



BirdLife Malta's comments on Daily Penalties (Environment)  
(Amendment) Regulations  
02 February 2022

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BirdLife Malta has analysed the proposed amendments to the Daily Penalties (Environment) Regulations and we would like to express our concern with regards to some proposed changes.

First of all, from the document itself it is not evident what is the justification behind the amendments. Taking into account the general tendency at the European level to strengthen the law to combat environmental crime<sup>1</sup> in line with the Green Deal, the amendments in question seem to fall out of this context.

The document proposes to exclude the provision under which a person who is subject to separate daily fines shall remain responsible for all the applicable fines, instead under the new proposal, such a person would only be "*subject to the highest daily fine applicable at any one time*" which is a considerable and unjustifiable indulgence.

Apart from that, the amendment also touches on the Daily Fines Schedule, proposing generally significantly lower fine rates compared to the present version of the Schedule (for example, when it comes to failure to submit data/reports under the relevant legislation: according to the current Schedule the maximum daily penalty could reach up to €100, while the amended version sets the maximum rate at as low as €30/day). From our point of view, such amendments are not only indefensible, but have the potential to compromise the state of the national environmental budget.

Another ambiguous amendment to the Regulation is the possibility of filing a petition to the EPRT (Environment and Planning Review Tribunal) which can create a room for a potential loophole to avoid responsibility for certain offences and lengthen the process of fining an offender.

To conclude, BirdLife Malta does not support the proposed amendments on the basis of the absence of their justification and the fact that the amendments can jeopardise the state of environmental justice leaving a considerable amount of offences uncharged, thus doing the opposite of instilling a deterrent to prevent environmental crime in the first place.

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<sup>1</sup> [Protection of the environment through criminal law \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic_environmental_crime_en.pdf)