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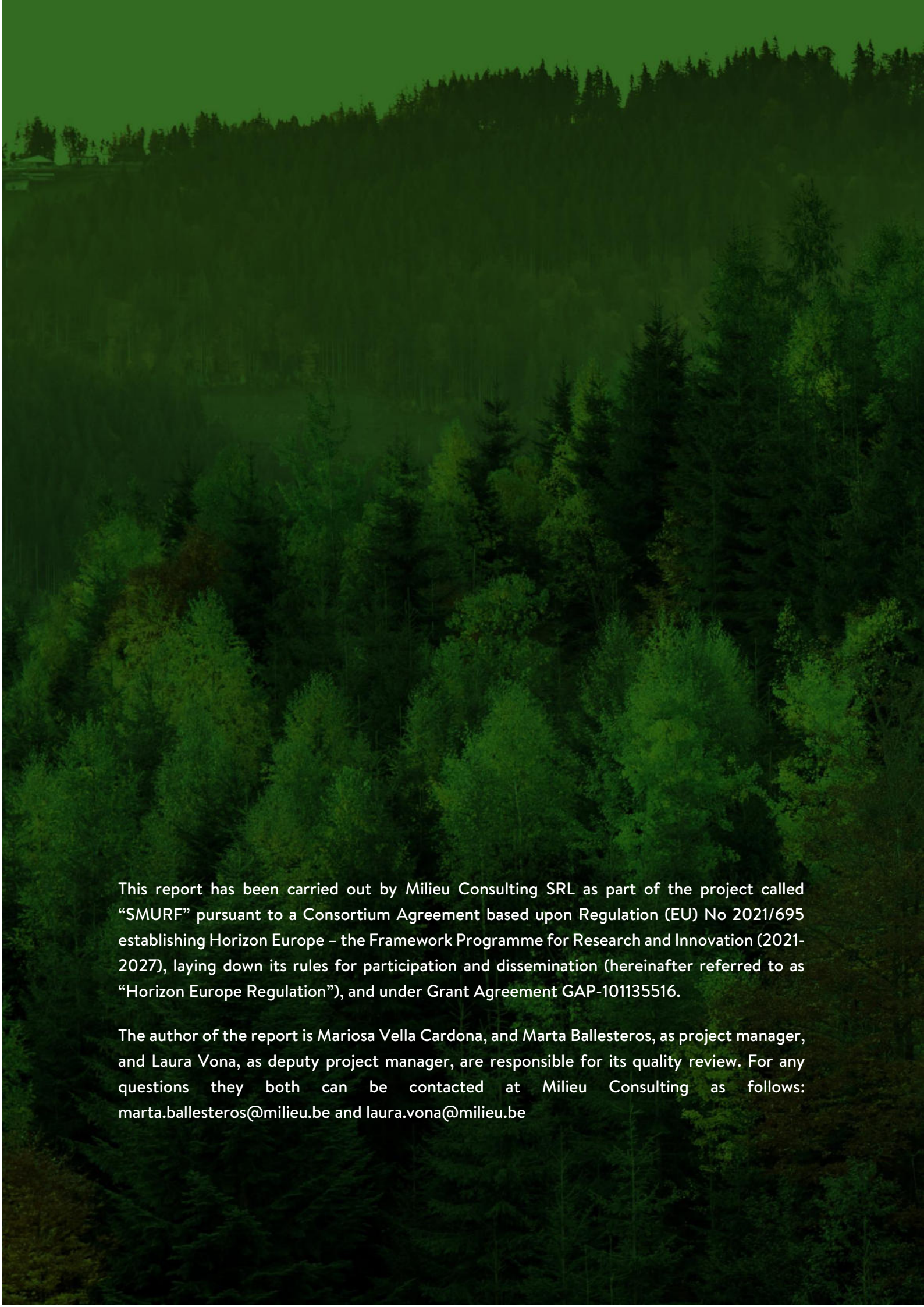
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
Malta

SMURF
THE FOREST OWNERS' PROJECT

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Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management (SMURF) - WP2

Executive Summary

Malta has an extremely limited forest resource, with around 350 hectares of woodland covering 1.1% of the territory, all of which is publicly owned and not used for commercial harvesting. Forest remnants are highly localised, with Buskett constituting the only mature woodland and designated as both a Special Area of Conservation and a Special Protection Area. Desk research confirms that no data exist on private forest ownership, no categories of collective or communal forests are recognised, and no forest land consolidation programmes operate in Malta. Ownership of immovable property is recorded through Malta's general property registration system, but there is no dedicated register for forest owners or forest holding.

The core legal framework for trees, woodlands and related interventions is provided by the Environment Protection Act and the Trees and Woodlands Protection Regulations. These are complemented by other environmental laws. Together, these instruments regulate the protection of trees and woodlands, interventions in protected areas, environmental permitting and the implementation of EU FLEGT requirements.

