

Meeting of the Malta Ornis Committee

3rd December 2013, Casa Leoni, Sta Venera

Minutes

Attending members:

Dr Louis F. Cassar – Chairman

Mr Sergei Golovkin - Secretary

Mr Lino Farrugia – FKNK (joined meeting during discussion on agenda Item 3)

Mr Joe Perici Calascione - FKNK

Mr Nicholas Barbara – Birdlife (Malta)

Mr. Joseph Mangion - Birdlife (Malta) (joined meeting during discussion on agenda Item 3)

Mr Gwido Baldacchino - Member nominated by Government

Ms Emeline Fenech – Member nominated by Government (joined meeting during discussion on agenda Item 3)

Mr Marco Falzon – Member nominated by Government

Mr Frank Vassallo – Hunting and Trapping Expert

Mr Darrin Stevens – MEPA

Mr Mark Gauci – Avifauna Expert

1. Adoption of the agenda

1.1 The agenda was adopted.

2. Adoption of the minutes of the meetings held on 8th and 21st October

2.1 The minutes of both meetings were adopted.

2.2 Dr Louis Cassar referred to a number of instances where Committee members raised questions, which were subsequently minuted, however response to the questions raised did not always follow. He suggested that in future, questions that have been raised and minuted as such, but to which response was not given during a given meeting, are put forward on the agenda of the following meeting under the Agenda item “Matters for report”. The Secretary noted for future reference.

3. Taxidermy of species not listed in Schedules II and III

3.1 Mr Sergei Golovkin invited Mr Stanley Gatt to be present during discussion on this item on behalf of WBRU.

3.2 Mr Joe Perici Calascione said that the previous exercise conducted in 2003 to register collections of stuffed birds was flawed, as many birds held in such collections were not registered, whilst owners of some collections may have registered more birds than were actually held in their possession at that time in the hope of acquiring further birds in future. A particular issue arises out of the fact that most huntable / non-protected species were not registered, and their possession was thus deemed to be illegal. The FKNK receives many complaints from its members in relation to this issue, particularly from members who hunt abroad and are faced with difficulties in importing their legally acquired

trophies to Malta. There are several grey areas in the law with regards to this aspect; for instance it is not clear how the issue of whether a particular specimen was hunted legally or otherwise is ascertained. Hunters who import legally hunted birds face considerable bureaucracy and are often treated as though they are committing an illegal act. In addition, there is the issue of importation of species that are legally hunted in third countries, but which do not occur in Malta or indeed in Europe and which thus fall outside the scope of the Birds Directive. Elsewhere in Europe such legally hunted species can also be legally mounted, but not in Malta. Furthermore, in most EU countries, road kills and birds that died a natural death can be mounted legally. Why are our hunters treated differently? We need more practical and fair regulations concerning importation and taxidermy. Taxidermists who apply for their license pass through complicated checks and procedures. This is correct since we need to ensure that the practice is regulated and that those who illegally stuff illegally acquired protected birds do not find shelter amongst the taxidermy community. At the same time we need clear and practical regulations, and less bureaucracy.

3.3 Dr Louis Cassar asked about the situation regarding the mounting of dead protected birds, such as Golden Eagle for instance, that were held legally in aviaries. And about the procedure in the case of importation from countries that may have a questionable regulatory regime, and where it may not be possible to verify where a particular species is hunted legally or not?

3.4 Mr Frank Vassallo added that there is also regulatory grey area when it comes to captive-bred birds legally held at pet shops.

3.5 Referring to the questions raised, Mr Darrin Stevens said that insofar as legislation is concerned, there are three principal sources of legislation that are of relevance to importation and taxidermy: the Birds Directive and the corresponding LN 79 of 2006; the Habitats Directive, as well as the corresponding Council of Europe instruments and UN instruments such as CITES.

