

A.L. 497 tal-2010**ATT DWAR IL-HARSIEN TAL-AMBJENT
(KAP. 435)****Regolamenti tal-2010 dwar Stima Ambjentali Strategika**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 17 tal-Att dwar il-Harsien tal-Ambjent, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

Taqsimha I

Preliminari

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2010 dwar Stima Ambjentali Strategika. Titolu u bidu fis-seħh.

(2) Dawn ir-regolamenti għandhom jidhlu fis-seħh f'dik id-data li l-Ministru responsabbli għall-ambjent jista', b'avviz fil-Gazzetta, jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal finijiet differenti u għal dispożizzjonijiet differenti ta' dawn ir-regolamenti.

2. (1) L-għan ta' dawn ir-regolamenti hu li jipprovdi għal livell għoli ta' ħarsien tal-ambjent, u li jikkontribwixxi għall-integrazzjoni ta' konsiderazzjonijiet ambjentali fil-preparazzjoni u l-adozzjoni ta' pjanijiet u programmi bil-għan li jiġi promoss l-iżvilupp sostenibbli, billi jiġi żgurat li, skont dawn ir-regolamenti, titwettaq stima ambjentali strategika dwar ċertu pjanijiet u programmi li x'aktarx ikollhom effetti sinifikanti fuq l-ambjent. Għanijiet.

(2) Dawn ir-regolamenti jimplimentaw id-dispożizzjonijiet tad-Direttiva 2001/42/KE tal-Parlament Ewropew u tal-Kunsill dwar l-istima tal-effetti ta' ċertu pjanijiet u programmi fuq l-ambjent.

3. (1) F'dawn ir-regolamenti, kemm il-darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra -

"l-Att" tfisser l-Att dwar il-Harsien tal-Ambjent;

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"awtorità kompetenti" tfisser il-Punt Fokali dwar Stima Ambjentali Strategika, minn hawn 'il quddiem imsejjaħ "il-Punt Fokali SEA", imwaqqaf skont ir-regolament 15;

"awtorità responsabbli", fir-rigward ta' pjan jew programm, tfisser l-awtorità li permezz tagħha jew f'isimha, jiġi ppreparat kull

pjan jew programm. Awtorità responsabbli ghandha ma tibqax responsabbli legalment għall-pjan jew programm tagħha f'dak iż-żmien li awtorità reponsabbli ġdida taċċetta r-responsabbiltà formali bil-miktub.

Meta aktar minn awtorità responsabbli waħda tkun responsabbli għal pjan jew programm, jew partijiet minnu, l-awtorità responsabbli ghandha tkun:

(a) l-awtorità nominata bi ftehim bejn l-awtoritajiet responsabbli għal dak il-pjan jew programm; jew

(b) determinata mill-Punt Fokali SEA, jekk ma jkunx hemm ftehim bhal dak;

"pjanijiet u programmi" tfisser pjanijiet u programmi, inklużi dawk kofinanzjati mill-Komunità Ewropea, kif ukoll xi modifiki li jsirulhom:

(a) li huma suġġetti għall-preparazzjoni u, jew adożzjoni minn xi awtorità fuq livell nazzjonali, reġjonali jew lokali jew li jkunu preparati minn xi awtorità għall-adożzjoni, permezz ta' proċedura leġislattiva mill-Parlament jew mill-Gvern, u

(b) li huma meħtieġa minn disposizzjonijiet leġislattivi, regolatorji jew amministrattivi;

"il-pubbliku" tfisser persuna naturali jew legali waħda jew aktar u, skont il-leġislazzjoni nazzjonali jew il-prattika, l-assoċjazzjonijiet, l-organizzazzjonijiet jew gruppi tagħhom;

"rapport ambjentali" tfisser il-parti tal-pjan jew dokumentazzjoni tal-programm li fihom l-informazzjoni meħtieġa fir-regolament 6 u fl-iSkeda I;

"sar disponibbli għall-pubbliku" tfisser il-publikazzjoni fil-Gazzetta jew inkella f'ta' l-inqas gazzetta waħda li tohrog kuljum bil-lingwa Ingliża u bil-lingwa Maltija, ta' avviż li jindika fejn wiehej jista' jara jew jikseb id-dokument; il-prezz tal-imsemmi dokument m'għandux jeċċedi l-ispiza tal-istampar u d-distribuzzjoni tiegħu;

"stima ambjentali strategika" tfisser il-preparazzjoni ta' xi rapport ambjentali, it-tweġieq ta' konsultazzjonijiet, it-teħid f'konsiderazzjoni tar-rapport ambjentali u r-riżultati tal-konsultazzjonijiet fit-teħid tad-deċiżjonijiet u l-ġhoti ta' informazzjoni dwar id-deċiżjoni skont ir-regolamenti 5 sa 10.

(2) Kull terminu iehor għandu jkollu l-istess tifsira kif mogħti lilu fl-Att.

Taqsimi II

Kondizzjonijiet Ġenerali

4. (1) Stima ambjentali strateġika, skont ir-regolamenti 5 sa 10, għandha ssir mill-awtorità responsabbli għall-pjanijiet u l-programmi msemmija fis-subregolamenti (2) sa (4) li x'aktarx ikollhom effetti ambjentali sinifikanti. Kamp ta' applikazzjoni.

(2) Bla hsara għad-dispożizzjonijiet tas-subregolament (3), stima ambjentali strateġika għandha ssir għall-pjanijiet u l-programmi kollha li -

(a) huma ppreparati għall-agrikoltura, il-forestrija, is-sajd, l-enerġija, l-industrija, it-trasport, l-immaniġġjar tal-iskart, l-amministrazzjoni tal-ilma, it-telekomunikazzjonijiet, it-turiżmu, l-ippjanar ta' bliet u l-kampanja jew l-użu tal-art u li jistabilixxu l-qafas għall-kunsens għall-iżvilupp futur ta' proġetti elenkati fl-Annessi I u II tad-Direttiva 85/337/KEE, jew

(b) fid-dawl tal-effetti li x'aktarx ikun hemm fuq iż-żoni, ġew stabbiliti li jeħtieġu stima skont l-Artikolu 6 jew 7 tad-Direttiva 92/43/KEE.