The Environment and Resources Authority (ERA) is the central competent authority for the protection and management of trees, woodlands and Natura 2000 sites.

Given the very small forest area and the lack of private forests, there are no specific rules on small forest owners, no forest-specific land market regulation, no dedicated forest companies framework and no targeted economic instruments for forest owners or managers.

Disclaimer on data availability

Forest cover in Malta is extremely limited, which means that information relevant to small forest owners is likewise scarce. The author has reviewed the applicable legislation and available reports, but very few specific sources exist. Additional efforts were made to obtain further information by contacting experts and requesting review, yet no additional material could be secured. This fiche therefore reflects the full extent of information that could be identified at the time of drafting.

Introduction

This is a Horizon project with a strong research approach. The name of the project is 'Sustainable Management models and value chains for small Forests' known as SMURF with the reference HORIZON-CL6-2023-CIRCBIO-01.

The general objective is to provide an analysis of the legal and regulatory framework in EU Member States applicable to small forest owners (SFO) in their practices aiming to Sustainable Forest Management.

The specific project objectives are:

1. Prepare a report on the legal framework on SFO for most EU Member State.
2. Identify the basic legislation regulating SFO and the specific articles setting rights and obligations and *provide the links* to those basic and articles.
3. Define the rights and obligations for SFO in EU Member States.
4. Define the legal framework for the economic activity of SFO in EU Member States.
5. Identify the main legal limitations or barriers for SFO in EU Member States.
6. Identify needs for legal reforms and propose specific legal improvements, when considered necessary.
7. Prepare a comparative analysis of the legal framework SFO in the EU Member States.

These guidelines provide the basic information for the elaboration of the report on legal framework applicable to Small Forest owners/holders. It is complemented by a pilot report showing as a model to show the level of depth of the analysis.

When using the term "legal framework" we consider:

- The organizational model of forestry and the forest value chain.
- The institutional framework, identifying the distribution of competences among the different administration levels (European, national, regional and local) and administration sectors (agriculture and rural development, environment, industry, interior, economics and others).
- The regulatory framework, identifying laws and regulations that affect forestry and the forest value chain. The key articles that set basic rules for forestry will be explicitly referred and translated into English.

The analysis will be focused on factors that affect the participation of forest holdings in the market. There is a particular interest in identifying barriers, obstacles and measures or instruments that have had a significant positive impact in the present functioning of the forest markets.

The analysis will describe the nowadays situation of the framework, although a contextual and short reference of the origin and evolution of the framework when needed for a good understanding will be included.

The analysis will consider the national legislation and will only refer to the regional legislation as a way of example to confirm the national legal framework or to show that in some regions the situation may be rather different.

The analysis will take into consideration the forest sector legislation, but not only, because the main barriers and legal limitations might be derived from the inadequacy of other sectoral laws (societal, fiscal, real state and ownership, cadastral, insurances) or requirements in some pieces of national environmental legislation. It will refer to Nature or Biodiversity Conservation law and to the Environmental Impact Assessment legislation while it might also refer to relevant agriculture legislation.

1. Basic legal and regulatory framework applicable to small forest owners

1.1. Context to the legislation

The **Environment Protection Act** 1(Cap. 549 of the Laws of Malta) provides that it is the duty of every person and entity, whether public or private, to protect the environment and to assist in the taking of preventive and remedial measures to protect the environment and manage natural resources in a sustainable manner. It also lays down that it is the duty of the Government of Malta to protect the environment for the benefit of the present and future generations2.

This Act also establishes the Environment and Resources Authority (ERA)3. One of the functions of such Authority is precisely that of formulating and implementing policies relating to the protection and management of the environment and the sustainable management of natural resources, and on such other matters as may be necessary for the better carrying out of the provisions of the Act itself. Furthermore, this Act empowers the Minister, in consultation with the Authority, to make regulations for the better carrying out of the provisions of this Act itself4. The subsidiary legislation analysed at Question 1.2 has been promulgated in terms of this Act.

1.2. Basic legal instruments

The main legal instruments which are of relevance to this project, and which are further analysed at Question 1.3 below are:

- **Trees and Woodlands Protection Regulations5** (S.L. 549.123 of the Laws of Malta) and
- **Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations** (S.L. 549.95 of the Laws of Malta)**6**;
- **Flora, Fauna and Natural Habitats Protection Regulations** (S.L. 549.44)7 and
- **Environmental Impact Assessment Regulations**8 (S.L. 549.46)).

