

L.N. 74 of 2006

**ENVIRONMENT PROTECTION ACT
(CAP. 435)**

Plans and Programmes (Public Participation) Regulations, 2006

BY VIRTUE of the powers conferred by article 9 of the Environment Protection Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Citation and scope.

1. (1) The title of these regulations is the Plans and Programmes (Public Participation) Regulations, 2006.

(2) These regulations implement the provisions of Article 2 of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directive 85/337/EEC and 96/61/EC.

Interpretation.

2. For the purposes of these regulations:

“the public” means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

“the Competent Authority” means the Malta Environment and Planning Authority.

Public Participation concerning plans and programmes.

3. (1) The Competent Authority shall ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under the provisions listed in the Schedule to these regulations.

(2) The Competent Authority shall ensure that:

(a) the public is informed, whether by public notices or other appropriate means such as electronic media where available, about any proposals for such plans or programmes or for their modification or review and that relevant information about such proposals is made available to the public including *inter alia* information about the right to participate in decision making and about the competent authority to which comments or questions may be submitted;

(b) the public is entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made;

(c) in making those decisions, due account shall be taken of the results of the public participation;

(d) having examined the comments and opinions expressed by the public, the competent authority makes reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.

4. (1) The Competent Authority shall identify the public entitled to participate for the purposes of regulation 3(1), including relevant non-governmental organisations meeting any requirements imposed under national law, such as those promoting environmental protection. Identification of the public.

(2) The detailed arrangements for public participation under regulation 3(2) shall be determined by the Competent Authority so as to enable the public to prepare and participate effectively.

(3) Reasonable time-frames shall be provided allowing sufficient time for each of the different stages of public participation required by these regulations.

5. (1) These regulations shall not apply to plans and programmes designed for the sole purpose of serving national defence, or taken in case of civil emergencies. Non-applicability of these regulations.

(2) These regulations shall not apply to plans and programmes set out in the schedule to these regulations for which a public participation procedure is carried out under the Assessment of the Effects of Certain Plans and Programmes on the Environment Regulations, 2005, L.N. 418 of 2005. or under the Water Policy Framework Regulations, 2004, L.N. 194 of 2004.

SCHEDULE

PROVISIONS FOR PLANS AND PROGRAMMES REFERRED TO IN ARTICLE 3

(a) Regulation 7(1) of the Waste Management (Permit and Control) Regulations, 2001 (L.N. 337 of 2001).

(b) Regulation 7 of the Waste Management (Batteries and Accumulators) Regulations, 2002 (L.N. 158 of 2002).

(c) Regulation 4 (4) of the Protection of Waters Against Pollution Caused by Nitrates from Agricultural Sources Regulations, 2001 (L.N. 343 of 2001).

(d) Regulation 4 (3) of the Waste Management (Permit and Control) Regulations, 2001 (L.N. 337 of 2001).

(e) Regulation 10 (v) of the Waste Management (Packaging and Packaging Waste) Regulations, 2004 (L.N. 98 of 2004).

(f) Regulation 7 (2) of the Ambient Air Quality Assessment and Management Regulations, 2001 (L.N. 216 of 2001).