(3) Pjanijiet u programmi msemmija fis-subregolament (2) li jistabilixxu l-użu ta' żoni żgħar fil-livell lokali u modifiki żgħar għall-pjanijiet u l-programmi msemmija fis-subregolament (2), ikunu jeħtieġu stima ambjentali strateġika biss meta l-awtorità responsabbli tistabilixxi li dawn x'aktarx ikollhom effetti ambjentali sinifikanti.

(4) Barra minn dan, l-awtorità responsabbli għandha tiddetermina jekk il-pjanijiet u l-programmi tagħha, minbarra dawk imsemmija fis-subregolament (2), li jistabilixxu l-qafas għall-kunsens tal-iżvilupp futur ta' proġetti, x'aktarx ser ikollhom effetti ambjentali sinifikanti.

(5) L-awtorità responsabbli għandha tiddetermina jekk il-pjanijiet jew il-programmi msemmija fis-subregolamenti (3) u (4) humiex ser ikollhom x'aktarx effetti ambjentali sinifikanti jew billi kull każ jiġi eżaminat jew billi jkunu speċifikati t-tipi ta' pjanijiet u programmi jew billi jkunu kombinati iż-żewġ metodi. Għal dan il-għan l-awtorità responsabbli għandha fil-każijiet kollha tikkunsidra l-kriterji rilevanti stabbiliti fl-iSkeda II, sabiex ikun assigurat li l-pjanijiet u l-programmi li x'aktarx ikollhom effetti sinifikanti fuq l-ambjent ikunu koperti b'dawn ir-regolamenti

(6) Fl-eżami li jsir f'kull każ u meta jkunu speċifikati t-tipi ta' pjanijiet u programmi skont is-subregolament (5), l-awtoritajiet imsemmija fir-regolament 7(3) għandhom ikunu kkonsultati.

(7) L-awtorità responsabbli għandha tiżgura li l-konkluzjonijiet tagħha skont is-subregolament (5), inklużi r-raġunijiet għaliex ma tintalabx stima ambjentali strateġika skont ir-regolamenti 5 sa 10, jiġu magħmula disponibbli għall-pubbliku, għall-awtoritajiet nominati msemmija fir-regolament 7(3) u għall-awtorità kompetenti.

(8) (a) Bla ħsara għal kull regolament ieħor, l-awtorità kompetenti tista' f'kull żmien titlob awtorità responsabbli f'livell nazzjonali jew lokali biex tippreżenta stqarrija tad-deskrizzjoni tal-pjan jew programm liema stqarrija għandha ttiprovdi dettal suffiċjenti biex hi tkun tista' tidentifika l-effetti li x'aktarx ikollhom fuq l-ambjent, sabiex tkun tista' tiddetermina jekk tkunx meħtieġa stima ambjentali strateġika.

(b) L-awtorità kompetenti għandha, wara li tkun giet ppreżentata l-istqarrija tad-deskrizzjoni tal-pjan jew programm mill-awtorità responsabbli fuq livell nazzjonali jew lokali, tindika jekk il-pjan jew programm jkunx jeħtieġ stima ambjentali strateġika.

(ċ) Id-deċiżjoni tal-awtorità kompetenti tkun finali.

(9) Il-pjanijiet u l-programmi li ġejjin mhumiex suġġetti għal dawn ir-regolamenti:

(a) il-pjanijiet u l-programmi li l-għan ewlieni tagħhom hu li jservu d-difiża nazzjonali jew l-emergenza ċivili,

(b) il-pjanijiet u l-programmi finanzjarji jew tal-estimi,

(ċ) il-pjanijiet u l-programmi kofinanzjati taht il-perjodi ta' programazzjoni kurrenti rispettivi tar-Regolamenti tal-Kunsill (KE) Nru 1260/1999 u (KE) Nru 1257/1999.

Obbligi
ġenerali.

5. (1) L-istima ambjentali strateġika msemmija fir-regolament 4 għandha ssir waqt il-preparazzjoni ta' pjan jew programm u qabel ma jiġi adottat jew sottomess għall-proċedura leġislattiva.

(2) Meta l-pjanijiet u l-programmi jiffurmaw parti minn xi ġerarkija, l-awtorità responsabbli għandha, bil-għan li tevita duplikazzjoni tal-istima, tikkunsidra l-fatt li l-istima ser issir, skont dawn ir-regolamenti, f'livelli differenti tal-ġerarkija. Għall-fini li, fost l-oħrajn, ma jkunx hemm duplikazzjoni ta' stima, l-awtorità responsabbli għandha tapplika r-regolament 6(2) u (3).

6. (1) Meta stima ambjentali strateġika tkun meħtieġa skont ir-regolament 4(1), għandu jiġi ppreparat rapport dwar l-ambjent li fih jiġu identifikati, deskritti u valutati l-effetti sinifikanti li x'aktarx ikun hemm fuq l-ambjent b'konsegwenza tal-implimentazzjoni tal-pjan jew il-programm, u alternattivi raġjonevoli, billi jkunu kkunsidrati l-għanijiet u l-iskop ġeografiku tal-pjan jew tal-programm. L-informazzjoni li għandha tinghata għal dan il-għan hi msemmija fl-iSkeda I.

Rapport dwar l-ambjent.

(2) Ir-rapport dwar l-ambjent ippreparat bis-saħħa tas-subregolament (1) għandu jinkludi fih l-informazzjoni li tista' tkun mitluba b'mod raġjonevoli meta jkunu kkunsidrati l-għarfien preżenti u l-metodi ta' stima, il-kontenut u l-livelli tad-dettal fil-pjan jew fil-programm, l-istadju tiegħu fil-proċess tat-tehid tad-deċiżjonijiet u sa fejn ċerti materji jkunu stmati b'mod aktar xieraq fuq livelli differenti f'dak il-proċess sabiex tkun evitata duplikazzjoni tal-istima.