The **Guidelines on Works Involving Trees**9 published by the ERA further seek to provide guidance to tree enthusiasts on how to carry out interventions in a manner which is sensitive to

1 Environment Protection Act, accessible at: https://legislation.mt/eli/cap/549/eng
2 Environment Protection Act, Articles 3 and 4.
3 Environment Protection Act, Article 6.
4 Environment Protection Act, Article 54.
5 Trees and Woodlands Protection Regulations, accessible at: https://legislation.mt/eli/sl/549.123/eng
6 Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations, accessible at: https://legislation.mt/eli/sl/549.95/eng
7 Flora, Fauna and Natural Habitats Protection Regulations, accessible at: https://legislation.mt/eli/sl/549.44/eng
8 Environmental Impact Assessment Regulations, accessible at: https://legislation.mt/eli/sl/549.46/eng

9 Guidelines on Works Involving Trees, accessible at: https://era.org.mt/topic/guidelines-on-works-involving-trees/

the environment and to the trees themselves. They also advise on how to apply for permits and licences to be considered a tree specialist.

1.3. Basic Regulatory framework

The objectives of the **Trees and Woodlands Protection Regulations (S.L. 549.123 of the Laws of Malta)** promulgated in terms of the Environment Protection Act (Cap. 549 of the Laws of Malta) are to protect trees and woodlands in the Maltese Islands, safeguard them, and to regulate the activities that may have an effect thereon10. About ninety (90) different tree species are protected under these Regulations. Mature trees over 50 years of age that are found in urban, public, open spaces are protected, irrespective of what species they are.

Also, in terms of regulation 7 of these Regulations, any site selected by the Authority in line with the criteria established in regulation 6 may be designated as a Protection Area. These criteria include:

"*(a) Maltese characteristic woodland communities;*
(b) trees or woodland communities which are rare, threatened, endangered or that have a reduced or restricted distribution in Malta;
(c) trees and woodland habitats critical to the survival, reproduction and recovery of endangered, threatened, vulnerable, endemic or otherwise important flora and fauna species;
(d) trees or woodland communities of scientific, ecological, aesthetic, historical, cultural, arboricultural, silvicultural, agricultural, educational or landscape interest;
(e) prominent landmark trees;
(f) historical trees listed in the List of Historical Trees having an Antiquarian Importance Order; or
*(g) ex-situ live collections of rare, threatened or endangered specimens*11."

The ERA is obliged to notify any one of the owners of any site designated as a Tree Protection Area of its inclusion in the list12.

In terms of this subsidiary legislation13, the ERA is able to apply a number of measures to mitigate adverse impacts on trees by limiting the activity of an intervention, transplanting within or outside the site, and demanding compensatory planting. These Regulations also make provision for the requirement to have licensed tree specialists to carry out interventions on protected trees and on trees located within urban, public, open spaces.

The obligations under the Regulations are supported by penalties, which are based on the rarity or protection status of the tree in question. The penalties also distinguish between interventions that result in the destruction/ death of the tree (highest penalty), and other lesser interventions.

10 Trees and Woodlands Protection Regulations, regulation 2.
11 Trees and Woodlands Protection Regulations, regulation 6.
12 Trees and Woodlands Protection Regulations, regulation 7 (6).
13 The salient characteristics of these Regulations are highlighted on the website of ERA at: https://era.org.mt/topic/trees-woodlands-protection-regulations/

The Regulations also allow ERA to impose administrative fines for infringements against these Regulations.

The Regulations also make provision for the control of invasive, alien or environmentally incompatible species, such as the blacklisting of additional species of EU concern and the prohibition on the use of such species in urban landscaping.

In terms of the Regulations, any intervention on any protected tree requires a prior permit from the competent authority. The ERA may impose any conditions it deems appropriate in such permits. ERA is also empowered to request a bank guarantee to be tied to a permit, issued through these Regulations. A bank guarantee would be forfeited if the conditions implied in the permit are not adhered to, such as when the trees that have been transplanted, or new trees that have been planted in compensation, are not cared for in a manner to ascertain their survival. This ensures that ERA will be in a position to maintain the trees themselves, should this be required. It is evident that at the core of these decisions, ERA applies sustainability criteria that go beyond the protection of individual trees.

In order to promote best practices, ERA has also developed the Guidelines on Works involving Trees, which include a list of conditions to be observed when carrying out interventions which can potentially be damaging to trees. These conditions seek to find a balance between works that are to be carried out and the health of the trees in question in order to ensure their long-term survival and their various ecological services. The Guidelines are divided into various sections, dealing with permits, registration of specialists and different works which are potentially damaging to trees. They provide guidance which should be followed during works such as pruning and transplanting and construction works in the vicinity of trees.

The **Flora, Fauna and Natural Habitats Protection Regulations14** and the **Environmental Impact Assessment Regulations**[15] also make provision for the requirement of a permit when projects fall within protected areas and include interventions on protected trees and shrubs listed therein. The competent authority for the purpose of these Regulations is also ERA. The screening which is carried out by the Authority in terms of the Environmental Impact Assessment Regulations includes the environmental sensitivity of geographical areas likely to be affected by the project, in particular, mountain and forest areas16.

