

Meeting of the Malta Ornis Committee

Wednesday 1st February 2017, WBRU, 1630 - 1930

Minutes

Attending members:

Prof Mark Anthony Falzon – Chairman
Mr Sergei Golovkin - Secretary
Mr Mark Sultana – Birdlife (Malta)
Mr Nicholas Barbara - Birdlife (Malta)
Mr Stephen Saliba – ERA
Mr Lino Farrugia – FKNK
Mr Joe Perici Calascione – FKNK
Mr Frank Vassallo– Hunting and Trapping Expert
Mr Marco Falzon – Member nominated by Government
Mr George Coleiro - Member nominated by Government
Mr Mark Gauci – Avifauna Expert

Absent: Dr Josef Masini Vento - Member nominated by Government

(1) Adoption of the agenda

1.1 The agenda was adopted, however discussion on proposed item 4 (bird ringing) was postponed to future sessions upon request from Lino Farrugia.

(2) Approval of the minutes

2.1 Minutes of the meeting held on 15th December 2016 were approved, subject to corrections proposed by Birdlife (Malta) and FKNK.

(3) Matters arising and matters to report

3.1 Mark Sultana asked whether an update to the hunting data presented during the last Ornis session in December 2016 is now available. Sergei Golovkin confirmed that an updated report on the hunting bags registered in the past “hunting year” will be made public in the coming weeks.

3.2 Nicholas Barbara asked whether and when the report on the outcome of the finch live-capturing season will be available. Sergei Golovkin advised that as was also the case in 2015 and 2016, a full report will be made available to the Committee later in spring, possibly around April.

(4) Consideration of the potential derogation for spring hunting of quail

4.1 Chairman asked whether WBRU would wish to make any presentation on this item. Sergei Golovkin replied that during previous sessions held in 2016, WBRU has provided the Committee with all relevant information, including autumn hunting bag statistics for quail, the report of the independent scientific study on quail migration, and an updated assessment of the conservation status

of quail. At this stage the Unit does not have any further inputs to this item and it is now up to the Committee to make its recommendations to the government.

4.2 Chairman invited the Members to state their proposals.

4.3 Joseph Perici Calascione noted that since in the past years the derogation was acceptable, which was confirmed by ECJ judgement of 2009 and affirmed further in the 2015 referendum, and since there has not been a substantive change to the conservation status of quail or other parameters, the FKNK therefore proposes application of a 3-week spring hunting derogation in April, in accordance with the Framework Regulations, and subject to necessary strict supervision and enforcement.

4.4 Chairman queried the rationale behind proposing this derogation to take place in April, given that quail is known to migrate earlier, and given that the moratorium on the hunting of the turtle dove is in force and hence the need to avoid overlap of the season for quail with commencement of migration of the turtle dove. Joseph Perici Calascione explained that the 2015 referendum was held on the issue of whether to retain or abrogate the framework regulations that allow application of spring hunting derogation. Referendum resulted in the decision to retain these regulations. The law, in turn, stipulates that the hunting derogation can only take place during a maximum of 3 weeks in April. The law does not provide for the possibility of applying this derogation outside of this period, and indeed in the past when the FKNK proposed to extend the hunting season to May this was rejected on the grounds of inconsistency with the framework regulations. Hence the FKNK feels that the current regulations ought to be respected. Nonetheless, to account for the issue of overlap with turtle dove migration, FKNK proposes that the season starts on the 1st of April, i.e. well prior to turtle dove migration, and ends on the 21st of April, by which time turtle dove migration would have not yet fully peaked.

4.5 Chairman said that a distinction must be made between amending the framework law in the interest of conservation, as opposed to changes related to granting better hunting opportunities. In this instance, given the need to avoid overlap with turtle dove migration, commencement of the season in March would justify amendments to the framework law in the interest of conservation.

4.6 Lino Farrugia reiterated that the FKNK stands by its proposal to respect the decision of the Court and the decision of the referendum and that the framework law should not be changed in this respect. He furthermore reiterated that quail enjoys a least concern status, and hence a full 3-week derogation period allowed by law should be applied. He also stated that the FKNK requests that the national quota for this species should be revised to account for the fact that only quail can be hunted.

4.7 Sergei Golovkin clarified that the framework regulations stipulate maximum national quotas for quail, and therefore if the FKNK proposes that this quota is to be revised, this would imply a revision to the framework law, which appears to go counter to FKNK's own proposal not to change this law. He also pointed out that the maximum national quota was established on the basis of the "less than 1% of annual mortality rate" criterion, in consultation with the European Commission in the aftermath of the 2009 ECJ judgement. This national quota cannot be revised arbitrarily without having in place the necessary scientific justification. On the other hand, whilst the framework law refers to the special licenses setting up daily and seasonal bag limits per hunter, the actual bag limits are not stipulated in the law and hence can be revised on the basis of appropriate justification without the need to change the framework law.