(3) L-informazzjoni rilevanti disponibbli dwar l-effetti fuq l-ambjent tal-pjanijiet u l-programmi u miksuba fuq livelli l-oħra tat-tehid tad-deċiżjonijiet jew permezz ta' leġislazzjoni oħra tista' tintuża biex tipprovdi l-informazzjoni msemmija fl-iSkeda I.

(4) L-awtoritajiet imsemmija fir-regolament 7(3) kif ukoll l-awtorità kompetenti għandhom ikunu kkonsultati meta jkunu qed jiġu deċiżi l-għan u l-livell tad-dettal tal-informazzjoni li għandha tkun inkluża fir-rapport dwar l-ambjent.

7. (1) L-abbozz tal-pjan jew tal-programm u r-rapport dwar l-ambjent ippreparati skont iur-regolament 6 għandhom ikunu mqieghda, mill-awtorità responsabbli, għad-disposizzjoni ta' l-awtoritajiet imsemmija fis-subregolament (3), tal-awtorità kompetenti u tal-pubbliku.

Konsultazzjonijiet.

(2) L-awtorità responsabbli għandha tiżgura li l-awtoritajiet imsemmija fis-subregolament (3) u l-pubbliku msemmi fis-subregolament (4) għandhom jinghataw opportunità bikrija u effettiva f'limitu ta' żmien li jkun xieraq sabiex jesprimu l-opinjoni tagħhom dwar l-abbozz tal-pjan jew tal-programm u r-rapport dwar l-ambjent li jkun miegħu qabel ma jiġi adottat il-pjan jew il-programm jew is-sottomissjoni tiegħu għall-proċedura leġislattiva. Kull limitu ta' żmien hawn imsemmi m'għandux ikun iktar minn sittax-il ġimgħa mill-publikazzjoni tal-pjan jew programm u r-rapport dwar l-ambjent tiegħu.

(3) L-awtoritajiet nominati li għandhom ikunu kkonsultati li, minhabba fir-responsabbiltajiet ambjentali speċifiċi tagħhom, x'aktarx ikunu milquta mill-effetti ambjentali tal-implimentazzjoni

tal-pjanijiet jew tal-programmi, huma dawn li ġejjin:

(a) l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar (MEPA) jew kull entità li tissuċċediha li tkun responsabbli għall-ambjent; u fejn ikun japplika -

(b) l-Awtorità ta' Malta dwar ir-Riżorsi (MRA) jew kull entità li tissuċċediha li tkun responsabbli għall-ilma, l-enerġija u riżorsi;

(ċ) l-awtorità kompetenti responsabbli għall-agrikoltura;

(d) l-awtorità kompetenti responsabbli għas-sajd;

(e) kull awtorità oħra li hija meqjusa mill-awtorita reponsabbli li tagħti kontribut fil-proċess tal-istima ambjentali strategika.

(4) L-awtorità responsabbli għandha tagħmel il-pjan jew programm u r-rapport dwar l-ambjent disponibbli b'mod elettroniku u b'format ippublikat għall-wiri mill-uffiċċji tagħha għall-pubbliku għall-finijiet tas-subregolament (2).

(5) Sabiex ikun jista' jiġi milhuq il-pubbliku milqut jew li x'aktarx ikun milqut minn, jew li jkollu interess fi, it-tehid tad-deċiżjoni bla ħsara għal dawn ir-regolamenti, inklużi l-organizzazzjonijiet rilevanti mhux governattivi, bħalma huma dawk li jippromwovu l-protezzjoni tal-ambjent u organizzazzjonijiet oħra interessati, l-avviż tad-disponibilità tal-pjan jew tal-programm u r-rapport dwar l-ambjent għandu jiġi ppublikat f'ta' l-inqas il-Gazzetta flimkien mad-dettalji speċifiċi ta' fejn id-dokumentazzjoni tkun disponibbli u kif il-kummenti jistgħu jiġu sottomessi u sa liema data.

Konsultazzjonijiet transkonfini.

8. (1) Meta l-awtorità responsabbli tikkonsidra li l-implimentazzjoni ta' xi pjan jew programm li jkun qed jiġi ppreparat għar-rigward tat-territorju tagħha x'aktarx ikollu effetti sinifikant fuq l-ambjent fi Stat Membru ieħor, jew meta xi Stat Membru li x'aktarx ikun milqut b'mod sinifikattiv hekk jitlob, l-Istat Membru li fit-territorju tiegħu l-pjan jew programm ikun qed jiġi ppreparat għandu, qabel l-adozzjoni tiegħu jew is-sottomissjoni għall-proċedura leġislattiva, jibgħat kopja tal-abbozz tal-pjan jew programm u r-rapport rilevanti dwar l-ambjent lill-Istat Membru l-ieħor fl-istadju l-aktar bikri possibbli.

(2) Meta xi Stat Membru tintbghatlu kopja tal-abbozz tal-pjan jew programm u rapport dwar l-ambjent skont is-subregolament (1), dan għandu jindika lill-Istat Membru l-ieħor jekk hu jixtieqx li

jagħmel konsultazzjonijiet qabel l-adozzjoni tal-pjan jew tal-programm jew qabel is-sottomissjoni tiegħu għall-proċeduri leġislattivi u, jekk hekk jindika, l-Istati Membri interessati għandhom jagħmlu l-konsultazzjonijiet dwar l-effetti ambjentali transkonfini li x'aktarx ikun hemm bħala riżultat tal-implimentazzjoni tal-pjan jew tal-programm u l-miżuri maħsuba biex inaqqsu jew jeliminaw dawk l-effetti:

Iżda meta jsiru dawn il-konsultazzjonijiet, l-Istati Membri interessati għandhom jaqblu dwar l-arranġamenti ddettaljati biex jiżguraw li l-awtoritajiet imsemmija fir-regolament 7(3) u l-pubbliku rilevanti fl-Istat Membru li x'aktarx jkunu milquta b'mod sinifikanti jkunu infurmati u mogħtija l-opportunità li jagħtu l-opinjoni tagħhom fi żmien raġjonevoli.

(3) Meta Stati Membri jkunu mitluba skont dan ir-regolament li jagħmlu konsultazzjonijiet, dawn għandhom jaqblu, fil-bidu ta' dawk il-konsultazzjonijiet, dwar żmien raġjonevoli għall-perjodu li matulu jsiru l-konsultazzjonijiet.