The **Forest Law Enforcement, Governance and Trade Licensing Scheme Regulations** seek to implement Council Regulation (EC) No. 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community as amended and Commission Regulation (EC) No. 1024/2008 laying down detailed measures for the implementation of Council Regulation (EC) No. 2173/2005, may be amended from time to time. The Directorate

14 Flora, Fauna and Natural Habitats Protection Regulations, accessible at: https://legislation.mt/eli/sl/549.44/eng

15 Environmental Impact Assessment Regulations, accessible at: https://legislation.mt/eli/sl/549.46/eng

16 Environmental Impact Assessment Regulations, Schedule III, paragraph 2

of Agriculture is the competent authority for the purposes of these regulations, Regulation (EC) No. 2173/2005 and the Implementing Regulation. Penalties are laid down for offences provided for by these Regulations.

2. Governance and institutional framework

2.1. Distribution of competences between the State and Regional authorities.

- According to the legal framework, what are the relevant competences and responsibilities regarding decisions on forest management and forest management practices at the different State level (national, regional, municipal) in your country? Please describe the situation stating the legislation and relevant provisions.

Legal background

National competences

Regional competences

Local/municipal competences:

Forest coordination and advisory bodies

As explained above, the main relevant legislative measure is Trees and Woodlands Protection Regulations (S.L. 549.123 of the Laws of Malta). The ERA, established in terms of Article 6 of the Environment Protection Act, is the competent authority for the purposes of these Regulations.

2.2. Key representation organisations of the forest sector

1. Forest owners:
2. Forest municipalities:
3. Forest industry:
4. Forest clusters:
5. Forest contractors:
6. Forest Professionals:

In accordance with regulation 19 of the Trees and Woodlands Protection Regulations (S.L.549.123 of the Laws of Malta), ERA has established a register of people who are licensed to carry out interventions on trees which are either located within Urban Public Open Spaces17, protected through a Tree Preservation Order18 or located within a Tree Protection Area. This register can be accessed at: https://era.org.mt/topic/register-of-a-licensed-tree-specialist/

17 This is defined in regulation 3 (1) of the Regulations as including "*roads*, *roadsides*, *pavements*, *piazzas*, *public gardens*, *parks*, *cemeteries*, *roundabouts*, *central strips and other traffic islands*, *and ancillary landscaped areas*."

18 This is defined in regulation 3 (1) of the Regulations as "*any tree scheduled through a notice in the Gazette issued through the provisions of the Development Planning Act*".

7. Forest Agents or rangers:

Malta Ranger Unit (MRU) is an NGO having, as its main objective, the protection of the natural environment. It also seeks to educate the public about the natural environment and prevent environmental crimes through monitoring and legal action. Whilst the website of this NGO seems to still be under construction, their facebook page is accessible at: https://www.facebook.com/MaltaRangerUnit/

8. Forest Sciences:

9. Forest certification:

10. Public enterprises

11. Forest cooperatives

12. Other Forest organisations

3. Forest land ownership structure

- According to State statistics, what is the ownership structure of the forest in your country (at State level)? Please include relative and absolute data of forest ownership types, including average size of public and private forests and the number of area of forests in each size category)

3.1. Data on national forests ownership structure

There are only 350 ha of forest in Malta. Forest area is stable, and forest cover is 1.1% of total land area19.

Malta has one of the lowest levels of forest coverage and an extensive anthropicization of the land with the only remaining forest remnants occurring in localized pockets, with four particular corpses of significant age. Given the total woodland area of Malta and the forest/woodland areas considered for the compilation of the category Forest Land, none of these woodland areas are utilised for logging. In Malta, there is no relevant harvest commercialized for material use, and the wood for material use is currently imported from other countries. The only mature woodland in Malta now is only present in Buskett – and thus contains a Special Area of Conservation (SAC) and Special Protection Area (SPA)20.

From desk research, no more data regarding the ownership structure of national forests is available21.

Data about Tree Protection Areas, already alluded to above, may be accessed at the following link: https://era.org.mt/tree-protection-areas/

3.2. Definitions of forest ownership in your country

Please provide the definitions identified in the legislation applicable in your country following the guidelines shared with you.

- Forest owner
- Forest holder
- Forest manager
- Forest contractor

19 SoEF_2020.pdf (foresteurope.org) , FOREST EUROPE, 2020: State of Europe's Forests 2020.

20 Malta's National Energy and Climate Plan (December 2024): https://energywateragency.gov.mt/wp-content/uploads/2025/01/MT-%E2%80%93-FINAL-UPDATED-NECP-2021-2030-English.pdf

21 Sources consulted include: SoEF_2020.pdf (foresteurope.org) , FOREST EUROPE, 2020: State of Europe's Forests 2020, Table 41, 42 and 43 and also from ERA website, https://era.org.mt/topic/trees-woodlands-protection-regulations/ , ERA website and Food and Agriculture Organisation of the United Nations, https://openknowledge.fao.org/server/api/core/bitstreams/33a5491a-bdfd-48a5-a6aa-b79599458add/content, Global Forest Resources Assessment 2020, Report, Malta.

