

Environmental Law in Malta

Simone Borg and Louise Spiteri
Kluwer Law International (2010)

The monograph by Simone Borg and Louise Spiteri could not have come at a better moment in time. In July 2010 the House of Representatives approved a new law, the Environment and Development Planning Act, 2010. This law came into full force in December 2010. This volume thus constitutes an indispensable tool to understand better the principles of Maltese environmental and planning law enshrined in the new statute. Like the 2010 enactment, this book studies environmental law from a holistic point of view: the environment is discussed within the context of development planning and, undoubtedly, both areas of the law are inseparable. Indeed, prior to the enactment of the Environment and Development Planning Act, Maltese Law had a law on development planning – the Development Planning Act, Chapter 356 of the Laws of Mal-

ta, – and another law on environment planning – the Environment Protection Act, Chapter 435 of the Laws of Malta. But these two areas of the law are so much interwoven together that a legislative attempt has been made so that the overlaps which existed between these two laws be ironed out in the new enactment. Even the book under review has taken this integrated approach of studying planning law and environmental law in one publication.

As we read from Borg and Spiteri's studious contribution, Maltese environmental law has three primary sources: international environmental law; European environmental law and Maltese home grown environmental law. Following EU accession Malta has had to take on board the EU environmental acquis. This is a welcome addition to Maltese environmental laws as it has ensured that Malta partakes of the best environmental standards which the EU applies in its environmental acquis. It must also be recognised that EU environmental law is also in itself inspired by international environmental law and several Council decisions have been adopted whereby the EU has acceded to international environmental treaties. But this book also re-

minds the reader of another source of Maltese Law which is not necessarily modelled on international law or European law. That is Environmental Law which has originated in Malta. The regulation of offroading and the preservation of sand mentioned by the authors in their work are two cases in point.

This book has to be commended as it has for the very first time in Maltese legal history afforded to the law practitioner and student a comprehensive vademecum of Maltese environmental law. Of course, in the past there have been quite a number of law theses written at doctoral level at the Faculty of Laws of the University of Malta on the diverse aspects of environmental and planning law but none of them have surveyed Maltese environmental law in one single publication in such a comprehensive a manner. This is the novelty of this book and its contribution to legal literature. At least it can now be said that we have an authoritative book which discusses Maltese Environmental Law in its diverse aspects.

Of course, it is not possible to discuss in greater depth the merits of this volume. However, one point which struck me most when reading this book is how

much development planning law and environmental law are inter-related to each other. In fact they are so much fused together that it is no longer sensible to consider them as two distinct and separate areas of the law as we have been doing in the past. Indeed, this book reinforces the need of one law and one institution responsible for both environmental protection and development planning. This is what the Environment and Development Planning Act, 2010 seeks to achieve.

In so far as the extent of topics covered by this monograph goes, it first starts off by providing the necessary background to the Maltese archipelago in terms to geographical, demographical, cultural, social, legal, political and economic information. It then surveys the institutional set up relevant to the environment – primarily the Malta Environment and Planning Authority – and moves on to identify the sources of Environmental Law. The volume is then divided into six parts dealing respectively with horizontal issues (environmental assessments, public participation and access to information), pollution control (air pollution, climate change, water quality, noise pollution and pollution from other sources), waste management (solid wastes, liquid wa-

stes and packaging waste), nature conservation and management (landscapes, nature reserves, wildlife protection, agricultural resources, fish resources, subsoil and minerals and sand preservation), zoning and land-use planning, and liability and juridical actions. As seen from this list of topics dealt with by Dr Borg and Dr Spiteri, the monograph attempts to be as comprehensive as possible illustrating the main areas of Maltese Environmental

Law in one single publication. It is augured that the effort of these two authors should hopefully stimulate more publications in the realm of Maltese Environmental Law.

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