy developed and implemented for Malta's marine waters.

Co-ordination of administrative arrangements.

(2) The Competent Authority shall take all the necessary measures to ensure the appropriate administrative arrangements for the application of these regulations.

(3) The Competent Authority shall take all the necessary measures to ensure that the requirements of these regulations, in particular for the development of the initial assessment under regulation 6, integrated monitoring programme under regulation 9 and the programme of measures under regulation 10, are co-ordinated.

(4) The endorsement of the Minister responsible for the environment shall be sought on the environmental targets.

(5) The endorsement of the government shall be sought on the marine strategy and the program of measures.

4. (1) The marine strategy shall be developed and implemented in accordance with the plan of action set out in sub-regulation (2) of regulation 5, in order to:

Development of Marine Strategy.

(a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;

(b) prevent and reduce inputs in the marine environment, with a view to phasing out pollution as defined in sub-regulation (1) of regulation 2, so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

(2) The ecosystem-based approach to the management of human activities shall be applied when developing and implementing the marine strategy, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Regional cooperation.

5. (1) In developing the marine strategy, the Competent Authority shall take due account of the fact that Malta's marine waters form an integral part of the Ionian Sea and the Central Mediterranean Sea marine subregion within the marine region of the Mediterranean Sea.

(2) The Competent Authority shall ensure cooperation with EU Member States sharing the same marine subregion to ensure that, the measures required to achieve the objectives of these regulations, in particular the different elements of the marine strategies referred to in paragraphs (a) and (b) of this regulation, are coherent and coordinated across the Ionian Sea and the Central Mediterranean Sea marine subregion, in accordance with the following plan of action towards a common approach:

(a) preparation:

(i) an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of human activities thereon, in accordance with regulation 6;

(ii) a determination, to be established by 15 July 2012 of good environmental status for the waters concerned, in accordance with regulation 7;

(iii) establishment, by 15 July 2012, of a series of environmental targets and associated indicators, in accordance with sub-regulation (1) of regulation 8;

(iv) establishment and implementation, by 15 July 2014 except where otherwise specified in the relevant Community legislation, of a monitoring programme for ongoing assessment and regular updating of targets, in accordance with sub-regulation (1) of regulation 9;

(b) programme of measures:

(i) development, by 2015 at the latest, of a programme of measures designed to achieve or maintain good environmental status, in accordance with sub-regulations (1), (2), (3) and (4) of regulation 10;

(ii) entry into operation of the programme provided for in sub-paragraph (i), by 2016 at the latest, in accordance with sub-regulation (11) of regulation 10.

(3) In the event that the status of the Ionian Sea and the Central Mediterranean Sea subregion is so critical as to necessitate urgent action, Malta will work together with the EU Member States having borders on the same marine subregion to devise a plan of action in accordance with sub-regulation (1) of regulation 4, which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another marine region or subregion.

(4) In order to achieve the coordination referred to in sub-regulation (2) of this regulation, the Competent Authority shall, where practical and appropriate, use existing regional institutional cooperation structures, and as far as possible, build upon relevant existing programmes and activities developed in the framework of structures stemming from international agreements including those under the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea.

(5) For the purpose of establishing and implementing the marine strategy, the Competent Authority shall make every effort, using relevant international forums, including mechanisms, structures and building upon relevant existing programmes and activities developed in the framework of the Convention for the Marine Environment and the Coastal Region of the Mediterranean Sea, to coordinate actions with third countries having sovereignty or jurisdiction over waters in the Ionian Sea and the Central Mediterranean Sea marine subregion.