- Forest

The definition of forest in Malta is an area covering a minimum of 1Ha with trees having a potential to reach a minimum height of 2 - 5m at maturity in situ, managed under Natura 2000 management plans22.

The Trees and Woodlands Protection Regulations define "*woodland*" as including "*natural or semi-natural vegetation communities characterised by trees such as natural forest or woodland remnants, semi-natural woodland, primary and secondary maquis, coastal maquis, and riparian or rupestral copses*". *23*

The Regulations also refer to the concept of "*tree protection area*", defined as "*any site24 selected by the Authority in line with the criteria established in regulation 6 as a Tree Protection Area*". These criteria include:

"*(a) Maltese characteristic woodland communities;*
(b) trees or woodland communities which are rare, threatened, endangered or that have a reduced or restricted distribution in Malta;
(c) trees and woodland habitats critical to the survival, reproduction and recovery of endangered, threatened, vulnerable, endemic or otherwise important flora and fauna species;
(d) trees or woodland communities of scientific, ecological, aesthetic, historical, cultural, arboricultural, silvicultural, agricultural, educational or landscape interest;
(e) prominent landmark trees;
(f) historical trees listed in the List of Historical Trees having an Antiquarian Importance Order; or
(g) ex-situ live collections of rare, threatened or endangered specimens".25

These Tree Protection areas have been so declared by means of Government Notices 473 of 2011 and 316 of 201726.

3.3. Forest ownership types in your country

- Please provide a description of the types of forest ownership (e.g. public forest, private forest) identified in the legislation applicable in your country. Are there specific laws for certain types of collective, communal, vicinal or neighbourhood forests?

No such laws can be identified from desk research.

22 FAO report: Malta – Global Forest Resources Assessment 2020

23 Trees and Woodlands Protection Regulations, regulation 3 (1)

24 "*Site*" is further defined in the Regulations as including "*a single property or more than one property, irrespective of who is the owner*".

25 Trees and Woodlands Protection Regulations, regulation 6

26 The tree protection areas established by these Government Notices can be accessed at: https://era.org.mt/topic/protected-areas-trees/

- Are there well-established programs for forest land consolidation? Are there public bodies promoting or responsible for these programs?

3.4. Proof of ownership: Land registry and Cadastre

How is ownership proved?

Ownership of any immovable property in Malta can be proven by the registration of a public deed with the Public Registry. Some areas in Malta are also designated as "land registration areas". In such cases, searches for ownership and the registration of the transfer of ownership of any property which falls within designated land registration areas must also be carried out with the Land Registry which can issue a certificate of ownership.

It may be apt to note that the above and the replies below apply to private ownership. Public land belonging to the Government of Malta is not necessarily all registered in the Government's name in the register at the Public Registry or the Land Registry.

Is there a legal obligation to register ownership/property?

Yes. Any transfer of property must be carried out via public deed before a notary public. The latter is obliged to register the said deed with the Public Registry and the Land Registry, if the latter is applicable.

- Is there a registration fee?

Yes, approximately one euro per one thousand euro of value of property.

- Is there an official register of forest owners and of forest holdings? Is it shared with agricultural registers? Is it harmonized with the general property/ownership register?

There is no ad hoc official register of forest owners and of forest holdings. The ownership in any immovable property of any type (hence, including in forests and forest holdings) is registered with the Public Registry and the Land Registry, if the latter is applicable. A register for agricultural land is kept separately.

- Is the Cadaster/register well updated and reflecting real forest owners/holders?

Notaries are obliged to register any public deed published relating to the transfer of ownership of immovable property with the Public Registry. They must also register the ownership of any property situated in a designated land registration area with the Land Registry.

4. Rights and obligations: forest owner/holder and forest contractor

4.1. Overview

- According to the legal and regulatory framework what are the rights and obligations of forest owners/holders and forest managers in your country?

All the forests in Malta are 100% public forests27.
Permits may be required when projects fall within protected areas and include interventions on protected trees and shrubs as listed in the Trees and Woodlands Protection Regulations (S.L. 549.123), the Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) and the Environmental Impact Assessment Regulations (S.L. 549.46)). Instances where an environmental permit may be required include:

i. interventions on protected trees and shrubs (such as pruning, transplanting etc.);
ii. collection of seeds or cuttings from protected trees and shrubs;
iii. removal of Invasive Alien Species (if present in a protected area);
iv. planting of trees and shrubs in protected areas.

As explained above, the Trees and Woodlands Regulations make provision for measures to mitigate adverse impacts on trees by limiting the activity of an intervention, transplanting within or outside the site, and demanding compensatory planting. The said Regulations stipulte that "*no person shall carry out or permit to carry out any activity which in the opinion of the Authority may be damaging to any protected tree unless permitted by the Authority*28". Also, in terms of regulation 20 (1), "*Any intervention on any protected tree requires a prior permit from the competent authority*".