3.6 Addressing the points raised by Mr Perici Calascione, Dr Cassar and Mr Vassallo, Mr Stanley Gatt explained that under LN 79 of 2006, one is permitted to legally mount schedule II and III birds. Thus possession of such mounted birds is legal and does not cause any problems during inspections of registered collections. As regards importation from other EU member states, the law permits importation of legally hunted specimens, but only as long as these specimens are included in Annexes II and III of the Birds Directive. However admittedly there is a grey area in the law since the Birds Directive is limited only to wild birds naturally occurring within the territory of the EU and thus excludes all other species. LN 79 of 2006, which transposes the Directive, is limited by this definition and does not regulate situations involving other birds. This law does not regulate activities pertaining to birds that do not fall within this definition. This gives rise to a regulatory lacuna, since one cannot be charged with an offence where there is no legal prohibition. This problem can be addressed if the law is amended to extend the definition of “wild birds naturally occurring in the EU” to all wild birds. Birds naturally occurring in the EU but legally hunted outside Europe can thus be legally imported. The amendment may also cater for birds not naturally occurring in the EU but legally hunted outside Europe, provided that the legality is ascertained. As regards birds coming from 3rd countries with dubious regulatory regime, such as for instance Sudan, this would indeed present a difficulty in ascertaining the legality of acquisition. Potential amendments will have to be assessed in the light of interrelationship with other legal instruments, including the Flora, Fauna and Natural Habitats Protection Regulations as well as CITES. Mr. Gatt invited the FKNK to submit concrete proposals for further consideration and discussion.

3.7 Mr. Joe Perici Calascione asked whether the WBRU is in a position to ascertain legality in respect of acquisition in 3rd countries.

3.8 Mr. Stanley Gatt replied that the necessary procedures for this are in place, such as for instance through CITES network.

3.9 Dr Louis Cassar referred to the case of Sweden, which is currently allowing the controlled culling of wolves, lynxes and other protected animals, including large raptors. Can such legally culled specimen be imported and mounted?

3.10 Mr Darrin Stevens responded to Dr Cassar’s question by stating that these species are covered by the Habitats Directive and other international instruments, which may permit culling of protected

species by way of derogations, however, the fact that they can be legally culled under certain circumstances does not impart an automatic right to transport or mount these specimen. Such activities would require further derogations in addition to culling. Transport and trade activities are also specifically regulated through CITES procedures. However there is a grey area in respect of species not covered by Habitats or Birds Directives, or by international instruments like CITES. For example there is no procedure for regulating activities such as mounting a dog or a cat specimen.

3.11 Mr Lino Farrugia said the question of importation of non Annex II and III birds legally hunted in 3rd countries still remains.

3.12 Mr Darrin Stevens said that under international and EU legislation, the fact that a species may be legally hunted does not translate into automatic right for the specimen to be also traded, transported or mounted. One would need to note, for instance, that CITES treats dead animals or their parts as having the same status as live animals, and thus subject to the same degree of regulatory scrutiny.

3.13 Mr Stanley Gatt further referred to Mr Joe Perici Calascione's question regarding road kills. Whilst mounting of road kills is indeed a permitted activity in a number of EU member states including in the UK, the procedure for authorisation and verification may be excessively complicated and may be impractical and prone to possible abuse. This is a considerable issue for enforcement authorities in the UK for instance. The issue of road kill is not deemed to be a substantive issue for Malta which has no highways and no large game.

3.14 Mr Joe Perici Calascione said that one of the biggest problems faced by the taxidermists in Malta is that of an image. In the public eyes, taxidermy is being perceived as being linked to illicit trade. This should not be the case if the activity is properly regulated through practical and clear legislation. Furthermore, the authorities should be organising information dissemination regarding the issue, to ensure that correct regulatory information reaches all practitioners.

3.15 Mr Sergei Golovkin said the WBRU intends to carry out a comprehensive review of the regulations concerning importation, possession and taxidermy early next year. Stakeholders active in this sector will be consulted and proposals for legal amendments will be drawn up for further consideration by the Committee. He invited Committee members to submit concrete proposals for such amendments to WBRU.