(4) Fil-każ fejn Stat Membru jikkonsulta ma' Malta dwar effetti transkonfini potenzjali, id-dispożizzjonijiet tas-subregolamenti (1), (2) u (3) għandhom jgħoddu *mutatis mutandis*.

9. Ir-rapport dwar l-ambjent ippreparat skont ir-regolament 6, l-opinjoni espressi skont ir-regolament 7 u r-riżultati tal-konsultazzjonijiet transkonfini skont ir-regolament 8 għandhom jiġu meqjusa matul il-preparazzjoni tal-pjan jew tal-programm u qabel l-adozzjoni tiegħu jew is-sottomissjoni tiegħu għall-proċedura leġislattiva.

Tehid tad-deċizzjonijiet.

10. (1) L-awtorità responsabbli għandha tiżgura li, meta xi pian jew programm ikun adottat, l-awtoritajiet imsemmija fir-regolament 7(3), l-awtorità kompetenti, il-pubbliku u kull Stat Membru kkonsultat skont ir-regolament 8 ikunu infurmati u l-materji li ġejjin jitqiegħdu għad-dispożizzjoni ta' dawk li jkunu ġew hekk infurmati dwar:

Informazzjoni dwar id-deċizzjoni.

(a) il-pjan jew il-programm kif adottat;

(b) prospett li jagħti fil-qosor kif il-konsiderazzjonijiet ambjentali ġew integrati fil-pjan jew fil-programm u kif ir-rapport dwar l-ambjent ippreparat skont ir-regolament 6, l-opinjoni mogħtija skont ir-regolament 7 u r-riżultati tal-konsultazzjonijiet li saru skont ir-regolament 8 ġew ikkunsidrati skont ir-regolament 9 u r-raġunijiet għall-għażla tal-pjan jew tal-programm kif adottat, fid-dawl tal-alternattivi raġjonevoli l-oħra li ġew ikkunsidrati, u

(ċ) il-miżuri deċiżi dwar il-monitoraġġ skont ir-regolament 11.

(2) Id-dispożizzjonijiet tar-regolament 7(4) u (5) għandhom japplikaw għall-pubblikazzjoni tal-informazzjoni lokali relatata mas-subregolament (1) filwaqt li l-pubblikazzjoni tal-informazzjoni tal-iStati Membri l-oħra għandha ssir permezz tal-iStat Membru stess.

(3) L-awtoritajiet responsabbli għandhom jiżguraw illi r-riżultati kollha ta' dawn ir-regolamenti jiġu rrapportati lill-awtorità kompetenti minnufih kif jevolvi l-proċess.

Monitoraġġ.

11. (1) L-awtoritajiet responsabbli għandhom iwettqu monitoraġġ fuq l-effetti ambjentali sinifikattivi li jirriżultaw mill-implimentazzjoni tal-pjanijiet u tral-programmi sabiex, fost l-oħrajn, jidentifikaw fi stadju bikri effetti ħżiena mhux imbassra, u biex ikunu jistgħu jieħdu l-azzjoni ta' rimedju kif xieraq.

(2) Sabiex ikun hemm konformità mas-subregolament (1), l-arranġamenti eżistenti ta' monitoraġġ jistgħu jintużaw, jekk ikun xieraq, bil-għan li tkun evitata duplikazzjoni ta' monitoraġġ.

(3) L-awtorità kompetenti għandha tibqa' tiġi infurmata dwar ir-riżultat tal-moinitoraġġ li jkun sar.

Relazzjoni ma' leġislazzjoni oħra.

12. (1) Stima ambjentali strateġika magħmula skont dawn ir-regolamenti għandha tkun mingħajr preġudizzju għal kull hteġa skont id-Direttiva 85/337/KEE u għal kull hteġa oħra leġislattiva.

(2) Fir-rigward ta' pjanijiet u programmi li dwarhom l-obbligu li jsiru stimi tal-effetti fuq l-ambjent jirriżulta simultanament minn dawn ir-regolament u minn leġislazzjoni oħra, l-awtorità responsabbli tista' tagħmel disposizzjonijiet għal proċeduri kordinati jew kongunti li jaqblu mal-htigiet tal-leġislazzjoni rilevanti sabiex, fost l-oħrajn, jevitaw duplikazzjoni ta' stimi.

(3) Fir-rigward ta' pjanijiet u programmi kofinanzjati mill-Komunità Ewropea, l-istima ambjentali strateġika skont dawn ir-regolamenti għandha ssir b'konformità mad-disposizzjonijiet speċifiċi fil-leġislazzjoni rilevanti lokali u tal-Komunità.

Informazzjoni, rappurtar u revizzjoni.

13. (1) L-awtorità kompetenti u l-Kummissjoni għandhom jiskambjaw informazzjoni dwar l-esperjenza li jkunu kisbu fl-applikazzjoni ta' dawn ir-regolamenti.

(2) L-awtorità responsabbli għandha tiżgura li r-rapporti ambjentali huma ta' kwalità tajba biex josservaw il-htigiet ta' dawn ir-regolamenti u l-ispirtu tad-Direttiva 2001/42/KE.

(3) L-awtorità kompetenti għandha tikkomunika lill-Kummissjoni kull miżura li tkun ittiehdet fir-rigward tal-kwalità ta' dawn ir-rapporti.

14. L-obbligu msemmi fir-regolament 5(1) għandu jgħodd għall-pjanijiet u l-programmi li dwarhom l-ewwel att preparatorju formali jkun sussegwenti għall-21 ta' Lulju, 2004. Il-pjanijiet u l-programmi li dwarhom l-ewwel att preparatorju formali kien qabel din id-data u li jkunu adottati jew sottomessi għall-proċedura legiſlattiva aktar minn erbgħa i għoxrin xahar wara dan, għandhom isiru suġġetti għall-obbligu msemmi fir-regolament 5(1) kemm-il darba l-awtorità responsabbli ma tiddeċidix abbażi ta' kull każ li dan ma jkunx possibbli u tinforma lill-pubbliku bid-deċiżjoni tagħha.