The Trees and Woodlands Protection Regulations also make provision for the requirement to have licensed tree specialists to carry out interventions on protected trees and on trees located within urban, public, open spaces.

It may be apt to note that in 2022, ERA launched a public consultation regarding Guidelines for Good Forestation Practices for the Maltese Islands29. These guidelines are, at the time of drafting of this report, still in draft form, since they are still awaiting the final approval of the relevant Minster.

The said draft guidelines are intended "*to provide a general guide for successful and functional planting projects in natural, rural and urban environments throughout the Maltese Islands, assisting various entities ranging from (but not limited to) Governmental and private entities, local councils,*

27 FAO report: Malta – Global Forest Resources Assessment 2015

28 Trees and Woodlands Protection Regulations, regulation 13.
29 https://era.org.mt/guidelines-for-good-forestation-practices-for-the-maltese-islands/

voluntary organisations, businesses, professionals (such as landscape designers, contractors, developers, engineers, architects) and also the general public to:

1. *promote environment-friendly and ecologically sound forestation practices;*
2. *encourage greening and ecological restoration incentives in different areas using suitable species;*
3. *establish common standards of good forestation practices, in line with complimentary legislation and policy;*
4. *encourage ownership and long-term maintenance of forestation projects;*
5. *support the implementation of the National Trees and Woodlands Strategy and Action Plan 2022-2030; and*
6. *support Malta's commitment and efforts in climate change mitigation and adaptation."*

The draft guidelines lay down some key considerations for forestation strategies including aspects such as evaluation of site assessment and preparation, responsibilities, capital investment and stakeholder involvement, maintenance and other matters.

4.2. Legal rights of the forest owner/holder

- Right to financial support/tax exemptions/subsidies? What are the requirements?
- Is there a right to decide about the forest management practices in their forest land?
- Is there a right to harvest?

4.3. Limitations to the rights of forest owner/holder

- Is there a limitation to change the land use of the land (from forestry to agriculture and/or urbanization)?
- Is there a legal limitation to the right to harvest? Is there a ban on clear cutting?
- Are there limitations to carry out non-forest activities in forest land (like mining, energy plants, etc.)?
- Are there specific limitations to carry out agricultural activities, like extensive grazing or temporary cultivation, on forest land?

- Is hunting right linked to ownership right? Is it considered a forest activity or does it have specific regulations?

- Are there citizens' rights to collect wild products in forest land? Are they linked to the ownership right or not?

- Are there rights to access (walking) on forest land? Are there specific regulations for public use of forest land, hiking, riding, biking, etc.?

4.4. Forest owner/holder obligations and requirements.

- Which requirements or obligations regarding forest management are imposed on owners?

- Is there a tax imposed on forest ownership?

- What type of permits the forest owner needs to manage their land?

    - How is the control of forest harvest determined? Is there an obligation to mark every tree to be cut or retained?

    - Are there technical, administrative or economic specifications on the forest products market? Are forest harvest contracts legally defined for public or private forests or for some specific types?

- Is there an obligation to prevent forest fires or other risks?

Regulation 17 of the Trees and Woodlands Protection Regulations (S.L. 549.124 of the Laws of Malta) provides that:

> *"17. (1) No person shall:*
> *(a) set fire to any protected tree;*
> *(b) generate a fire within a Tree Protection Area;*
> *(c) generate a fire near any protected tree;*
> *(d) let off fireworks within twenty (20) metres from a protected tree unless adequate measures are put in place to safeguard the trees.*
>
> *(2) The prohibitions set out in sub-regulation (1) shall not apply to:*

(a) a fire directly connected with or necessary for the management of a protected area, with the prior approval of, or upon request by, the Authority; or
(b) a controlled fire within the confines of a private dwelling."

- Is fencing or the use of forest roads regulated?

- Is there an obligation for forest owners and/or forest managers to be associated?

4.5. Forest manager/contractor obligations

- Which requirements or obligations on forest management are legally imposed on forest managers/contractors?
- What legal rights does the forest manager/contractor have in your country?
- Is there a requirement of a forest management plan? Are there detailed prescriptions on that?
    - Is there an obligation to register the responsibility of forest manager/contractor?
        i. Is registration based on product income?
        ii. Is there a registration fee?

- Is there a tax imposed on the forest manager? Is it based on income or hectares?

5. Forest Management plans

- Are forest management plans required in the legislation of your country?

  - ☐ Yes
  - ☐ No

  Specify where and the conditions as well as the amount of forest land with plans

- Are there other type of plans required such as:
  - ☐ Technical Plan
  - ☐ Financial Plan
  - ☐ Exploitation Plan
  - ☐ Fire prevention Plan
  - ☐ Hunting Plan

- Please indicate the minimum size of forest requiring a forest management plan?

- On **which legal basis are they required? Are they legally binding or only guidelines**?

