3rd River Basin Management Plan: MALTA

7. Environmental Objectives and Exemptions

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7.1. Environmental Objectives and Exemptions for surface waters

The overall objectives of the Water Framework Directive for surface waters is the achievement of good ecological status and good chemical status of such water bodies by 2015. The third RBMP evaluates progress in achieving these objectives within the timeframes of the third implementation cycle i.e. 2021 – 2027.

When these objectives cannot be achieved within the established timeframes, exemptions are applied. These exemptions range from small-scale temporary exemptions to mid-term and long-term deviations from "good status by 2015". These exemptions are listed hereunder:

- Article 4(4): the extension of the deadline: good status must be achieved by 2021 or 2027 at the latest or as soon as natural conditions permit after 2027
- Article 4(5): the achievement of less stringent objectives under certain conditions
- Article 4(6): the temporary deterioration of the status in case of natural causes of *force majeure*
- Article 4(7): allows new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, new sustainable development affecting high status water bodies, or failure to prevent status deterioration of a body of surface water (including from high to good status) because of new sustainable human development activities.

7.2. Status Objectives: Surface Waters

The third RBMP seeks to achieve the WFD objectives by addressing the gaps between the current ecological classification and chemical status each surface water body and the 'good' ecological status/potential and chemical status. For this purpose, objectives need to be set for each water body depending on its current status.

The objectives for each water body are elaborated on the basis of its current status, as updated through the third RBMP, and includes the timeframe by when good status will be achieved, noting that the latest timeline by when such status should be achieved is set as 2027 by the Directive (Article 4(4)).

When there is not enough confidence that good status will be achieved, exemptions need to be applied. In line with the requirements of the WFD, the possibility of extending the 2015 deadline for achieving good status should be explored first before considering the application of a less stringent objectives.

The timely achievement of good ecological or chemical status in surface waters is dependent on various factors including:

- the recovery potential of the aquatic ecosystems with respect to their current status: some ecosystems may take longer time periods to recover and reach good status

- the nature of the chemical causing failure in good chemical status: some chemicals remain in circulation long after their discharge into the environment is reduced or phased out
- the timelines by when the management measures are implemented and their effectiveness in achieving such status within the stipulated timeframes.

The status objectives for each surface water body are included in Table 1.

7.2.1. Exemptions

In view of the generally good ecological and chemical status of coastal water bodies[1], management efforts in relation to such water bodies are focused on no deterioration or maintenance of such status.

However, the situation for inland surface and transitional water bodies is different. All three natural inland surface water bodies (Wied tal-Baħrija, Il-Qattara and L-Għadira ta' Sarraflu) are in bad ecological status; the two heavily modified watercourses (Wied il-Luq and Wied tal-Lunzjata) are in poor ecological potential; and two heavily modified transitional waters (Il-Magħluq ta' Marsascala and Il-Ballut ta' Marsaxlokk) are in bad ecological potential. Furthermore, the ecological classification of the other three heavily modified transitional waters (Is-Salini, Is-Simar and L-Għadira) in good ecological potential is doubtful since not all relevant Biological Quality Elements have been assessed.

There is very low confidence in the achievement of good status/potential for such water bodies by 2027. This is due to the fact that the third RBMP represents the first management effort for these water bodies that is based on the status assessment process. Time is thus required, not only for the implementation of the measures, but for these measures to have the required effect. For this purpose, application of Article 4(4) is being sought for all inland surface and transitional water bodies.

The possibility for the need of less stringent objectives for some of these water bodies is not being excluded, also due to the uncertainties associated with the unique characteristics of Malta's water bodies and the applicability of the assessment methodologies in defining ecological status for such waters. The poor/bad ecological classification could be due to the natural characteristics of the small water bodies, rather a response to pressures, warranting the need for consideration of less stringent objectives in accordance with Article 4(5).

The need for exemptions in relation to the chemicals on the basis of which water bodies are failing chemical status will be assessed in the upcoming WFD implementation cycle.