Implimentazzjoni.

Taqsimi III

Twaqqif tal-Awtorità Kompetenti

15. (1) Għandu jiġi mwaqqaf il-Punt Fokali SEA li jkollu l-kompitu li wettaq superviżjoni fuq l-implimentazzjoni ta' dawn ir-regolamenti.

Twaqqif tal-awtorità kompetenti.

(2) Il-Punt Fokali SEA għandu jkun magħmul minn *Chairperson* u żewġ membri oħra.

(3) *Iċ-Chairperson* u l-membri tal-Punt Fokali SEA għandhom jiġu maħtura mill-Prim Ministru minn fost persuni li fl-opinjoni tal-Prim Ministru huma persuni ta' integrità magħrufa u li hu jidhirli li għandhom l-għarfien u l-esperjenza f'materji relatati mal-istima ambjentali strateġika ta' pjanijiet u programmi.

(4) *Iċ-Chairperson* u l-membri tal-Punt Fokali SEA għandhom jibqgħu fil-kariga għal perjodu ta' tliet snin u għandhom ikunu eliġibbli biex jiġu maħtura mill-ġdid.

(5) *Iċ-Chairperson* u l-membri tal-Punt Fokali SEA jistgħu jitnehhew mill-kariga mill-Prim Ministru biss għal raġuni ta' negliġenza qawwija, inkompetenza jew atti, omissjonijiet jew kondotta li ma jkunux xierqa li jsiru minn membru tal-Bord.

16. (1) L-awtorità kompetenti għandu jkollha dawn id-dmirijiet u s-setgħat li ġejjin:

Funzjonijiet.

(a) li tohloq kuxjenza dwar l-għan u l-htieġa għall-stimi ambjentali strateġiċi;

(b) li tkun infurmata mill-awtorità responsabbli, jew awtoritajiet responsabbli jekk ikun japplika, li qed titwettaq

stima ambjentali strateġika fuq pjan jew programm partikolari;

(ċ) li tkun infurmata mill-awtorità responsabbli, jew awtoritajiet responsabbli, jekk ikun japplika, dwar ir-raġuni għaliex ma tkunx saret stima ambjentali strateġika fuq pjan jew programm;

(d) biex timplimenta b'mod sħiħ id-dispożizzjonijiet tar-regolament 4(8);

(e) biex tiżgura bl-aħjar li tista' li l-awtorità responsabbli, jew l-awtoritajiet responsabbli jekk ikun japplika, ikunu harsu d-dispożizzjonijiet ta' dawn ir-regolamenti u biex tiddokumenta l-proċess li ġie adottat inklużi kull dokumentazzjoni li tappoġġa u kull materjal ta' konsultazzjoni;

(f) biex taġixxi bhala mahżen għall-materjal relatat ma' stima ambjentali strateġika għal pjan jew programm;

(g) biex titlob għal kull informazzjoni li tqis li għandha x'taqsam ma' xi stima ambjentali strateġika minn xi entità inkluża informazzjoni li tohroġ minn deċiżjoni biex issir stima ambjentali strateġika jew le;

(h) biex tkun ta' gwida għall-awtoritajiet responsabbli;

(i) biex tirrappreżenta lill-Malta f'kull *fora* lokali u internazzjonali dwar stimi ambjentali strateġiċi;

(j) biex taġixxi bhala l-Punt Fokali għall-iStati Membri l-oħra li jixtiequ jikkonsultaw ma' Malta f'każijiet ta' effetti transkonfini;

(k) biex tippromwovi l-użu ta' stimi ambjentali strateġiċi f'Malta;

(l) biex tivverifika l-kwalità ta' stimi ambjentali strateġiċi biex tipprovdi kontribut ta' terzi biex tiżgura l-kwalità vera tal-proċess ta' stima ambjentali strateġika.

(2) Ebda haġa f'dawn ir-regolamenti ma għandha tiftiehem li tfisser li l-awtorità kompetenti għandha tkun responsabbli għat-twettiq ta' xi stima ambjentali strateġika. Kull stima ambjentali strateġika li tkun meħtieġa li ssir skont it-termini ta' dawn ir-regolamenti għandha taqa' taħt l-awtorità responsabbli.

Revoka u Dispożizzjonijiet Transitorji

17. Ir-Regolamenti tal-2005 dwar Stima Ambjentali Strategika qeghdin b'dawn jiġu revokati, u huma hawnhekk 'il quddiem imsejha "ir-regolamenti revokati".

Revoka tar-Regolamenti ta' l-2005 dwar Stima Ambjentali Strategika. A.L. 418 tal-2005.

18. (1) Sakemm ir-responsabbiltà hija pprovduta skont dawn ir-regolamenti, l-awtorità kompetenti għandha tassumi r-responsabbiltà assenjata lit-Tim tal-Verifika SEA taht ir-regolamenti revokati u għandha tgawdi d-drittijiet u l-benefiċċji kollha li qabel kien igawdi t-Tim tal-Verifika SEA b'effett mid-dhul fis-sehħ ta' dawn ir-regolamenti.

Stimi li diġà għaddejnin.

(2) Id-dokumenti u r-rizorsi kollha li kienu proprjetà tat-Tim tal-Verifika SEA għandhom isiru l-proprjetà tal-awtorità kompetenti, mingħajr il-htieġa tal-konklużjoni ta' proċeduri legali.