6. (1) The Competent Authority shall make an initial assessment of Malta's marine waters, taking account of existing data where available and comprising the following:

(a) an analysis of the essential features and characteristics, and current environmental status of those waters, based on the indicative lists of elements set out in Table 1 of Schedule II, and covering the physical and chemical features, the habitat types, the biological features and the hydro-morphology;

(b) an analysis of the predominant pressures and impacts, including human activity, on the environmental status of those waters which:

(i) is based on the indicative lists of elements set out in Table 2 of Schedule II, and covers the qualitative and quantitative mix of the various pressures, as well as discernible trends;

(ii) covers the main cumulative and synergetic effects; and

(iii) takes account of the relevant assessments which have been made pursuant to existing Community legislation;

(c) an economic and social analysis of the use of those waters and of the cost of degradation of the marine environment.

(2) The analyses referred to in sub-regulation (1) of this regulation shall take into account elements regarding coastal, transitional and territorial waters covered by relevant provisions of existing legislation, in particular the Water Policy Framework Regulations, 2004. They shall also take into account, or use as their basis, other relevant assessments such as those carried out jointly in the context of Regional Sea Conventions, so as to produce a comprehensive assessment of the status of the marine environment.

(3) In preparing assessments pursuant to sub-regulation (1) of this regulation, the Competent Authority shall, by means of the coordination established pursuant to regulations 4 and 5, make every effort to ensure that:

(a) assessment methodologies are consistent across the Ionian Sea and the Central Mediterranean Sea marine subregion;

(b) transboundary impacts and transboundary features are taken into account.

Determination of good environmental status.

7. (1) Good environmental status shall be determined at the level of the marine subregion as referred to in regulation 5 on the basis of the qualitative descriptors in Schedule I. Adaptive management on the basis of the ecosystem approach shall be applied with the aim of attaining good environmental status;

(2) By reference to the initial assessment made pursuant to sub-regulation (1) of regulation 6, the Competent Authority, in respect of Ionian Sea and the Central Mediterranean Sea marine subregion, shall determine, for Malta's marine waters, a set of characteristics for good environmental status, on the basis of the qualitative descriptors listed in Schedule I. The Competent Authority shall take into account the indicative lists of elements set out in Table 1 of Schedule II and, in particular, physical and chemical features, habitat types, biological features and hydro-morphology.

(3) The Competent Authority shall also take into account the pressures or impacts of human activities in each marine region or subregion, having regard to the indicative lists set out in Table 2 of Schedule II.

8. (1) On the basis of the initial assessment made pursuant to sub-regulation (1) of regulation 6, the Competent Authority shall, in respect of Ionian Sea and the Central Mediterranean Sea marine subregion, establish a comprehensive set of environmental targets and associated indicators for Malta's marine waters so as to guide progress towards achieving good environmental status in the marine environment, taking into account the indicative lists of pressures and impacts set out in Table 2 of Schedule II, and of characteristics set out in Schedule III.

Establishment of
environment targets.

(2) When devising those targets and indicators, the Competent Authority shall take into account the continuing application of relevant existing environmental targets laid down at national, EU or international level in respect of the same waters, ensuring that these targets are mutually compatible and that relevant transboundary impacts and transboundary features are also taken into account, to the extent possible.

9. (1) On the basis of the initial assessment made pursuant to sub-regulation (1) of regulation 6, the Competent Authority shall establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters on the basis of the indicative lists of elements set out in Schedule II and the list set out in Schedule IV, and by reference to the environmental targets established pursuant to regulation 8.

Monitoring programs.

(2) Monitoring programmes shall be compatible within marine regions or subregions and shall build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by legislation, including the Habitats and Birds Directives, or under international agreements.

(3) The Competent Authority shall in the interest of coherence and coordination, endeavour to ensure that:

(a) monitoring methods are consistent across the Ionian Sea and the Central Mediterranean Sea marine subregion so as to facilitate comparability of monitoring results;

(b) relevant transboundary impacts and transboundary features are taken into account.

Programme of
Measures.

10. (1) The Competent Authority shall, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, identify the measures which need to be taken in order to achieve or maintain good environmental status, as determined pursuant to regulation 7, in Malta's marine waters.