4. EC Birds Directive Article 12 Report

4.1 Mr. Darrin Stevens introduced this item and invited Ms. Bonnie Farrugia of the Ecosystems Management Unit of MEPA to make a formal presentation.

4.2 Ms. Bonnie Farrugia explained that Article 12 of the EC Birds Directive calls on Member States to report to the Commission on the implementation of national provisions taken under this Directive. A report, covering short term (2008-2012) and long term population and range trends for a number of species has been drawn up for submission to the EU Commission by the end of 2013. The species that are being reported upon were selected on the basis of a checklist prepared by the European Commission. This checklist identifies the species which meet the criteria of Article 1 of the Directive plus a small selection of non-native species and indicates per Member State, the regularly occurring breeding species, including the small or 'marginal' populations. It is to be noted however that occasional or vagrant bird species were not included in this list. In this list the Commission indicated for Malta, 43 birds as 'B' (Breeding), 1 bird 'BW' (Breeding Wintering), 1 bird 'W' (Wintering) and 3 birds as 'X' (Extinct). MEPA, having reviewed this list through the utilisation of the most recent published bird literature¹ at the time, based its assessment on the species listed in table below as being Malta's list of breeding birds (all of these birds had been marked as breeding birds in the checklist provided by the Commission):

¹ Sultana, J., Borg, J.J., Gauci, C. & Falzon, V. (2011). *The Breeding Birds of Malta*. BirdLife Malta, Malta.

No	Scientific Name	English Name
1	<i>Acrocephalus scirpaceus</i>	Reed Warbler
2	<i>Calandrella brachydactyla</i>	Short-toed Lark
3	<i>Calonectris diomedea</i>	Cory's Shearwater
4	<i>Cettia cetti</i>	Cetti's Warbler
5	<i>Charadrius dubius</i>	Little Ringed Plover
6	<i>Cisticola juncidis</i>	Zitting Cisticola
7	<i>Gallinula chloropus</i>	Moorhen
8	<i>Hydrobates pelagicus</i>	European Storm-Petrel
9	<i>Larus michahellis</i>	Yellow-Legged Gull
10	<i>Millaria calandra</i> syn. <i>Emberiza calandra</i>	Corn Bunting
11	<i>Monticola solitarius</i>	Blue Rock Thrush
12	<i>Muscicapa striata</i>	Spotted Flycatcher
13	<i>Passer hispaniolensis</i>	Spanish Sparrow
14	<i>Passer montanus</i>	Tree Sparrow
15	<i>Puffinus yelkouan</i>	Yelkouan Shearwater
16	<i>Streptopelia decaocto</i>	Collared Dove
17	<i>Sylvia conspicillata</i>	Spectacled Warbler
18	<i>Sylvia melanocephala</i>	Sardinian Warbler

4.3 The bird reporting checklist provided by the Commission, however, indicated a total of 43 breeding birds for Malta. The checklist adopted by Government for the purpose of reporting takes into account the fact that some of the originally included species are irregular breeders, or introduced/ feral species, as well as species for which historical breeding records are doubtful. On the basis of this analysis, the species listed in table below have not been included in the reporting exercise.