The exemptions being applied for each water body are indicated in Table 1.

[1] MTC105 is a heavily modified water body that has been classified of 'moderate' ecological status. Assessment of ecological potential is pending monitoring on the basis of the re-delineation of such HMWB.

Table 1*: Status, Objectives and exemptions for each category of surface water bodies*

Water body	Code	Current Status		Status Objectives	Exemptions
		Ecological	Chemical		
Wied tal-Baħrija	MTWC01	Bad Ecological Status	Failing to achieve good status	Good ecological and chemical status. Possibility of less stringent objectives to be assessed	2027 or when natural conditions permit
Wied il-Luq	MTWC02	Poor Ecological Potential	Failing to achieve good status	To achieve good ecological potential and good chemical status	2027 or when natural conditions permit.
Wied tal-Lunzjata	MTWC03	Poor Ecological Potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
Il-Qattara	MTSW01	Bad Ecological Status	Failing to achieve good status	Good ecological and chemical status. Possibility of less stringent objectives to be assessed	2027 or when natural conditions permit
L-Għadira ta' Sarraflu	MTSW02	Bad Ecological Status	Failing to achieve good status	Good ecological and chemical status. Possibility of less stringent objectives to be assessed	2027 or when natural conditions permit
Is-Salini	MTTW01	Good ecological potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
Il-Magħluq ta' Marsascala	MTTW02	Bad Ecological Potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
Il-Ballut ta' Marsaxlokk	MTTW03	Bad Ecological Potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
Is-Simar	MTTW04	Good Ecological potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
L-Għadira	MTTW05	Good Ecological potential	Failing to achieve good status	Good ecological potential and good chemical status	2027 or when natural conditions permit
Coastal Water Bodies	MTC101	High Ecological Status	Good	Good ecological status/potential and good chemical status.	No deterioration - no exemptions required
	MTC102	Good Ecological Status	Good		
	MTC103	High Ecological Status	Good		
	MTC104	Good Ecological Status	Good		
	MTC105	Moderate Ecological Status	Good		
	MTC106	Good Ecological Status	Good		
	MTC107	Good Ecological Status	Good		
	MTC108	Good Ecological Status	Good		
	MTC109	Good Ecological Status	Good		

7.2.2. Application of Article 4(7)

WFD Article 4(7) applies to new modifications to the physical characteristics of a surface water body, alterations to the level of bodies of groundwater and new sustainable human development activities, which can lead to failure of achieving WFD objectives. This article requires screening of development proposals to assess whether new modifications can lead to deterioration in water status.

The first step in an authorisation or licensing process of relevant development proposals is the 'applicability assessment' which determines whether:

- a new modification to the physical characteristics of a body of surface water / alterations to the level of bodies of groundwater might lead to deterioration / non-achievement of good status/potential, or
- a new sustainable human development activity might lead to deterioration from high status and needs to be accomplished in advance.

If a new project is not expected to result in deterioration of any of the Biological Quality Elements, or will not compromise the achievement of good status/potential (e.g. due to the application of mitigation measures), then no Article 4(7) test is required and the project can be authorised under the WFD.

During the second WFD implementation cycle, a number of development proposals were subject to Article 4(7) 'applicability assessment'. Cases subject to such screening were associated with development along the coastline, thus potentially affecting coastal water bodies. The manner in which the screening was undertaken varies depending on the scale of the development proposal and location, ranging from expert judgement to hydrological modelling to exclude deterioration of the water body status.

The type of development proposals which were screened per coastal water body are indicated in Table 2. The screening undertaken to date did not result in expected deterioration of WFD water bodies. Hence, Malta has not yet resorted to the application of Article 4(7) exemptions in relation to WFD surface water bodies.