(2) Those measures shall be devised on the basis of the initial assessment made pursuant to sub-regulation (1) of regulation 6 and by reference to the environmental targets established pursuant to sub-regulation (1) of regulation 8, and taking into consideration the types of measures listed in Schedule V.

(3) The Competent Authority shall integrate the measures devised pursuant to sub-regulation (1) of this regulation into a programme of measures, taking into account relevant measures required under Community legislation, in particular Directive 2000/60/EC, Council Directive 91/271/EEC concerning urban waste-water treatment and Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality, as well as Directive 2008/105/EC on environmental quality standards in the field of water policy, or international agreements.

(4) When drawing up the programme of measures pursuant to sub-regulation (3) of this regulation, the Competent Authority shall give due consideration to sustainable development and, in particular, to the social and economic impacts of the measures envisaged.

(5) The Competent Authority shall ensure that measures are cost-effective and technically feasible, and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of any new measure.

(6) Programmes of measures established pursuant to this regulation shall include spatial protection measures, contributing to coherent and representative networks of marine protected areas, adequately covering the diversity of the constituent ecosystems, such as special areas of conservation pursuant to the Habitats Directive, special protection areas pursuant to the Birds Directive, and marine protected areas within the framework of international agreements to which Malta is a contracting party.

(7) Where the Competent Authority considers that the management of a human activity at Community or international level is likely to have a significant impact on the marine environment, particularly in the areas addressed in sub-regulation (6) of this regulation, it shall, individually or jointly with neighbouring Competent Authorities, address the relevant Competent Authority or international organisation concerned with a view to the consideration and possible adoption of measures that may be necessary in order to achieve the objectives of these regulations, so as to enable the integrity, structure and functioning of ecosystems to be maintained or, where appropriate, restored.

(8) By 2013 at the latest, the Competent Authority shall make publicly available, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, relevant information on the areas referred to in sub-regulations (6) and (7) of this regulation.

(9) The Competent Authority shall indicate in the programme of measures how the measures are to be implemented and how they will contribute to the achievement of the environmental targets established pursuant to sub-regulation (1) of regulation 8.

(10) The Competent Authority shall consider the implications of the programme of measure on waters beyond Malta's marine waters in order to minimise the risk of damage to, and if possible have a positive impact on, those waters.

(11) The Competent Authority shall ensure that the programme of measures is made operational within one year of its establishment.

Exceptions.

11. (1) The Competent Authority may identify instances within Malta's marine waters where, for any of the reasons listed under paragraphs (a) to (d) hereof, the environmental targets or good environmental status cannot be achieved in every aspect through measures taken by the Competent Authority, or, for reasons referred to under paragraph (e), they cannot be achieved within the time schedule concerned:

(a) action or inaction for which Malta is not responsible;

(b) natural causes;

(c) force majeure;

(d) modifications or alterations to the physical characteristics of marine waters brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;

(e) natural conditions which do not allow timely improvement in the status of the marine waters concerned.

(2) The Competent Authority shall identify such instances clearly in the programme of measures and shall consider the consequences for Member States in Ionian Sea and the Central Mediterranean Sea subregion.

(3) However, the Competent Authority shall take appropriate ad hoc measures aiming to continue pursuing the environmental targets, to prevent further deterioration in the status of the marine waters affected for reasons identified under paragraphs (b), (c) or (d) of sub-regulation (1) and to mitigate the adverse impact at the level of the Ionian Sea and the Central Mediterranean Sea marine subregion or in the marine waters of other Member States.

(4) In the situation covered by paragraph (d) of sub-regulation (1) of this regulation, the Competent Authority shall ensure that the modifications or alterations do not permanently preclude or compromise the achievement of good environmental status at the level of the Ionian Sea and the Central Mediterranean Sea marine subregion or in the marine waters of other Member States.

(5) The ad hoc measures referred to in sub-regulation (3) of this regulation shall be integrated as far as practicable into the programmes of measures.