No	Scientific Name	English Name	Reason
1	<i>Anas platyrhynchos</i>	Mallard	Feral Species
2	<i>Anthus campestris</i>	Tawny Pipit	Irregular Breeder
3	<i>Apus apus</i>	Common Swift	Irregular Breeder
4	<i>Apus pallidus</i>	Pallid Swift	Irregular Breeder
5	<i>Asio flammeus</i>	Short-Eared Owl	Irregular Breeder
6	<i>Carduelis cannabina</i>	Linnet	Irregular Breeder
7	<i>Carduelis chloris</i>	Greenfinch	Irregular Breeder
8	<i>Carduelis spinus</i>	Siskin	Doubtful Breeder (Breeding record could have been of an escaped species)
9	<i>Columba livia</i>	Feral/ Rock Dove	Feral Species
10	<i>Coturnix coturnix</i>	Quail	Irregular Breeding
11	<i>Cuculus canorus</i>	Common Cuckoo	Irregular Breeding
12	<i>Delichon urbicum</i>	House Martin	Irregular Breeding
13	<i>Erithacus ruberucula</i>	Robin	Doubtful Breeder
14	<i>Falco tinnunculus</i>	Common Kestrel	Irregular Breeder
15	<i>Fringilla coelebs</i>	Common Chaffinch	Irregular Breeder
16	<i>Hirundo rustica</i>	Barn Swallow	Irregular Breeder
17	<i>Ixobrychus minutus</i>	Little Bittern	Irregular Breeder
18	<i>Lanius collurio</i>	Red-Backed Shrike	Doubtful Breeder
19	<i>Lanius senator</i>	Woodchat Shrike	Irregular Breeder
20	<i>Luscinia megarhynchos</i>	Common Nightingale	Irregular Breeder
21	<i>Oenanthe hispanica</i>	Black-eared Wheatear	Irregular Breeder
22	<i>Serinus serinus</i>	European Serin	Irregular Breeder
23	<i>Streptopelia turtur</i>	Turtle Dove	Irregular Breeder
24	<i>Sturnus vulgaris</i>	Common Starling	Introduced in Comino
25	<i>Tachybaptus ruficollis</i>	Little Grebe	Irregular Breeder

4.4 Furthermore, the checklist denotes all those species which have become extinct in Member States. This list only records those species which have become extinct since the 1980s, with a few exceptions for cases where the species became extinct earlier but are currently under the focus of conservation action or plans to re-establish them. The species listed in table below were indicated in the checklist as being extinct in Malta.

No	Scientific Name	English Name	Notes
1	<i>Tyto alba</i>	Barn Owl	In the past, the Barn Owl (<i>Tyto alba</i>) was considered to be a fairly common resident in Malta. However, by the 1980s it was reduced to a rarity and according to Sultana et al. ² the last confirmed breeding record was in 1988 at Mgarr ix-Xini.
2	<i>Corvus monedula</i>	Western Jackdaw	The Western Jackdaw (<i>Corvus monedula</i>) was also a past resident of the Islands but has been extinct since the 1950s. The Authority is of the opinion that in the checklist, this bird should be indicated as being extinct prior to the cut-off date set by the Commission (i.e. 1980). Therefore this species is not included in the assessment.
3	<i>Falco peregrinus brookei</i>	Peregrine Falcon	The Peregrine Falcon (<i>Falco peregrinus</i>) is considered to be an irregular breeding resident in Malta and moreover, 2011 saw the confirmation of another breeding record ⁷ . In view of this, the Authority is not in agreement with the designation of this species as ‘extinct’, but since it is an irregular breeder, it should not be included in the assessment.

4.5 Member States are also required to report on regularly occurring wintering birds, especially migratory wildfowl (ducks, geese and swans) and waders (shorebirds), since the population size and trends of these birds are often best monitored in the winter, when they congregate in large numbers. The species checklist provided by the Commission provides recommendations on which season: wintering, breeding or both populations, need to be reported on. In the original checklist provided by the Commission, the bird species listed in table below were indicated as ‘wintering’ species for Malta.

No	Scientific Name	English Name	Notes
1	<i>Anas platyrhynchos</i>	Mallard	A number of domestic mallards were introduced at various sites around the Islands in the early 1980s and 1990s, and since then a small feral population of mallards has established itself and is today observed all year round. Natural occurring mallards however, have become irregular and scarce in the Islands and the Authority is of the opinion that this species should not be included as a ‘wintering’ species.

² Sultana, J., Borg, J.J., Gauci, C. & Falzon, V. (2011). *The Breeding Birds of Malta*. BirdLife Malta, Malta.

2	<i>Fulica atra</i>	Common Coot	Every year a small number of Coots regularly winter in the bird reserves of l-Ghadira (l/o Mellieħa) and is-Simar. ³

4.6 An additional checklist prepared by the Commission denotes the ‘SPA trigger species’, that is, those species which prompt the designation of Special Protection Areas. In the mentioned checklist the species listed in table below were included.

