

Hon. Dr Aaron Farrugia
Minister for the Environment, Climate Change & Planning

17th April 2021

Dear Dr Farrugia

As a group of NGOs whose mission is also to preserve the country's environment and its environmental resources, we are presenting a written request for the removal of Professor Victor Axiak from his post as head of the Environmental Resources Authority.

This request stems from the fact that Prof Axiak has, repeatedly and unashamedly during the last few years, acted and voted against the environmental wellbeing of this country. Instead of acting as a guardian for our limited environmental resources, and duly guiding ERA to behave as an authority and regulator, Axiak has consistently chosen to ally himself with developers and roadbuilders, thus ignoring objections and concerns about conservation, but also public wellbeing.

Axiak has used his vote on the PA board to justify the destruction of huge swathes of arable land by giving ERA's blessing to the Central Link project. This is deeply ironic, because arable land can be considered to be an environmental resource, but the roadbuilding spree is working in the opposite direction at breakneck speed. We cannot count on a fair and just representation of facts if the ERA and its head are unable to understand, let alone mitigate the damage roadbuilding is doing to our green spaces.

The ERA recently gave the greenlight to the destruction of mature carob trees in Dingli, once again in a bid to appease the Transport Ministry and its roadbuilding agency. This, too, is in direct contradiction of ERA's mission statement.

Again, the environmental regulator finds no objection with the building of a roundabout in Burmarrad which will directly service a proposed ODZ supermarket and which will result in the takeup of private agricultural land and potentially damage the water supply all the way to Salina, ensuring that farming in the area faces a slow death. It is worth noting that over 6,000 citizens and the Superintendence of Cultural Heritage have objected to this development, but the environmental regulator is nowhere to be seen.

It is only natural for us to wonder aloud whether ERA has been secretly taken over by the above-mentioned ministry.

In fact, we were less than surprised to read that your regulator has found no objection to the redevelopment of the Pulvich fireworks factory in Dingli, despite objections back in 2017. Now that Infrastructure Malta has laid out electricity and water services leading to the

factory's site – without any permits whatsoever, as is now customary – ERA has also dropped its concerns about this project.

Besides questioning the works undertaken by IM themselves in a rural area, ERA's withdrawal from the scene indicates that the regulator is doing its best to keep out of the way of projects planned, sponsored or otherwise blessed by the Transport Ministry and its agencies.

In this vein, we are appalled at the fact that the Authority decided to waive the EIA studies for the Msida Creek project, which will have significant impacts and is already being pushed through without consultation with residents. That the authority responsible for the environment refuses to study the impact of such projects on the environment itself leads us to question the very function of this entity.

Prof Axiak distinguished himself back in 2018 for his astute defence of the DB Group's EIA for their project in Pembroke. We were appalled to hear Axiak praise the EIA and vote in favour of the project based on the EIA alone; again, we wonder how a massive project such as that can be beneficial to our natural resources, including the caves of Ghar Harq Hammim which will be directly threatened by this project and two Natura 2000 sites.

We are also displeased at Axiak's behaviour towards residents in a particular sitting related to the proposed Marsascala waterpolo pitch (2020). During this sitting, Axiak blamed Marsascala's residents for the way their town has been developed over the last thirty years. He went on to add insult to injury: not only were the residents powerless in stopping the authorities from further development, but he, too, used his vote to justify a land reclamation project which faced stiff opposition from residents themselves.

The ERA's approval of the ecological disaster in Comino, on orders of the Gozo Ministry, amounts to yet another scandalous move to appease business interests to the detriment of the national environment. We are appalled, despite all the unsatisfactory explanations given, at the farcical greenlighting of these works instead of the reinstatement of the site: this will still allow the proliferation of kiosks on what was a pristine environment.

We consider this to be repeated, dishonest behaviour from a person in such a position, and we have no choice but to ask you to remove Prof Axiak from his role as chair of the ERA.

We believe that Axiak's successor should be a dedicated, motivated and independent individual, who has no current or previous links with developers, business groups and other lobbies, and who can truly guide the Environmental Resources Authority into becoming a respectable regulator, instead of a rubber-stamping entity that follows the whims of other authorities or key government personnel.

For the sake of transparency, we also believe that ERA board meetings should be open to the public, allowing citizens to make their representation, and any votes taken during these

meetings should no longer be kept secret, but every board member's vote should be logged and published.

We also believe that all other appointees who have, for reasons which escape us, voted against the environmental interests of the country, to be unfit to sit on the regulator's board.

Moreover, we ask you, as Minister responsible for the Environment, to amend the law so that Environmental NGOs have an automatic judicial interest in any appeals presented to the EPRT.

In 2019, a budget measure had capped the fees for EPRT appeals to a maximum of €1000 for eNGOs. Therefore, we think it's a contradiction – as well as a waste of time and resources for both parties involved – that an eNGO is told that it has no legal standing in a matter after three sittings, including submissions, paperwork, and the payment of fees. We believe that the “judicial interest” motivation is an excuse brought up by tribunal members, and this only serves to reinforce the “perception” of lack of transparency and integrity in the planning process.

Finally, we call on you, as Minister responsible for the Environment, to ensure that Malta's environment and all its resources, are fully protected under your watch. Your role to give guidance and direction is paramount in this endeavour, and cannot be hijacked by other ministries or corporate interests.

Signatories

1. **Extinction Rebellion Malta**
2. **Flimkien għal Ambjent Aħjar**
3. **Friends of the Earth Malta**
4. **Malta Youth in Agriculture (MaYA) Foundation**
5. **Moviment Graffiti**
6. **Nature Trust Malta**
7. **Ramblers' Association Malta**
8. **Rota**
9. **The Archaeological Society Malta**