SKEDA I

Informazzjoni msemmija fir-regolament 6(1)

L-informazzjoni li ghandha tinghata taht ir-regolament 6(1), bla hsara ghar-regolament 6(2) u (3), hi din li ġejja:

- (a) qafas tal-kontenut, l-għanijiet prinċipali tal-pjan jew il-programm u r-relazzjoni ma' pjanijiet u programmi rilevanti oħra;
- (b) l-aspetti rilevanti ta' l-istat preżenti tal-ambjent u l-evoluzzjoni li x'aktarx tirriżulta mingħajr l-implimentazzjoni tal-pjan jew tal-programm;
- (ċ) il-karatteristiċi ambjentali ta' żoni li x'aktarx ikunu milquta b'mod sinifikanti;
- (d) xi problemi ambjentali eżistenti li huma rilevanti għall-pjan jew għall-programm inklużi, b'mod partikolari, dawk li jirreferu għal xi żoni ta' importanza ambjentali partikolari, bħalma huma żoni magħżula bis-saħħa tad-Direttivi 79/409/KEE u 92/43/KEE;
- (e) l-għanijiet tal-protezzjoni tal-ambjent, stabbiliti fil-livell internazzjonali, Ewropew jew nazzjonali, li huma rilevanti għall-pjan jew għall-programm u l-mod li bih dawk l-għanijiet u xi konsiderazzjonijiet ambjentali ġew ikkunsidrati matul il-preparazzjoni tiegħu;
- (f) l-effetti sinifikanti li x'aktarx isehħu fuq l-ambjent, inklużi dwar il-materji bħal fatturi tal-bijodiversità, il-popolazzjoni, is-saħħa umana, il-fawna, il-flora, il-ħamrija, l-ilma, l-arja, il-klima, l-assi materjali, il-wirt kulturali inkluż il-wirt arkitettoniku u arkeoloġiku, il-pajsaġġ u r-relazzjoni bejn il-fatturi hawn fuq imsemmija. Dawn l-effetti għandhom jinkludu l-effetti sekondarji, kumulattivi, ta' sinerġija, fuq medda qasira, medja jew fit-tul. permanenti u temporanji, posittivi u negattivi;
- (g) il-miżuri maħsuba biex jipprevjenu, jnaqqsu u kemm jista' jkun jneħħu xi effetti ħżiena sinifikanti fuq l-ambjent bħala konsegwenza tal-implimentazzjoni tal-pjan jew tal-programm;
- (h) qafas tar-raġunijiet għall-għażla tal-alternattivi maħsuba, u deskrizzjoni ta' kif l-istima saret inklużi xi diffikultajiet, bħal ma huma defiċjenzi tekniċi jew nuqqas ta' għerf, li wieħed jiltaqa' magħhom fil-ġbir tal-informazzjoni meħtieġa;
- (i) deskrizzjoni tal-miżuri maħsuba dwar il-monitoraġġ skont ir-regolament 11;

- (j) sommarju mhux tekniku tal-informazzjoni mogħtija taht l-intestaturi ta' hawn fuq.

SKEDA II

Kriterji biex ikunu stabbiliti l-effetti li x'aktarx isehhu
kif imsemmi fir-rRegolament 4(5)

1. Il-karatteristiċi tal-pjanijiet u l-programmi, billi jitqiesu, b'mod partikolari:

(a) il-grad li għalih il-pjan jew il-programm jistabbilixxi qafas għal proġetti u attivitajiet oħra, kemm għar-rigward tal-lok, in-natura, id-daqs u l-kondizzjonijiet operattivi jew billi jkunu allokatu r-riżorsi;

(b) il-grad li fih il-pjan jew il-programm jinfluwenza pianijiet u programmi oħra inklużi dawk fil-ġerarkija;

(ċ) ir-rilevanza tal-pjan jew il-programm għall-integrazzjoni tal-konsiderazzjonijiet ambjentali b'mod partikolari bil-għan li jkun jippromwovi żvilupp sostenibbli;

(d) il-problemi ambjentali rilevanti għall-pjan jew għall-programm;
u

(e) ir-rilevanza tal-pjan jew tal-programm għall-implimentazzjoni tal-leġislazzjoni tal-Komunitá dwar l-ambjent, bħal ma huma pianijiet u programmi marbuta mal-immaniġġjar tal-iskart jew il-protezzjoni tal-ilma.

2. Karatteristiċi tal-effetti u taż-żona li x'aktarx tkun milquta, meta jkunu kkunsidrati, b'mod partikolari

(a) il-probabilità, it-tul, il-frekwenza u r-riversibilità tal-effetti;

(b) in-natura kumulattiva tal-effetti;

(ċ) in-natura transkonfini tal-effetti;

(d) ir-riskji għas-saħħa umana jew għall-ambjent (eż. minhabba f'aċċidenti);

(e) il-kobor u l-firxa spazjali tal-effetti (żona ġeografika u d-daqs tal-popolazzjoni li x'aktarx tkun milquta);

(f) il-valur u l-vulnerabilità taż-żona li x'aktarx tkun milquta minhabba:

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- (i) fil-karatteristiċi naturali speċjali jew wirt kulturali;
 - (ii) fl-*istandards* ta' kwalità ambjentali li jkunu maqbuża jew valuri tal-limiti; u
 - (iii) fl-użu intensiv tal-art; u
 - (g) l-effetti fuq żoni jew *landscapes* li għandhom status ta' protezzjoni rikonoxxuta b'mod nazzjonali, tal-Komunità jew internazzjonali.
-

L.N. 497 of 2010

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

Strategic Environmental Assessment Regulations, 2010

IN exercise of the powers conferred by article 17 of the Environment Protection Act, the Prime Minister has made the following regulations:-

Part I

Preliminary

1. (1) The title of these regulations is the Strategic Environmental Assessment Regulations, 2010. Citation and commencement.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and different provisions of these regulations.

2. (1) The objective of these regulations is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with these regulations, a strategic environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. Objectives.

(2) These regulations transpose the provisions of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.

3. (1) In these regulations, unless the context otherwise requires - Interpretation.

"the Act" means the Environment Protection Act; Cap. 435.

"competent authority" means the Strategic Environmental Assessment Focal Point, hereinafter referred to as the "SEA Focal Point" established under regulation 15;

"environmental report" means the part of the plan or programme

documentation containing the information required in regulation 6 and in Schedule I;

"make available to the public" means publishing in the Gazette or in at least one daily newspaper in the English language and in the Maltese language, a notice indicating where the document may be viewed or acquired; the price of the said document shall not exceed the cost of its printing and distribution;

"plans and programmes" means plans and programmes, including those co-financed by the European Community, as well as any modifications to them:

(a) which are subject to preparation and, or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and

(b) which are required by legislative, regulatory or administrative provisions;

"the public" shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

"responsible authority", in relation to a plan or programme, means the authority by which, or on whose behalf, any plan or programme is prepared. A responsible authority shall only cease to be lawfully responsible for its plan or programme at such time as a new responsible authority accepts formal responsibility in writing.

