



BirdLife Malta's comments on the National Biodiversity Strategy and Action Plan to 2030

28th March 2023

Whilst welcoming the first draft of the National Biodiversity Strategy (NBS) and Action Plan to 2030, BirdLife Malta would like to take this opportunity to bring up some points in relation to the document.

Appreciating the hard work behind the draft, we noticed some omissions, such as lack of background information on the previous Strategy period (2012-2020) implementation, its successes and failures. Evaluating the job already done and highlighting the problems and challenges faced is beneficial as it creates room for improvement and helps avoid the same mistakes, as well as provides the public with a more transparent and realistic picture.

Although the Plan does set specify deadlines for a number of Actions, we recommend further refining the wording to ensure the Actions are tangible enough, as some of them are formulated too broadly which would not allow their proper implementation (please see comments below on this). Relevant steps are required to ensure the enforcement of the Strategy and Action Plan, including but not limited to increase ERA's staff capacity and training.

General comments:

- Some Actions in the Plan are phrased rather vague and require clarification or elaboration. Such as:
 - Action 8.2 "Chemicals policy is strengthened to improve the protection of the environment and human health" should be more explicit and needs to explain in what way/s the policy is to be strengthened.
 - Another example is Action 16.2: "The relationship between the environment and the economy informs decision-making" which is rather an ambiguous statement than a call for a certain action.
 - Action 17.2 states that "By 2027, environmental sustainability, including biodiversity protection, is further integrated into the national education system", but does not explain what exact actions/steps/measures it entails.
 - Same for Action 21.3: "By 2027, aspects related to environmental liability are strengthened" which is quite generic to lead to the lack of action.Such undetailed wording leaves enough room for interpretation which in turn can lead to insufficient action taken; it also will add significant difficulty at the stage of monitoring and evaluation.



- While promoting better environmental management and setting ambitious targets, authorities should be consistent in their actions. This, for instance, would mean that no controversial regulations or policies contradicting the NBS are proposed and adopted, such as:
 - the amendments to waste legislation which proposed lowering the minimal fine for illegal dumping of waste https://meae.gov.mt/en/Public_Consultations/MEW/Pages/Consultations/Establishmentofmandatoryseparationofwastewithinnationalwastelawlegislation.aspx;
 - the proposed amendments to daily penalties for violating environmental legislation which are not perceived as a positive step, since they would generally contribute to lower charges for such violations <https://era.org.mt/daily-penalties-environment-amendment-regulations-2022/>;
 - Controversial and deleterious changes to conservation of wild birds regulations which allow the transfer of taxidermy collections, indirectly facilitating the persecution of protected species and the illegal killing of birds;
 - Constant violations of the Birds' Directive through the application of questionable hunting and trapping derogations, etc.

- The Action Plan would benefit from:
 - + Each Target and/or Action being associated with the leading entity/authority(s) responsible for its implementation. We noted and appreciated the suggested whole-government approach; clearly, environmental policy is an integral one and should be incorporated in each sectoral policy, yet spreading responsibility across sectors can also result in mismanagement of resources or inadequate implementation, especially if responsibilities are not fully defined or tasks allocated not clearly. Many Actions under this Action Plan fall outside the scope of ERA's competence, or intertwine with remits of other entities, therefore strong cooperation and clear assigning of tasks is essential.
 - + The scoreboard containing a precise timeline for each Action would support greatly with implementation monitoring. Given the generic character of present Actions, we recommend splitting them into sub-Actions/Tasks, specifying exact timeframe for their implementation, efficiency indicators, responsible entity/s and progress status. Same as the Action Plan itself, such a scoreboard shall be a living amendable document.
 - + Establishing a Committee to oversee and support with the implementation progress would greatly contribute to the overall efficiency of the Strategy



realisation and evaluation. Such a Committee would consist of different stakeholders involved in the process.

Feedback on certain actions:

- Target 1. Action 1.1 sets the 30% target for protected areas on land and at sea. It is better to specify that protected areas shall form part of the Natura 2000 network. Furthermore, $\frac{1}{3}$ of those protected areas should gain from strict protection (for instance, establishment of no-take zones in some parts of MPAs)
- Target 1. Action 1.2 contains the requirement to revise management plans for N2K sites “as necessary”, while we suggested amending the wording to “as necessary, but at least once every 5 years”.
- Target 1. Action 1.4 also needs clarification on how often “periodically” means for the assessment of N2K management.
- Target 1 could benefit from widening its focus onto local designations, since strategically sites of national level (such as Sites of Scientific Importance, Areas of Ecological Importance, Tree Protection Areas, Sites of High Landscape Value, protected beaches, etc) are meant to form a coherent network and a set of green corridors thus ensuring connectivity of natural areas.
- Research and permanent environmental monitoring should play a leading role in the NBS implementation.