(6) The Competent Authority shall develop and implement all the elements of marine strategy referred to in sub-regulation (2) of regulation 5, but shall not be required, except in respect of the initial assessment described in regulation 6, to take specific steps where there is no significant risk to the marine environment, or where the costs would be disproportionate taking account of the risks to the marine environment, and provided that there is no further deterioration, while avoiding that the achievement of good environmental status be permanently compromised.

(7) Where the Competent Authority identifies an issue which has an impact on the environmental status of Malta's marine waters and which cannot be tackled by measures adopted at national level, or which is linked to another Community policy or international agreement, it shall prepare a justification to substantiate this view.

12. (1) The Competent Authority shall ensure that, in respect of the Ionian Sea and the Central Mediterranean Sea marine subregion, the marine strategy for Malta's marine waters is kept up to date. Updating.

(2) For the purposes of sub-regulation (1) of this regulation, the Competent Authority shall review, in a coordinated manner as referred to in regulation 5, the following elements of the marine strategy every six years after its initial establishment:

(a) the initial assessment and the determination of good environmental status, as provided for in sub-regulation (1) of regulation 6 and of regulation 7 respectively;

(b) the environmental targets established pursuant to sub-regulation (1) of regulation 8;

(c) the monitoring programmes established pursuant to sub-regulations (1) and (2) of regulation 9;

(d) the programmes of measures established pursuant to sub-regulation (3) of regulation 10.

Interim reports.

13. The Competent Authority shall, within three years of the publication of each programme of measures or update thereof in accordance with sub-regulation (2) of regulation 12, prepare a brief interim report describing progress in the implementation of that programme.

Public consultation
and information.

14. (1) In accordance with relevant existing Community legislation, the Competent Authority shall ensure that all interested parties are given early and effective opportunities to participate in the implementation of these regulations, involving, where possible, existing management bodies or structures, including Regional Sea Conventions, Scientific Advisory Bodies and Regional Advisory Councils.

(2) The Competent Authority shall publish, and make available to the public for comment, summaries of the following elements of the marine strategy, or the related updates, as follows:

(a) the initial assessment and the determination of good environmental status, as provided for in sub-regulation (1) of regulation 6 and of regulation 7 respectively;

(b) the environmental targets established pursuant to sub-regulation (1) of regulation 8;

(c) the monitoring programmes established pursuant to sub-regulations (1) and (2) of regulation 9;

(d) the programmes of measures established pursuant to sub-regulation (3) of regulation 10.

(3) With regard to access to environmental information, Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information shall apply.

SCHEDULE I

Regulation 7**Qualitative descriptors for determining good environmental status**

- (1) Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
- (2) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.
- (3) Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.
- (4) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
- (5) Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters.
- (6) Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.
- (7) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.
- (8) Concentrations of contaminants are at levels not giving rise to pollution effects.
- (9) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.
- (10) Properties and quantities of marine litter do not cause harm to the coastal and marine environment.
- (11) Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.

To determine the characteristics of good environmental status in a marine region or subregion as provided for in regulation 7, the Competent Authority shall consider each of the qualitative descriptors listed in this Schedule in order to identify those descriptors which are to be used to determine good environmental status for that marine region or subregion. When the Competent Authority consider that it is not appropriate to use one or more of those descriptors, they shall provide a justification.

