

## **PRESS RELEASE**

### **COMMENTS BY THE KAMRA TAL-PERITI ON THE REPORT ISSUED BY THE BOARD OF ENQUIRY ON THE LANDSLIDE AT XEMXIJA**

The Kamra tal-Periti welcomes the conclusions of the report where it finds MEPA guilty of adopting a 'two weights and two measures' attitude with regards to enforcement. The KTP has consistently registered its preoccupation to MEPA on this matter, following complaints by periti that some developments where major infringements are noted are allowed to continue unhindered while others where the infringement is of a minor nature are hit by the full force of enforcement procedures. This also applies to the processing of applications. The KTP therefore expects that the change process currently under way within MEPA will not be another useless paper exercise but that the recommendations by the Board of Inquiry be taken on board and implemented not only in the Enforcement Section but throughout the Directorate.

The KTP notes that it results from the enquiry, that experienced and key MEPA personnel are being delegated other duties connected with environmental monitoring at the expense of its efficient operation in the planning field. The change process should identify where MEPA lacks resources and Government should commit itself to providing sufficient funding to enable MEPA to meet its obligations at law.

The KTP furthermore notes that the Board of Inquiry recommends the introduction of a *Certificate of Lawfulness*. Presently all development has to be covered by a *Certificate of Compliance* before the development can be serviced with power and water. Rather than encumber the system with further procedures, the KTP suggests that in order to satisfy this requirement, the compliance certificate procedures be amended to incorporate every stage of the development from

site clearance to final completion. In case of transfer of property the appropriate certificate can be issued.

Although on the whole the recommendations for change could be seen as necessary and effective in the light of the scenario in which the report was drafted, the KTP recommends caution against hasty implementation as they might have an opposite effect on other procedures which are used in the planning process, or adversely effect innocent parties.

The KTP also welcomes the recommendation by the Board for MEPA to enter into discussion with it on cases of alleged misconduct by periti in connection with applications for permits and illegal works. It reminds however that all periti, whether KTP members or not, are subject to disciplinary action by the KTP in case of a breach of ethical conduct. This also includes periti employed by MEPA. It therefore expects MEPA to show the same concern and to report any unethical conduct of its professional staff in the same manner as for periti acting on behalf of developers.