

Questionnaire on the right to science in the context of toxic substances

Feedback of the Government of Malta

2. Is some formulation of the right to science protected under the Constitution in your country? If so, please provide the relevant provisions, and if needed, a translation of these provisions.

The right to science is not explicitly mentioned in the Constitution of Malta, however, Article 8, listed under the Declaration of Principles entrenched in Chapter II of the Constitution, states that *“The State shall promote the development of culture and scientific and technical research.”*

Furthermore, Article 13 of the Charter of Fundamental Rights of the European Union, specifically requires that *“The arts and scientific research shall be free of constraint. Academic freedom shall be respected.”* The Charter is applicable in Malta owing to the European Union Act (Chapter 460 of the Laws of Malta).

In addition, the Environment Protection Act (Chapter 549 of the laws of Malta), makes provision for the protection of the environment and for the establishment of an authority with powers to that effect. Part II of this Act, relates to the Duty of the Government to Protect the Environment, and regulation 4 (1) (e) therein states that:

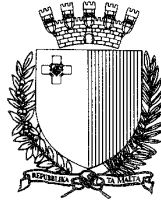
“(1) It shall be the duty of the Government to protect the environment for the benefit of the present and future generations and to that effect: [...]

(e) to apply scientific and technical knowledge and resources in determining matters that affect the environment”.

4. Has your country adopted any official policy relating to scientific research and progress in the environmental protection context? If so, please provide a summary of the main elements included in such a policy.

The Environment and Resources Authority (ERA) issues the State of the Environment Report (SOER) every few years such that any ambient quality monitoring results (be it air, soil, water, and marine) are presented so as to inform the public and policy makers on the latest state of the environment. Such reports are used to measure progress in the environmental protection context.

Apart from the SOER though, the actual detailed policy is presented in various plans and reports, depending on the thematic area. For instance in the case of the Marine environment, an initial assessment required as part of the obligations of the EU Marine Strategy Framework Directive (MSFD), assesses the status of contaminants in the marine environment and contaminants in sea food is used to develop management measures under the MSFD programme of measures.



ERA also embarks on projects which fall under the environmental sector research category. Examples include the estimation of the contribution of shipping activity to ambient air quality and the full speciation of PM10 in the locality of Msida.

5. How does your country ensure that regulatory decisions concerning protection of human health and the environment from the risks and hazards of hazardous substances and wastes is based on the best available scientific evidence?

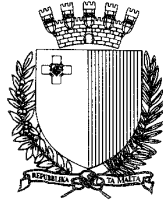
The EU plays an important role in ensuring that regulatory policy and legislation is based on the best available scientific evidence available at a regional level. Technical know-how is also often shared with MS through technical expert meetings and reports published by the EEA, Joint Research Council and European Chemicals Agency. Malta often follows suit. When it comes to the actual decision taking at a national level, the science-based approach is not always possible, particularly when scientific knowledge and scientific certainty is lacking and yet to be established. In such cases a precautionary approach is taken to ensure the protection of human health and the environment.

6. Given the scientific uncertainties that often exist in the field of toxic substances, how does your country ensure that relevant laws and policies governing toxic exposure are precautionary in practice?

First of all, the Precautionary Principle is incorporated explicitly into appropriate legal, institutional and policy frameworks for environment protection, biodiversity conservation and natural resource management. In the case of Malta the precautionary principle is enshrined in Chapter 549, the Environment Protection act whereby it is considered to be one of the established duties of the Government of Malta to take ‘ *such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle*”

For instance, when drafting waste prevention programmes or waste management plans, Malta is to take into account the general environmental protection precautionary principles along with sustainability principles, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts.

In addition, all relevant stakeholders are included in a transparent process of assessment, decision-making and implementation giving them the opportunity to bring to the fore their available knowledge on the issues where there is absence of absolute or conclusive scientific proof. In this way precautionary decision-making is based on the best available information, including that relating to human drivers of threats, and traditional and indigenous knowledge.



7. What measures does your country adopt to prevent third parties from distorting scientific evidence or manipulating the scientific basis of regulatory or judicial processes?

From an environmental regulatory point of view, the Environment and Resources Authority (ERA) disseminates any scientific data it owns through the publication of periodic reports on various environmental dossiers and whenever such data is requested by third parties, thereby providing the necessary information available for public use. Whenever scientific information is misrepresented in publications or in the press, ERA corrects that information or issues clarifications to prevent further public misconceptions.

9. What measures does your country adopt to fend against disinformation or misinformation campaigns by private entities regarding scientific evidence and findings?

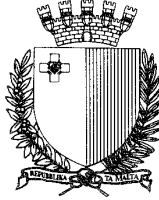
From an environmental perspective the constant dissemination and communication of scientific findings to the public is one way of ensuring against misinformation or disinformation. There is the constant reviewing of what is projected in the media and ERA ensures that any misinformation is corrected.

11. What measures does your country take to advance international cooperation on scientific matters regarding hazardous substances and wastes?

Malta is party to several relevant Multilateral environmental agreements, most importantly the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Minamata Convention on Mercury and the Convention on Long-Range transboundary Air Pollution. Malta also participates in the intersessional process of the Strategic Approach to International Chemicals Management (SAICM) that aims to strengthen the sound management of chemicals and waste beyond 2020.

Malta also shares information and experience at a Mediterranean level through implementation of the Barcelona Convention for the protection of the marine environment and the coastal region of the Mediterranean, and its related protocols, namely the Land-based sources Protocol, the hazardous Wastes Protocol, the Dumping Protocol and the Prevention and emergency protocol related to pollution from ships and emergency situations.

Malta actively participates in the pan-European Joint Programming Initiative (JPI) on Healthy Seas and Oceans (JPI Oceans), which in turn helps facilitate international collaborative research in the field of marine and maritime science, through the setting up of Joint Actions. Malta is currently participating in two Joint Actions that address hazardous substances and waste in the marine environment. The Joint Action, Microplastics in the Marine Environment, focuses on supporting R&I on the sources of microplastics, the method for identifying smaller micro and (nano-) plastics, as well as the monitoring of their circulation in marine systems. Malta is also participating in a new JPI Oceans Joint Action, Science for Good Environmental Status (Science4GES), in which it has also a co-lead role. The aim of this Joint Action is to support joint transnational scientific efforts to contribute to the harmonised implementation of the



Marine Strategy Framework Directive (MSFD) across Europe. Some of the descriptors found in the MSFD focus specifically on tackling sea contaminants and marine litter.

13. Does your country provide opportunities for citizens to become involved in scientific research, to comment and to participate in public debates regarding scientific evidence, and to access information on scientific findings?

The Environment and Resources Authority provides participates actively and organises:

- Citizen Science in relation to the collection of scientific evidence; and
- ERA website and public consultation sessions with respect to the access of information and evidence-based policy, with special reference to the State of the Environment Report that is published every 4 years

Additionally:

Debates – Esplora offers panel discussions in Public Engagement Events purely for the reason of citizen engagement as opposed to traditional presentations. Esplora also offers various Science Cafes on-site (online during pandemic). These are debates in which professionals are present and the public can comment, ask questions, and discuss at any point in time. Examples include one on the COVID-19 challenges as well as one on Climate Change.

With regard to access to findings –we have several initiatives such as:

1. Our new Research Blogs - <http://esplora.org.mt/category/research-blogs/>
2. We also aim to do a STEAM Dissertation Research Seminar in Q4 of 2021 where we will launch an expression of interest for those who would like to present their dissertation findings to the public (Master or PhD).
3. We also do Family Science Days where we bring researchers on-site to explain their research to families.