SCHEDULE II

Regulation 6

Indicative lists of characteristics, pressures and impacts

Table 1
Characteristics

Physical and chemical features	• Topography and bathymetry of the seabed, • annual and seasonal temperature regime and ice cover, current velocity, upwelling, wave exposure, mixing characteristics, turbidity, residence time, • spatial and temporal distribution of salinity, • spatial and temporal distribution of nutrients (DIN, TN, DIP, TP, TOC) and oxygen, • pH, pCO₂ profiles or equivalent information used to measure marine acidification.
Habitat types	• The predominant seabed and water column habitat type(s) with a description of the characteristic physical and chemical features, such as depth, water temperature regime, currents and other water movements, salinity, structure and substrata composition of the seabed, • identification and mapping of special habitat types, especially those recognised or identified under Community legislation (the Habitats Directive and the Birds Directive) or international conventions as being of special scientific or biodiversity interest, • habitats in areas which by virtue of their characteristics, location or strategic importance merit a particular reference. This may include areas subject to intense or specific pressures or areas which merit a specific protection regime.
Biological features	• A description of the biological communities associated with the predominant seabed and water column habitats. This would include information on the phytoplankton and zooplankton communities, including the species and seasonal and geographical variability, • information on angiosperms, macro-algae and invertebrate bottom fauna, including species composition, biomass and annual/seasonal variability, • information on the structure of fish populations, including the abundance, distribution and age/size structure of the populations, • a description of the population dynamics, natural and actual range and status of species of marine mammals and reptiles occurring in the marine region or subregion, • a description of the population dynamics, natural and actual range and status of species of seabirds occurring in the marine region or subregion, • a description of the population dynamics, natural and actual range and status of other species occurring in the marine region or subregion which are the subject of Community legislation or international agreements, • an inventory of the temporal occurrence, abundance and spatial distribution of nonindigenous, exotic species or, where relevant, genetically distinct forms of native species, which are present in the marine region or subregion.
Other features	• A description of the situation with regard to chemicals, including chemicals giving rise to concern, sediment contamination, hotspots, health issues and contamination of biota (especially biota meant for human consumption), • a description of any other features or characteristics typical of or specific to the marine region or subregion.

Table 2
Pressures and impacts

Physical loss	• Smothering (e.g. by man-made structures, disposal of dredge spoil), • sealing (e.g. by permanent constructions).
Physical damage	• Changes in siltation (e.g. by outfalls, increased run-off, dredging/disposal of dredge spoil), • abrasion (e.g. impact on the seabed of commercial fishing, boating, anchoring), • selective extraction (e.g. exploration and exploitation of living and non-living resources on seabed and subsoil).
Other physical disturbance	• Underwater noise (e.g. from shipping, underwater acoustic equipment), • marine litter.
Interference with hydrological processes	• Significant changes in thermal regime (e.g. by outfalls from power stations), • significant changes in salinity regime (e.g. by constructions impeding water movements, water abstraction).
Contamination by hazardous substances	• Introduction of synthetic compounds (e.g. priority substances under Directive 2000/60/EC which are relevant for the marine environment such as pesticides, antifoulants, pharmaceuticals, resulting, for example, from losses from diffuse sources, pollution by ships, atmospheric deposition and biologically active substances), • introduction of non-synthetic substances and compounds (e.g. heavy metals, hydrocarbons, • resulting, for example, from pollution by ships and oil, gas and mineral exploration and exploitation, atmospheric deposition, riverine inputs), • introduction of radio-nuclides, contamination by hazardous substances
Systematic and/or intentional release of substances	• Introduction of other substances, whether solid, liquid or gas, in marine waters, resulting from their systematic and/or intentional release into the marine environment, as permitted in accordance with other Community legislation and/or international conventions.
Nutrient and organic matter enrichment	• Inputs of fertilisers and other nitrogen — and phosphorus-rich substances (e.g. from point and diffuse sources, including agriculture, aquaculture, atmospheric deposition), • inputs of organic matter (e.g. sewers, mariculture, riverine inputs).
Biological disturbance	• Introduction of microbial pathogens, • introduction of non-indigenous species and translocations, • selective extraction of species, including incidental non-target catches (e.g. by commercial and recreational fishing).

SCHEDULE III**Regulation 2**

Indications list of characteristics to be taken into account for setting environmental targets.

