L.N. 365 of 2018

ENVIRONMENT PROTECTION ACT (CAP. 549)

Marine Policy Framework (Amendment) Regulations, 2018

BY VIRTUE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Sustainable Development and Climate Change, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

1. The title of these regulations is the Marine Policy Framework (Amendment) Regulations, 2018 and these regulations shall be read and construed as one with the Marine Policy Framework Regulations, hereinafter referred to as "the principal regulations". S.L. 549.62.

Amends regulation 1 of the principal regulations.

2. Sub-regulation (2) of regulation 1 of the principal regulations shall be substituted by the following:

"(2) The scope of these regulations is to 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, as amended by Commission Directive 2017/845/EU of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies.".

Substitutes Schedule II of the principal regulations.

3. Schedule II of the principal regulations shall be substituted by the following new Schedule:

"**SCHEDULE II**

Regulations 6, 7, 8 and 9

Indicative lists of ecosystem elements, anthropogenic pressures and human activities relevant to the marine waters

Table 1

Structure, functions and processes of marine ecosystems with particular relevance for point (a) of regulation 6(1), and regulations 7 and 9

Theme	**Ecosystem elements**	**Possible parameters and characteristics (Note 1)**	**Relevant qualitative descriptors laid down in Schedule I (Notes 2 and 3)**
Species	Species groups (Note 4) of marine birds, mammals, reptiles, fish and cephalopods of the marine region or subregion	Spatial and temporal variation per species or population: — distribution, abundance and/or biomass — size, age and sex structure — fecundity, survival and mortality/injury rates — behaviour including movement and migration — habitat for the species (extent, suitability) Species composition of the group	(1); (3)
Habitats	Broad habitat types of the water column (pelagic) and seabed (benthic) (Note 5), or other habitat types, including their associated biological communities throughout the marine region or subregion	Per habitat type: — habitat distribution and extent (and volume, if appropriate) — species composition, abundance and/or biomass (spatial and temporal variation) — size and age structure of species (if appropriate) — physical, hydrological and chemical characteristics Additionally for pelagic habitats: — chlorophyll a concentration — plankton bloom frequencies and spatial extent	(1); (6)

Ecosystems, including food webs	Ecosystem structure, functions and processes, comprising: — physical and hydrological characteristics — chemical characteristics — biological characteristics — functions and processes	Spatial and temporal variation in: — temperature and ice — hydrology (wave and current regimes; upwelling, mixing, residence time, freshwater input; sea level) — bathymetry — turbidity (silt/sediment loads), transparency, sound — seabed substrate and morphology — salinity, nutrients (N, P), organic carbon, dissolved gases (pCO_2, O_2) and pH — links between habitats and species of marine birds, mammals, reptiles, fish and cephalopods — pelagic-benthic community structure — productivity	(1); (4)

Notes related to Table 1

Note 1: An indicative list of relevant parameters and characteristics for species, habitats and ecosystems is given, reflecting parameters affected by the pressures of Table 2 of this Schedule and of relevance to criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC. The particular parameters and characteristics to be used for monitoring and assessment should be determined in accordance with the requirements of these regulations, including those of regulations 6, 7, 8 and 9.

Note 2: The numbers in this column refer to the respective numbered points in Schedule I.

Note 3: Only the state-based qualitative descriptors (1), (3), (4) and (6) which have criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC are listed in Table 1. All other, pressure-based, qualitative descriptors under Schedule I may be relevant for each theme.

Note 4: These species groups are further specified in Part II of the Annex to Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU.

Note 5: These broad habitat types are further specified in Part II of the Annex to Decision (EU) 2017/848.

Table 2
Anthropogenic pressures, uses and human activities in or affecting the marine environment

2a. Anthropogenic pressures on the marine environment with particular relevance for points (a) and (b) of regulation 6(1) and regulations 7, 8 and 9			
Theme	**Pressure (Note 1)**	**Possible parameters**	**Relevant qualitative descriptors laid down in Schedule I (Notes 2 and 3)**
Biological	Input or spread of non-indigenous species	Intensity of, and spatial and temporal variation in, the pressure in the marine environment and, where relevant, at source For assessment of environmental impacts of the pressure, select relevant ecosystem elements and parameters from Table 1	(2)
	Input of microbial pathogens		
	Input of genetically modified species and translocation of native species		
	Loss of, or change to, natural biological communities due to cultivation of animal or plant species		
	Disturbance of species (e.g. where they breed, rest and feed) due to human presence		
	Extraction of, or mortality/injury to, wild species (by commercial and recreational fishing and other activities)		(3)
Physical	Physical disturbance to seabed (temporary or reversible)		(6); (7)
	Physical loss (due to permanent change of seabed substrate or morphology and to extraction of seabed substrate)		
	Changes to hydrological conditions		
Substances, litter and energy	Input of nutrients — diffuse sources, point sources, atmospheric deposition		(5)
	Input of organic matter — diffuse sources and point sources		
	Input of other substances (e.g. synthetic substances, non-synthetic substances, radionuclides) — diffuse sources, point sources, atmospheric deposition, acute events		(8); (9)
	Input of litter (solid waste matter, including micro-sized litter)		(10)
	Input of anthropogenic sound (impulsive, continuous)		(11)
	Input of other forms of energy (including electromagnetic fields, light and heat)		
	Input of water — point sources (e.g. brine)		

2b. Uses and human activities in or affecting the marine environment with particular relevance for points (b) and (c) of regulation 6 (1) (only activities marked * are relevant for point (c) of regulation 6(1)), and regulations 8 and 10	
Theme	**Activity**
Physical restructuring of rivers, coastline or seabed (water management)	Land claim
	Canalisation and other watercourse modifications
	Coastal defence and flood protection*
	Offshore structures (other than for oil/gas/renewables)*
	Restructuring of seabed morphology, including dredging and depositing of materials*
Extraction of non-living resources	Extraction of minerals (rock, metal ores, gravel, sand, shell)*
	Extraction of oil and gas, including infrastructure*
	Extraction of salt*
	Extraction of water*
Production of energy	Renewable energy generation (wind, wave and tidal power), including infrastructure*
	Non-renewable energy generation
	Transmission of electricity and communications (cables)*
Extraction of living resources	Fish and shellfish harvesting (professional, recreational)*
	Fish and shellfish processing*
	Marine plant harvesting*
	Hunting and collecting for other purposes*
Cultivation of living resources	Aquaculture — marine, including infrastructure*
	Aquaculture — freshwater
	Agriculture
	Forestry
Transport	Transport infrastructure*
	Transport — shipping*
	Transport — air
	Transport — land
Urban and industrial uses	Urban uses
	Industrial uses
	Waste treatment and disposal*
Tourism and leisure	Tourism and leisure infrastructure*
	Tourism and leisure activities*
Security/defence	Military operations (subject to regulation 1(5))
Education and research	Research, survey and educational activities*

Notes related to Table 2

Note 1: Assessments of pressures should address their levels in the marine environment and, if appropriate, the rates of input (from land-based or atmospheric sources) to the marine environment.

Note 2: The numbers in this column refer to the respective numbered points in Schedule I.

Note 3: Only pressure-based qualitative descriptors (2), (3), (5), (6), (7), (8), (9), (10) and (11), which have criteria laid down in accordance with Article 9(3) of Directive 2008/56/EC, are listed in Table 2a. All other, state-based, qualitative descriptors under Schedule I may be relevant for each theme.".

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