Table 2*: Type of development subject to Article 4(7) applicability assessment in each water body*

COASTAL WATER BODY	PROJECTS SCREENED IN ACCORDANCE WITH ARTICLE 4(7)
MTC102	Breakwaters and groynes
MTC103	Piers/jetties
MTC104	Breakwaters
	Sports facilities
	Waste installations
	Beach nourishment
MTC105	Mooring facility
	Marina
	Sports facilities
	Ferry landings
	Cargo facilities
	Quays
MTC106	Breakwaters
MTC107	Breakwaters
MTC109	Piers

7.3. Status Objectives: Groundwater

The 3rd River Basin Management Plan confirms the status objectives established under the 2nd RBMP for all bodies of groundwater in the Maltese islands, namely the long-term objective of achieving good quantitative and qualitative status in all groundwater bodies, with the exception of the two minor groundwater bodies at Pwales and Mellieħa, where Less Stringent Objectives will be applied, as outlined under Article 4(5) of the Water Framework Directive.

Table 3: *Status Objectives for Groundwater Bodies in the Malta River Basin District.*

GROUNDWATER BODY	CODE	STATUS OBJECTIVES
Malta Mean Sea Level	MT001	Good
Rabat-Dingli Perched	MT002	Good
Mġarr-Wardija Perched	MT003	Good
Pwales Coastal	MT005	Less Stringent Objectives
Miżieb Mean Sea Level	MT006	Good
Mellieħa Perched	MT008	Good

Mellieħa Coastal	MT009	Good
Marfa Coastal	MT010	Less Stringent Objectives
Comino Mean Sea Level	MT012	Good
Gozo Mean Sea Level	MT013	Good
Għajnsielem Perched	MT014	Good
Nadur Perched	MT015	Good
Xagħra Perched	MT016	Good
Żebbuġ Perched	MT017	Good
Victoria-Kercem Perched	MT018	Good

7.3.1. Exemptions

Due to the long natural response time of the groundwater bodies, arising as a result of both the long percolation time in the unsaturated zone and the high storage to recharge factor, it is envisaged that longer timeframes (beyond 2027) will be required for the good status objectives to be achieved. In as much, the 3rd RBMP sets status objectives due to natural conditions (Article 4(4) of the Water Framework Directive) for all groundwater bodies with the exception of the Pwales and Marfa Coastal groundwater bodies which have been assigned Less Stringent Objectives. For the latter two groundwater bodies, the main objective therefore is that of preventing further deterioration in their status.

Table 4: *Status Exemptions for Groundwater Bodies in the Malta River Basin District.*

GROUNDWATER BODY	CODE	CURRENT STATUS	STATUS OBJECTIVES	TIMELINE
Malta Mean Sea Level	MT001	Poor	Good	2027 or when natural conditions permit
Rabat-Dingli Perched	MT002	Poor	Good	2027 or when natural conditions permit
Mġarr-Wardija Perched	MT003	Poor	Good	2027 or when natural conditions permit
Pwales Coastal	MT005	Poor	Less stringent objectives	No Deterioration
Miżieb Mean Sea Level	MT006	Poor	Good	2027 or when natural conditions permit
Mellieħa Perched	MT008	Poor	Good	2027 or when natural conditions permit
Mellieħa Coastal	MT009	Poor	Good	2027 or when natural conditions permit
Marfa Coastal	MT010	Poor	Less stringent objectives	No Deterioration

Comino Mean Sea Level	MT012	Poor	Good	2027 or when natural conditions permit
Gozo Mean Sea Level	MT013	Poor	Good	2027 or when natural conditions permit
Għajnsielem Perched	MT014	Poor	Good	2027 or when natural conditions permit
Nadur Perched	MT015	Poor	Good	2027 or when natural conditions permit
Xagħra Perched	MT016	Poor	Good	2027 or when natural conditions permit
Żebbuġ Perched	MT017	Poor	Good	2027 or when natural conditions permit
Victoria-Kercem Perched	MT018	Poor	Good	2027 or when natural conditions permit