Where more than one responsible authority is responsible for a plan or programme, or parts of it, the responsible authority shall be:

(a) the authority nominated by agreement between the responsible authorities responsible for that plan or programme; or

(b) determined by the SEA Focal Point, if there is no such agreement;

"strategic environmental assessment" means the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision making and the provision of information on the decision in accordance with regulations 5 to 10.

(2) All other terms shall have the same meaning as assigned to

them in the Act.

Part II

General Conditions

4. (1) An strategic environmental assessment, in Scope. accordance with regulations 5 to 10, shall be carried out by the responsible authority for plans and programmes referred to in sub-regulations (2) to (4) which are likely to have significant environmental effects.

(2) Subject to the provisions of sub-regulation (3), a strategic environmental assessment shall be carried out for all plans and programmes which -

(a) are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or

(b) in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

(3) Plans and programmes referred to in sub-regulation (2), which determine the use of small areas at local level, and minor modifications to plans and programmes referred to in sub-regulation (2), shall require a strategic environmental assessment only where the responsible authority determines that they are likely to have significant environmental effects.

(4) In addition, the responsible authority shall determine whether its plans and programmes, other than those referred to in sub-regulation (2), which set the framework for future development consent of projects, are likely to have significant environmental effects.

(5) The responsible authority shall determine whether plans or programmes referred to in sub-regulations (3) and (4) are likely to have significant environmental effects either through case by case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose the responsible authority shall in all cases take into account relevant criteria set out in Schedule II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by these

regulations.

(6) In the case by case examination and in specifying types of plans and programmes in accordance with sub-regulation (5), the authorities referred to in regulation 7(3) shall be consulted.

(7) The responsible authority shall ensure that its conclusions pursuant to sub-regulation (5), including the reasons for not requiring a strategic environmental assessment pursuant to regulations 5 to 10, are made available to the public, the designated authorities referred to in regulation 7(3) and the competent authority.

(8) (a) Without prejudice to any of these regulations, the competent authority may at any time request a responsible authority at national or local level to submit a plan or programme description statement which provides sufficient detail for it to be able to identify the likely effects on the environment, such that it may determine whether a strategic environmental assessment is required.

(b) The competent authority shall, after submission of the plan or programme description statement by the authority at national or local level, indicate whether the plan or programme requires a strategic environmental assessment.

(c) The decision of the competent authority shall be final.

(9) The following plans and programmes are not subject to these regulations:

(a) plans and programmes the sole purpose of which is to serve national defence or civil emergency,

(b) financial or budget plans and programmes,

(c) plans and programmes co-financed under the current respective programming periods for Council Regulations (EC) No 1260/99 and No 1257/99.

General obligations.

5. (1) The strategic environmental assessment referred to in regulation 4 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

(2) Where plans and programmes form part of a hierarchy, the responsible authority shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with these regulations, at different levels of

the hierarchy. For the purpose of, among other things, avoiding duplication of assessment, the responsible authority shall apply regulation 6(2) and (3).

6. (1) Where a strategic environmental assessment is required under regulation 4(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Schedule I.

Environmental report.

(2) The environmental report prepared pursuant to sub-regulation (1) shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(3) Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision making or through other legislation may be used for providing the information referred to in Schedule I.

(4) The authorities referred to in regulation 7(3) as well as the competent authority shall be consulted when deciding on the scope and level of detail of the information which is to be included in the environmental report.

7. (1) The draft plan or programme and the environmental report prepared in accordance with regulation 6 shall be made available, by the responsible authority, to the authorities referred to in sub-regulation (3), the competent authority and the public.

Consultations.

(2) The responsible authority shall ensure that the authorities referred to in sub-regulation (3) and the public referred to in sub-regulation (4) shall be given an early and effective opportunity within an adequate time-frame, to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure. Such time-frames shall not exceed sixteen weeks from the publication of the plan or programme and its environmental report.

(3) The designated authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes, shall be the following:

(a) the Malta Environment and Planning Authority (MEPA) or any successor entity responsible for the environment; and where applicable -

(b) the Malta Resources Authority (MRA) or any successor entity or entities responsible for water, energy and resources;

(c) the competent authority responsible for agriculture;

(d) the competent authority responsible for fisheries;

(e) any other authority which is deemed by the responsible authority to have an input into the strategic environmental assessment process.

(4) The responsible authority shall make the plan or programme and its environmental report available to the public electronically and in published form for viewing at its offices for the purposes of sub-regulation (2).

(5) In order to reach out to the public affected or likely to be affected by, or having an interest in, the decision making subject to these regulations, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned, the notice of availability of the plan or programme and the environmental report shall be published in at least the Gazette together with specific details of where the documentation is available and how comments can be submitted and by which date.

Transboundary consultations.

8. (1) Where the responsible authority considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State at the earliest stage possible.

(2) Where a Member State is sent a copy of a draft plan or programme and an environmental report under sub-regulation (1), it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates, the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate

such effects:

Provided that where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in regulation 7(3) and the relevant public in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time.

(3) Where Member States are required under this regulation to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable time for the duration of consultations.

(4) In the case where a Member State consults Malta on potential transboundary effects, the provisions of sub-regulations (1), (2) and (3) shall apply *mutatis mutandis*.

9. The environmental report prepared pursuant to regulation 6, the opinions expressed pursuant to regulation 7 and the results of any transboundary consultations entered into pursuant to regulation 8 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure. Decision making.

10. (1) The responsible authority shall ensure that, when a plan or programme is adopted, the authorities referred to in regulation 7(3), the competent authority, the public and any Member State consulted under regulation 8 are informed and the following items are made available to those so informed: Information on the decision.

(a) the plan or programme as adopted;

(b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to regulation 6, the opinions expressed pursuant to regulation 7 and the results of consultations entered into pursuant to regulation 8 have been taken into account in accordance with regulation 9 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and

(c) the measures that have been decided concerning monitoring in accordance with regulation 11.