- Who has the responsibility for the implementation of forest management plans? Please include national, regional, and local levels as appropriate. Please distinguish between state and private ownership. Please distinguish between different protection status.

- Are forest management plans being enforced?

- Is there an obligation to maintain a Forest Book (linked or related to the Farm Book of the Common Agricultural Policy (CAP)?

- How often do forest management plans need to be updated? Who is responsible for the update?

- Are specific mechanisms put in place to guarantee that national legislation is in line with European guidelines and criteria on forest management plans (i.e. Natura 2000 Forest Management Plans?

- Are there any specific requirements for the forest management plans in terms of content, structure or criteria? If yes, please elaborate.

- Are there any supporting mechanism for the management plans? If yes, please elaborate.

- Are there impact assessment required in your country in relation to the adoption of the forest management plans? What mechanisms are in place in your country to ensure that forest management plans are developed to ensure sustainable forest management practices? If yes, please elaborate.

- Are the Natura 2000 sites plans already implemented and well-coordinated or integrated with forest management plans? Are traditional forest activities recognized in those plans? Are there guidelines for small forest owners and managers on what they can and can't do?

Yes, Natura 2000 sites plans have been implemented.

Currently there are 37 terrestrial Natura 2000 sites designated in the Maltese Islands. The aim of the project, entitled "Natura 2000 Management Planning for Malta and Gozo" was to establish management plans and legal provisions for the management of all terrestrial Natura 2000 sites in the Maltese Islands and to increase awareness of Natura 2000 amongst the general public and stakeholders. A Management Plan was compiled for most of the sites forming part of the terrestrial Natura 2000 Network, while a Conservation Order was considered to be a more appropriate tool for the smaller sites30. No more information could be sourced via desk research.

30 Vide ERA website accessible at: https://era.org.mt/topic/natura-2000-management-planning-for-terrestrial-sites-in-malta-gozo/ and https://era.org.mt/topic/natura-2000-in-malta/

6. Sustainable forest management.

6.1. Sustainable forest management definition and forestry practices

- Is sustainable forest **management (SFM) defined in your country**?
  - ☐ Yes
  - ☒ No

- Does the definition of SFM include specific objectives?
  - ☐ Yes
  - ☐ No

- Does your country have specific guidelines on Sustainable Forest Management? If yes, are those mentioned in the legislation?
  - ☐ Yes, they can be found here:
  - ☐ No
  - ☐ Other sources defining or implementing Sustainable Forest Management

- Does your country have a Forest Strategy and/or Forest Management Policy setting policy priorities that implement a SFM approach?
  - ☐ Yes, they can be found here:
  - ☐ No
  - ☐ Other sources setting the Forest strategy/policy

- Which requirements/obligations result from the legally binding requirement for SFM?
  1. For forest owners
  2. For forest managers

- Are specific criteria and/or indicators to determine whether SFM is being achieved? Where are they described (see table below)?

- Are some **forest managers implementing sustainable forest management practices voluntarily**? If yes, how are these voluntary management practices taking place? Through citizen initiatives, local initiatives, or other ways? Please explain how forest managers ensure that forest management practices are sustainable.

- Which mechanism are put in place to support the implementation of SFM? Which measures are in place to monitor implementation of the SFM?

- Which forest management practices are required or prohibited by law in your forest/country? Please check below the proposed forest management practices and add supplementary ones if missing (Please include explanation of the legal requirements of the relevant techniques).
    - ☐ Closer to nature silviculture practices
    - ☐ Clear-cutting
    - ☐ Shelterwood system
    - ☐ Selective logging
    - ☐ Afforestation and reforestation to enlarge forest areas
    - ☐ Controlled burn
    - ☐ Mandatory salvage logging
    - ☐ Other .....

    - Are there limitations on the management models to be applied, like clearcuttings or their sizes? Is there a ban on clear cutting linked to SFM?

- Is there a defined/legal target for forest land to be managed for conservation and species protection objectives in your country or region?

    - Are there forest owner obligations related to forest restoration after harvest?

6.2. "Closer-to-nature" guidelines and practices

(This section relates to the Commission Guidelines on Closer to nature forest management but also Commission guidance on payment schemes for forest ecosystem services both aiming to provide information and guidance for sustainable forest management)

- Has your country incorporated the newly published Commission guidelines in their legal or regulatory framework?

- Has your country recognized under law/regulatory measure a closer-to-nature approach in forest management? If yes please provide the source where this is explained and elaborate below.
    - ☐ Yes: in the Strategy that can be found here: .....
    - ☐ No

- Does your country have legislation/measures setting specific biodiversity targets/management objectives for sustainable forest management at a national or regional level?
    - ☐ Yes, at national level – they can be found here:
    - ☐ Yes, at regional level – they can be found here: .....
    - ☐ No

    Please describe them and elaborate:

6.3. Climate change and Forest carbon absorption

- Does your country have legislation/measures setting specific climate change targets or objectives for sustainable forest management at a national or regional level?