- (1) Adequate coverage of the elements characterising marine waters under the sovereignty or jurisdiction of Member States within a marine region or subregion.**
- (2) Need to set (a) targets establishing desired conditions based on the definition of good environmental status; (b) measurable targets and associated indicators that allow for monitoring and assessment; and (c) operational targets relating to concrete implementation measures to support their achievement.**
- (3) Specification of environmental status to be achieved or maintained and formulation of that status in terms of measurable properties of the elements characterising the marine waters of a Member State within a marine region or subregion.**
- (4) Consistency of the set of targets; absence of conflicts between them.**
- (5) Specification of the resources needed for the achievement of targets.**
- (6) Formulation of targets, including possible interim targets, with a timescale for their achievement.**
- (7) Specification of indicators intended to monitor progress and guide management decisions with a view to achieving targets.**
- (8) Where appropriate, specification of reference points (target and limit reference points).**
- (9) Due consideration of social and economic concerns in the setting of targets.**
- (10) Examination of the set of environmental targets, associated indicators and limit and target reference points developed in light of the environmental objectives laid down in regulation 1, in order to assess whether the achievement of the targets would lead the marine waters falling under the sovereignty or jurisdiction of Member States within a marine region to a status matching them.**
- (11) Compatibility of targets with objectives to which the Community and its Member States have committed themselves under relevant international and regional agreements, making use of those that are most relevant for the marine region or subregion concerned with a view to achieving the environmental objectives laid down in regulation 1.**
- (12) When the set of targets and indicators has been assembled, they should be assessed together relative to the environmental objectives laid down in regulation 1 to assess whether the achievement of the targets would lead the marine environment to a status matching them.**

SCHEDULE IV

Regulation 9**Monitoring programmes**

- (1) Need to provide information for an assessment of the environmental status and for an estimate of the distance from, and progress towards, good environmental status in accordance with Schedule I and with the criteria and methodological standards to be defined by the European Commission.
- (2) Need to ensure the generation of information enabling the identification of suitable indicators for the environmental targets provided for in regulation 8.
- (3) Need to ensure the generation of information allowing the assessment of the impact of the measures referred to in regulation 10.
- (4) Need to include activities to identify the cause of the change and hence the possible corrective measures that would need to be taken to restore the good environmental status, when deviations from the desired status range have been identified.
- (5) Need to provide information on chemical contaminants in species for human consumption from commercial fishing areas.
- (6) Need to include activities to confirm that the corrective measures deliver the desired changes and not any unwanted side effects.
- (7) Need to aggregate the information on the basis of marine regions or subregions in accordance with regulation 5.
- (8) Need to ensure comparability of assessment approaches and methods within and between marine regions and/or subregions.
- (9) Need to develop technical specifications and standardised methods for monitoring at Community level, so as to allow comparability of information.
- (10) Need to ensure, as far as possible, compatibility with existing programmes developed at regional and international level with a view to fostering consistency between these programmes and avoiding duplication of effort, making use of those monitoring guidelines that are the most relevant for the marine region or subregion concerned.
- (11) Need to include, as part of the initial assessment provided for in regulation 6, an assessment of major changes in the environmental conditions as well as, where necessary, new and emerging issues.
- (12) Need to address, as part of the initial assessment provided for in regulation 6, the relevant elements listed in Schedule I including their natural variability and to evaluate the trends towards the achievement of the environmental targets laid down pursuant to regulation 8, using, as appropriate, the indicators established and their limit or target reference points.

SCHEDULE V

Regulation 10**Programmes of measures**

- (1) Input controls: management measures that influence the amount of a human activity that is permitted.
- (2) Output controls: management measures that influence the degree of perturbation of an ecosystem component that is permitted.
- (3) Spatial and temporal distribution controls: management measures that influence where and when an activity is allowed to occur.
- (4) Management coordination measures: tools to ensure that management is coordinated.
- (5) Measures to improve the traceability, where feasible, of marine pollution.
- (6) Economic incentives: management measures which make it in the economic interest of those using the marine ecosystems to act in ways which help to achieve the good environmental status objective.
- (7) Mitigation and remediation tools: management tools which guide human activities to restore damaged components of marine ecosystems.
- (8) Communication, stakeholder involvement and raising public awareness.