4.8 Mark Gauci pointed to the need to satisfy the "no other satisfactory solution" criterion for application of derogation. He made reference to results of independent migration studies that indicate that higher numbers of quail migrate during autumn than during spring, whilst also noting that the quail bags reported by hunters during successive spring hunting derogations were consistently low. Conversely, it appears that autumn hunting season provides a satisfactory solution and hence the rationale for application of spring hunting derogation is no longer present. He furthermore said that unlike turtle dove migration, migration of quail is reliant on the presence of specific habitats, which

are geographically localised. Hence the rationale for allowing the hunting activity outside of such few specific areas also needs to be questioned.

4.9 Joseph Perici Calascione said that a direct comparison between spring and autumn migration and hunting of quail is difficult since both the migration patterns, and hunting opportunities in spring are completely different to autumn. He noted that in spring, quail migration is much more intensive than in the autumn, which is confirmed by migration studies. Moreover, the spatial distribution and the duration of the presence of quail in the autumn is different to that in spring. Unlike that in spring, much of the quail migration in the autumn does not result in the birds being present on land for considerable amount of time to allow for successful hunting of the species, and the occurrence of quail is very localised. Furthermore, the FKNK are aware of the fact that out of the 9,252 hunters who participated in last year's spring derogation, and in previous such derogations, only a small fraction would normally be interested in pursuing quail.

4.10 Nicholas Barbara circulated a summary of reported catches of quail over the past 6 years, as well as summary of quail observations carried as part of migration studies. He stated that spring hunting bag limits for quail were never reached, and therefore there is no justification whatsoever for the increase in the national quota. He also asked whether the authorities have an estimate of the number of hunters interested in pursuing quail. He said that such information may be deduced from past *carnet de chasse* records.

4.11 Sergei Golovkin clarified that the data referred to by Nicholas Barbara was no longer collected over the past five years, as it has proven to be unverifiable (i.e. based on stated intentions or wishes of the hunter) and hence of little use.

4.12 Mark Sultana said that Birdlife Malta will never accept spring hunting as a matter of principle. Moreover, in this instance, the NGO is particularly concerned over lack of justifications. He said it was evident that there was an increase in the number of observations of quail in the autumn, and therefore one can no longer continue to argue that autumn is not a satisfactory alternative to spring. Birdlife Malta is also concerned about enforcement, especially in the light of the fact that the proposed derogation will overlap with the start of turtle dove migration. This apart from the fact that the problem of illegal targeting of other protected species has not yet been fully eradicated. Whilst rejecting the derogation in principle, Birdlife Malta urges the Committee to give the best possible advice to the government on specific conditions, in the event that the Committee votes in favour of the derogation. One such condition that could be imposed would involve a regime of control over the areas where quail can be hunted, in a similar fashion as the current wild rabbit hunting regulations require submission of site plans of agricultural land and written consent of land owner. Birdlife Malta also feels it would be unfair for genuine hunters who always hunted quail to have such hunting being opened to all. Birdlife Malta does not agree with the proposal to start the season in April, and does not agree with the suggestion of a maximum duration of 3 weeks.

4.13 Nicholas Barbara added that if there is a recommendation to approve the derogation in principle, it should be accompanied by another recommendation for special measures to be taken, similar to what Ornis recommended last year.

4.14 Joseph Perici Calascione reacted to Birdlife Malta's suggestions by stating that the hunting community has over the years been subjected to "extreme" restrictions and controls which are unprecedented in any other country. Imposition of even further restrictions is completely unacceptable. The FKNK has worked "incessantly" to eradicate illegal killing of birds and has achieved very good results. But this progress hinges on the need to ensure respect towards the hunting community, and to acknowledge their contribution to conservation. Birdlife Malta evidently does not believe in the value of such respect.

4.15 Chairman emphasized the need to focus suggestions on the conservation aspects. Commencing derogation in March would ensure less overlap with turtle dove migration, whilst providing the

hunters with the best hunting opportunities for quail. In his opinion, this would be in the best interests of the hunting community itself, which would otherwise have its reputation tarnished if incidents of illegal targeting of the turtle dove occur. He also mentioned the need to ensure protection for other species, such as for instance golden orioles, which tend to occur later in April.

4.16 Marco Falzon said he agrees with the Chair's suggestion, and proposed that the season can span between 25th March and 14th April, which would ensure the tapping into peak quail migration yet avoiding peak migration of the turtle dove. This would be a win-win situation both for the hunters and for conservation.

4.17 Frank Vassallo said that quail migration also occurs towards the second half of April; for example significant influxes were sometimes recorded around 18th April.

4.18 Lino Farrugia said that once a revision to the framework law is being considered with regard to the starting date of the derogation, then conversely one can also consider revising the national quotas.

4.19 Joseph Perici Calascione proposed that in order to aid enforcement, individual season's bag limits and daily bag limits should be revised. In response to Nicholas Barbara's query regarding justification for this revision, Joseph Perici Calascione said that the FKNK has consistently made this proposal every year. A "more realistic" daily bag limit and individual season's bag limit would improve enforcement and ensure better reporting.