In view of inherent national circumstances including the high population density of the islands and the limited land availability, and to a certain extent the local climatic conditions (such as limited rainfall), the potential for further reduction of CO2 emissions or enhancement of the removals through carbon sequestration in (new) vegetation is envisaged to remain minimal. The woodland areas of the Maltese Islands total about 200 hectares. These residual woodland areas are now protected by legislation. Data indicates that the potential abatement in this sector is small compared to other sectors.

The National Forestry Accounting Plan (NFAP) 201931 reported on Malta's planned levels of afforestation and estimated the likely levels of sequestration achieved by new and existing, forests. The total sequestration potential of Malta was estimated to be 0.0376 kt CO2 (or 37.6 tonnes CO2) for commitment period 1 (2021-2025) and 0.0479 kt CO2 (or 47.9 tonnes CO2) for commitment period 2 (2026-2030), which is a significantly limited contribution in the context of overall national net removals.

Notwithstanding, Malta is channelling significant investment into creating green spaces and ecosystem restoration in bolstering and strengthening the islands' ecology as well as improve accessibility to green spaces for Malta's population. In 2023 Malta created a new agency 'Project Green' tasked with the upkeep of national parks and other public spaces. Over a period of 7 years Malta will invest €700 million for the creation, maintenance and invigoration of parks, gardens and other green infrastructure. Although the minor positive impact on CO2 sequestration from these afforestation projects, will likely not be accounted towards the targets set by Regulation (EU) 2018/841 (Land Use, Land Use Change, and Forestry) due to methodological constraints (such as the applicable definition of forests), it is indisputable that these projects will be contributing to a healthier lifestyle, increased well-being and a more sustainable environment also by means of climate change mitigation and by creating or increasing natural carbon sinks32.

31 Malta Resources Authority (2019), National Forestry Accounting Plan Containing Malta's Forest Reference Level. Available at: https://cdr.eionet.europa.eu/mt/eu/mmr/lulucf/envxif3ca/Revised_NFAP_V1.pdf

32 Malta's National Energy and Climate Plan (December 2024): https://energywateragency.gov.mt/wp-content/uploads/2025/01/MT-%E2%80%93-FINAL-UPDATED-NECP-2021-2030-English.pdf

7. Forest land market

NOTE: The key objective is to identify and present information on the basic legal framework regulating market of forest land and inheritance processes.

- Are there specific legal requirements or limitations when selling and buying forest land?

N/A

- Are there limitations to divide the land by selling or inheritances?

N/A

- Are there institutions/bodies providing information related to the forest land market?

N/A

- Are there institutions/bodies contributing to dynamize that market, like forest land banks or advisory bodies (similar to the CAP advisory bodies) and others? Is there regular information on the amount of forest land transferred and the prices of transmissions? (Information on this market is usually missing)

N/A

- Are there regulations of forest land leasing? Are they common with agricultural land or independent and with specific requirements?

- Are there obligations and or access to insurances for forest land or forest activities?

N/A

- Are there specific regulations providing, facilitating or limiting access to financial credits for forest activities or mortgages on forest land?

N/A

8. Forest companies, Forest incentives and taxation.

Forest Companies

- Is there a register of forest industries? Is there a register of forest contractors?
  N/A
- Is there any specific regulation on forest ownership, forest cooperatives or other types of forest companies or are they all regulated under the Company Law?

All the forests in Malta are 100% public forests33.

- Do small forest owners have access to the status of forest companies?

N/A

Forest incentives and taxation

- Are there effective subsidies for forest owners and managers to implement SFM? And/or to carry out biodiversity conservation measures? If it does exist, please compare the total amount paid at national level in the last 3 years with available information with the amount defined as necessary at the Prioritised Actions Framework.

- What taxes are applicable to Forest companies and forest owners?

33 FAO report: Malta – Global Forest Resources Assessment 2015

9. Enforcement: Forest control and penalties.

- Are there specific measures in place to enforce compliance with the legal requirements on forest management?
  Please list only the legislative measures including the responsible body that are specific to forest management requirements.

10. Conclusions

10.1. Legal or regulatory barriers for SFM

- What are the main legal and regulatory barriers and enablers affecting the implementation of SFM in your country?

- Are there specific legal and regulatory barriers or challenges to implement a closer-to-nature approach in forest management in your country?

- What are the main legal drivers for implementing a closer-to-nature approach in forest management for relevant actors?

10.2. Legal or regulatory gaps in national forest legislation

Please provide key conclusions based on the information referred to in previous sections.

National experts on forest legislation and references

- Please provide the names and contacts of 3 to 5 experts in forest legislation in your country,

- Provide key books or articles analysing the national and/or regional forest legislation in your country, particularly if they compare it with other countries, if they analyse the effect in actual management of SFM.

PARTNERS



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