- Target 3 should stress on *Posidonia oceanica* habitat restoration, which qualifies as a priority ecosystem contributing to climate change mitigation and adaptation.

- Target 4 does not emphasise enough the crucial role of data collection and research which is needed to address the issue of genetic contamination of local fauna. Certain harmful practices, such as release of captive-bred birds (such as captive-bred *Coturnix coturnix* and *Streptopelia turtur* releases by hunting groups) whose genetic background is not assessed in depth, should be regulated and controlled. Another example demanding urgent attention is the lack of understanding of the impact of domestic honey-bee imported from other countries on local genetic resources.

- Target 5. Action 5.2 concentrates on the importance of assessment of environmental risks and impacts of projects, yet, as we know from past experience, it is not enough to assess the impacts and propose mitigation measures. We feel that it is crucial for ERA to have the right to veto projects and developments which are proven to cause harm to the environment, directly or indirectly. Full enforcement of the relevant legislation and regulations should be



guaranteed including by ensuring an adequate number of staff to monitor and oversee the implementation of EIA/AA recommendations, and an adequate follow-up for mitigation measures proposed at EIA stage to be undertaken and enforced, and if necessary have the ability to issue sanctions or impose remedial measures to contractors/developers where these are not met.

- Target 5. Action 5.3 should clearly state that no harmful interventions on protected landscapes shall be allowed.

- Target 7. Policy tools referred to in Action 7.1 should include among others planning and development policies, agricultural policies, regulations on hunting and trapping, local policies, procurement procedures, traffic regulations (including maritime transport), waste management legislation, etc.
- Target 7. Action 7.2 should make it clear that mentioned green initiatives are to be implemented on a systematic, regular basis and across all localities as opposed to random projects aiming rather at gaining public attention than creating a green urban network across the Maltese Islands.

- Target 8. Waste management on protected sites should be careful and proportionate. Biosecurity plans for such sites should be compiled (relevant for Target 6) and the waste management section is to be integrated into those (BirdLife Malta produced Biosecurity plans for different sites falling under the LIFE PanPuffinus! Project which could be used as templates for drafting similar plans for other protected areas).
- Target 8. Action 8.6 could cater for stronger protection of the International Dark Sky Heritage sites in Malta. Clear and precise noise and light reduction targets should be included into the management plans for the N2K sites (including by updating the plans which do not contain such targets). Underwater noise issues should be studied further and addressed accordingly, especially within the MPAs.

- Target 9. Action 9.1 (as most other actions) should be divided into further sub-actions, one of which shall be compiling a National Action Plan (under the Rome Strategic Plan for Eradicating illegal Killing, Taking and Trade of Wild Birds in Europe and the Mediterranean Region) to reach 50% reduction in IKB till 2030.
- Target 9 should also have regard for such sensitive issues as release of captive-bred specimens into the wild, a procedure for which is not regulated at the moment and can lead, (if not already) to environmental risks associated with genetic contamination of wild fauna, pathogens spread, etc.



- To achieve Target 10 such a symptomatic indicator as Farmland Bird Index (FBI) needs to be effectively applied. For this, FBI should be updated annually as per EU obligations.
- Target 11. The issue of unsustainable fishing practices is urgent to address, since it does not only destroy the marine environment, but affects the food security in a longer perspective. Supporting local low-scale fisheries, improving monitoring of fishery activity (such as installing REM on all vessels, ensuring frequent on-board observations and more effective landings control), providing incentives to fishers to apply mitigation measures, eliminating harmful subsidies, conducting timely and efficient impact assessments, raising awareness on the repercussions of overfishing, bycatch and other unsustainable practices, etc. are vital measures to address the problem. No-take zones within the designated MPAs should be established to give opportunity for passive restoration of damaged ecosystems and depleted fish stocks. Such no-take zones shall fall within the areas of Marine N2K sites with stricter protection.
- Principle declared under Target 14 should be duly applied to the allocation of relevant funds (such as EMFAF, funds under the CAP, etc.).
- Local councils should be given a strong and empowered role in the implementation of all Targets, especially Target 16 and whole Policy Area 5. The local initiative should be welcomed and supported; the local councils' opinion regarding large-scale projects and developments within their boundaries should be duly valued and their concerns prioritised.

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