4.20 Sergei Golovkin made reference to Birdlife Malta's criticism of the veracity of the reporting system, which criticism presumed that hunters who are constrained by low individual bag limits have an incentive to under-report their catches. In this context, he asked Birdlife Malta whether FKNK's suggestion for increase in individual limits would address this critique of the reporting system, since a higher individual bag limit would be expected to translate into a conversely lower incentive to under-report. Nicholas Barbara replied that under-reporting "would still occur" because hunters are aware that the season can be closed prematurely if the national quota is reached.

4.21 Mark Gauci asked whether any data exists on the number of hunters who shot quail last spring. Sergei Golovkin said that this data is publically available from spring hunting derogation report for 2016. According to this report, during 2016 two-week spring season in April there were 95 hunters who reported shooting one quail each; 13 hunters who reported bagging two quails each, and 4 hunters who bagged 3. Mark Gauci said that this amounts to just over 1% of all persons in possession of special spring hunting license, and given there is such small number of quail hunters, perhaps a system of capping the maximum number of licensees can be introduced.

4.22 Lino Farrugia said that FKNK categorically does not agree with any capping. Joseph Perici Calascione further added that the proposed increase in daily and individual bag limits would greatly aid enforcement. Upon being prompted to suggest specific limits, Joseph Perici Calascione said that the daily bag limit must be increased to 5 quails, whilst the individual season's bag limit should be raised to 10 birds.

4.23 Nicholas Barbara remarked that increase in such limits would increase overall hunting effort which would be detrimental to conservation. If the limit of 10 quails is multiplied by the potential number of licensees, the overall national bag would run into tens of thousands. Lino Farrugia rejected this assertion by accusing Birdlife Malta of "not understanding the concept of a bag limit". He said that the daily or seasonal bag limit is unrelated to overall hunting effort which is capped through national quota that is monitored in real time by WBRU.

4.24 Stephen Saliba asked regarding enforcement measures for the proposed derogation. Sergei Golovkin replied by stating that the minimum enforcement deployment and inspection requirements are stipulated in the law. If the derogation is applied, these minimum measures will be effected, and

preferably exceeded, as was done also in the previous years where enforcement produced excellent results.

4.25 Chairman asked Stephen Saliba regarding ERA's position with regards to the proposed derogation. Stephen Saliba said that ERA has no objection to permitting spring hunting derogation for quail, subject to necessary enforcement measures being in place.

4.26 Mark Gauci suggested that additional enforcement effort should be focused on the issue of electronic bird callers, which seem to be a growing problem. Such devices are likely to be used to attract quail. He suggested that during spring season special penalties should apply to those found with bird callers, and their licenses should be revoked immediately whilst fines should be raised. Sergei Golovkin said that whilst the issue is clearly acknowledged, as indeed a spike in the seizure of such devices was recorded during the last two weeks of December 2016, application of "special penalty measures" would necessitate rather complex revisions not only to the framework law, but also to the principal regulations.

4.27 Following further deliberations, the Chairman proposed to divide voting procedure into three parts:

- a. A vote on whether to recommend in principle the application of a 3-week derogation for quail (FKNK's proposal)
- b. A vote on whether the season should span between 25th March and 14th April (Chair's proposal), or between 1st April and 21st April (FKNK's proposal)
- c. A vote on whether to recommend increasing daily bag limit to 5 quails per hunter and individual hunter season's bag limit to 10 quails per hunter (FKNK's proposal)

4.28 Chairman furthermore asked the FKKNK to confirm whether their proposal for increasing also the national bag limit still stands and should thus also be subject to a vote. Lino Farrugia replied that whilst the FKKNK has made this proposal and believes it is justified, it would nonetheless withdraw the proposal in this instance and hence it shall not be subjected to voting procedure.

4.29 As a result of the voting procedure:

- a. FKKNK's proposal to recommend to government a three-week spring hunting season for quail in principle was upheld by five votes in favour (Chair, ERA, FKKNK, George Coleiro, Marco Falzon) and 1 against (Birdlife-Malta)
- b. Proposed by the Chair to recommend to government to hold the season from 25 March to 14 April was upheld by four votes (Chair, Marco Falzon, George Coleiro, ERA), while FKKNK's proposal to hold the season between 1st April and 21st April was upheld by one vote (FKKNK), with 1 abstention (Birdlife-Malta)
- c. Proposed by FKKNK to recommend to government to increase the individual bag limits to 5 quail daily and 10 seasonally was upheld by four votes in favour (Chair, Marco Falzon, George Coleiro, FKKNK), one against (Birdlife-Malta), and one abstention (ERA).

4.30 The Chairman concluded the debate by summarizing that the Committee recommends to government a three-week hunting season for Quail from 25 March to 14 April, with an individual daily bag limit of five birds and an individual seasonal limit of ten birds.

5. Any other business

5.1 The Committee did not discuss any other business.

5.2 The meeting was adjourned at 1930 hrs.