

Maltese Legislation Regulating Ground Water

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Legal Status of Water - Its History

- 1860 : Owner of Tenement has “right of use” ...exceptions: servitudes & rights of lower tenements
- 1938 : Restriction of use to guarantee adequate water supply
- 1939 : Use against payment for Irrigation
- 1943 : Licensing/restriction of use to guarantee adequate water supply.



History of Legal Status cont'd

- 1991 : Rights of administrative and regulatory controlled transferred to WSC
- 2000 : Definition of Water as a Resource falling under the regulatory control of MRA to secure quality and quantity of the resource
- 2001 : Water defined as part of the Environment, Govt to act as *bonus pater familias* ...



2004 Malta an EU Member

- **Direct Regulation**
- ..Water framework Directive
- ..Ground Water Directive(LN 203/2002)
- **Indirect Regulation**
- ..Nitrates Directive
- ..Landfill Directive
- ..Biocides Directive
- ..Drinking Water Directive
- ..Plant Protection Products Directive



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Protection of Groundwater Against Pollution Caused by Dangerous Substances

- Preventive...set thresholds for Scheduled substances to prevent pollution therefrom
- Remedial..provide for monitoring and penal provisions
- Preventing GW pollution/degradation not just from scheduled substances
- Total prohibition of direct discharges of schedule 1 substances.



LN 203/2002 (cont'd)

- MRA is the competent authority for granting authorization for permitted discharges
- MRA legally obliged to withdraw authorization if applicant cannot abide by conditions stipulated
- MRA legally obliged to carry out prior investigations in indirect discharges



The Water Framework Directive

- A holistic approach in the field of Water Management..a first time for Malta
- Ground water as part of inland waters
- Responsibility mainly in the hands of MRA but at times MEPA
- Aim: To prevent deterioration of the status of all bodies of GW
 - ..To prevent/limit input of pollutants in GW



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Water Framework Directive

- MRA obliged as competent authority to put into effect “recovery costs”
- Recovery costs may not be applied if the situation does not compromise the purpose and achievement of the regulations’ objectives
- Other obligations include management plans ie program of measures to achieve environment objectives to comply with the Directives obligations



Conclusions and Recommendations

- Some Lacunae in the Law eg absence of subsidiary legislation contemplated in MRA
- Lack of appropriate delineation of roles of the Competent Authorities...need for Memoranda of Understanding to guarantee a comprehensive administrative framework where there are no lacunae or duplication of roles



Conclusions and Recommendations

- Involvement of Stakeholders to guarantee transparency,adequate planning,secure one-stop-shop methodologies,guarantee compliance
- Adequate capacity building in the institutions to avoid free-riders/guarantee level playing field,efficient enforcement
- EU Infringement Procedures and Environment Fund



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THE BEGINNING!

Thanks

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