(2) The provisions of regulation 7(4) and (5) shall apply for the publication of the local information relating to sub-regulation (1) whilst the publication of the information of other Member States shall

be effected through the respective Member State itself.

(3) Responsible authorities shall ensure that all outcomes of these regulations are reported to the competent authority immediately as the process evolves.

Monitoring.

11. (1) The responsible authority shall monitor the significant environmental effects of the implementation of plans and programmes in order, among other things, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

(2) In order to comply with sub-regulation (1), existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

(3) The competent authority shall be kept informed on each outcome of the monitoring carried out.

Relationship
with other
legislation.

12. (1) A strategic environmental assessment carried out under these regulations shall be without prejudice to any requirements under Directive 85/337/EEC and to any other legislative requirements.

(2) For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from these regulations and other legislation, the responsible authority may provide for coordinated or joint procedures fulfilling the requirements of the relevant legislation in order, among others, to avoid duplication of assessment.

(3) For plans and programmes co-financed by the European Community, the strategic environmental assessment in accordance with these regulations shall be carried out in conformity with the specific provisions in relevant local and Community legislation.

Information,
reporting and
review.

13. (1) The competent authority and the Commission shall exchange information on the experience gained in applying these regulations.

(2) The responsible authority shall ensure that environmental reports are of a sufficient quality to meet the requirements of these regulations and the spirit of Directive 2001/42/EC.

(3) The competent authority shall communicate to the Commission any measures taken concerning the quality of these reports.

14. The obligation referred to in regulation 5(1) shall apply to the plans and programmes of which the first formal preparatory act was subsequent to the 21st July, 2004. Plans and programmes of which the first formal preparatory act was before this date and which are adopted or submitted to the legislative procedure more than twenty-four months thereafter, shall be made subject to the obligation referred to in regulation 5(1) unless the responsible authority decides on a case by case basis that this is not feasible and informs the public of its decision. Implementation.

Part III

Establishment of the Competent Authority

15. (1) There shall be created the SEA Focal Point which shall be tasked with overseeing the implementation of these regulations. Establishment of competent authority.

(2) The SEA Focal Point shall be composed of a Chairperson and two other members.

(3) The Chairperson and the members of the SEA Focal Point shall be appointed by the Prime Minister from among persons who in the opinion of the Prime Minister are persons of known integrity and who appear to him to have knowledge and experience in matters relating to the strategic environment assessment of plans and programmes.

(4) The Chairperson and the members of the SEA Focal Point shall hold office for a period of three years and shall be eligible for re-appointment.

(5) The Chairperson and members of the SEA Focal Point may only be removed from office by the Prime Minister on the grounds of gross negligence, incompetence or acts, omissions or conduct unbecoming a member of the Board.

16. (1) The competent authority shall have the following duties and powers: Functions.

(a) to create awareness on the scope and necessity of strategic environmental assessments;

(b) to be informed by the responsible authority, or responsible authorities if applicable, that a strategic environmental assessment is being conducted on a particular plan or programme;

(c) to be informed by the responsible authority, or responsible authorities if applicable, on why a strategic environmental assessment has not been undertaken on a plan or programme;

(d) to implement fully the provisions of regulation 4(8);

(e) to ensure to the best of its ability that the responsible authority, or responsible authorities if applicable, have followed the provisions of these regulations and to document the process adopted inclusive of any supporting documentation and consultation material;

(f) to act as a repository of all material related to a strategic environmental assessment for a plan or programme;

(g) to demand any information it deems is related to any strategic environmental assessment from any entity inclusive of information that results from a decision for a strategic environmental assessment to be undertaken or otherwise;

(h) to provide guidance to responsible authorities;

(i) to represent Malta in any local and international fora on strategic environmental assessments;

(j) to act as the Focal Point for other Member States who wish to consult Malta in cases of transboundary effects;

(k) to promote the use of a strategic environmental assessments in Malta;

(l) to audit the quality of a strategic environmental assessments to provide third party input into securing the true quality of the strategic environmental assessment process.

(2) Nothing contained in these regulations shall be construed as implying that the competent authority shall be responsible for the carrying out of any strategic environmental assessment. Any strategic environmental assessment as shall be required to be carried out in terms of these regulations shall fall under the responsible authority.

Part IV

Revocation and Transitory Provisions

17. The Strategic Environmental Assessment Regulations, 2005 are hereby being revoked, and are hereinafter referred to as "the revoked regulations".

Revocation of Strategic Environmental Assessment Regulations, 2005. L.N. 418 of 2005.

18. (1) To the extent that such responsibility is provided in terms of these regulations, the competent authority shall assume all responsibility assigned to the SEA Audit Team under the revoked regulations and shall enjoy all the rights and benefits previously enjoyed by SEA Audit Team with effect from the entry into force of these regulations.

Assessments already in progress.

(2) All documents and resources that were the property of the SEA Audit Team shall become the property of the competent authority, without the necessity for the conclusion of any legal procedures.

SCHEDULE I

Information referred to in regulation 6(1)

The information to be provided under regulation 6(1), subject to regulation 6(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, European or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the inter-relationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties, such as technical deficiencies or lack of know-how, encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring in accordance with regulation 11;
- (j) a non-technical summary of the information provided under the above

headings.

SCHEDULE II

Criteria for determining the likely significance of effects referred to in regulation 4(5)

1. The characteristics of plans and programmes, having regard, in particular, to:

(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

(d) environmental problems relevant to the plan or programme,

(e) the relevance of the plan or programme for the implementation of Community legislation on the environment, such as plans and programmes linked to waste-management or water protection.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

(a) the probability, duration, frequency and reversibility of the effects,

(b) the cumulative nature of the effects,

(c) the transboundary nature of the effects,

(d) the risks to human health or the environment (e.g. due to accidents),

(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

(f) the value and vulnerability of the area likely to be affected due to:

(i) special natural characteristics or cultural heritage,

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- (ii) exceeded environmental quality standards or limit values,
 - (iii) intensive land-use,
 - (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.
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