No	Scientific Name	English Name
1	<i>Calonectris diomedea</i>	Scopoli’s Shearwater
2	<i>Puffinus yelkouan</i>	Yelkouan Shearwater
3	<i>Hydrobates pelagicus</i>	European Storm-Petrel

4.7 Malta’s report includes a general report which holds information of relevance for the period 2008-12, summarises the most important facts and figures on the implementation of the Birds Directive, its main achievements and the measures taken to ensure coherence of the SPA network. The report also includes internet links to more detailed information sources.

4.8 In addition to the mentioned general report, the Authority has also prepared a total of nineteen datasheets. The compiled species report comprises of eight sections, as follows:

- Species information
- Population size
- Population trend
- Breeding distribution map and range size
- Breeding range trend
- Progress in work related to international Species Action Plans (SAPs), Management (MPs) and Brief Management Statements (BMSs)
- Management Pressures and threats
- SPA coverage and conservation measures

4.9 Ms. Bonnie Farrugia proceeded to give a detailed species-by-species account of the reported status and trends, as per enclosed Powerpoint presentation. A discussion ensued, with the following substantive points raised.

- Mr. Joseph Mangion asked why Ferruginous Duck had not been included in the monitoring exercise, given that an IBA is being proposed for these species. Mr. Darrin Stevens clarified that the report focuses on 2008-2012 period only, and the latest data pertaining to this species has only been issued in 2013, and should thus be considered for the next reporting cycle.
- Several members including Mr Joseph Mangion, Mr Nicholas Barbara and Dr Louis Cassar expressed scepticism over the magnitude of reported population change trends concerning a number of species. Mr. Lino Farrugia and Mr Joe Perici Calascione also expressed scepticism over reported population estimate for Collared Dove. Mr Darrin Stevens explained that in

³ Sultana, J. (2001). *L-Għasafar ta’ Malta*. Pin: Malta.

compiling the reports MEPA had to rely on published data. He noted that there was considerable divergence of scientific opinion with regards to some species, particularly seabirds, and the MEPA had commissioned an independent scientific opinion on the issue as part of a concurrent project related to Marine Strategy Directive. At the end, whilst the magnitude of some trends may be disputed, the published data could not be ignored and had to be taken as the basis for the formulation of the report. However he also noted that there are considerable methodological differences, as well as considerable differences in the extent of monitoring effort reported by various authors. This was bound to impact the magnitude of the reported trends, although the trends themselves are clearly evident. This limitation was also taken into account in trends projections, whereby a cautious approach was adopted and the lower estimates were used for relevant projections.

- Questions were asked as to the way the Government intends to use the data reported, with Birdlife (Malta) representatives in particular urging caution for the Government not to base its policy decisions solely on the data contained in the report. Mr Sergei Golovkin explained that the report is a formal obligation of the Birds Directive, and has been compiled in line with the methodological guidance provided by the Commission. It will have to be submitted to the Commission before the end of the year. The Commission will be assessing the report and may come back with questions or requests for clarifications. A consortium including Birdlife International was engaged by the Commission to perform further assessment of MS reports and compile an aggregate analysis. Lessons learnt from this reporting cycle will be discussed at EU Ornithology Committee later in 2014, and a way forward for the next reporting cycle will be developed. Depending on this way forward, WBRU will be commissioning appropriate studies and monitoring surveys in the coming months. Ideally the studies should also seek to establish the causes of changes in population or range trends, as such an analysis will be more useful for policy makers. Due to inherent limitations of the present reporting period the current report could not take these into account.

5. Information note on enforcement during 2013 autumn live-capturing derogation

5.1 Mr Sergei Golovkin referred to the request made by Mr Nicholas Barbara at the previous Ornithology Committee sitting, to provide an update on the enforcement situation pertaining to 2013 autumn live capturing derogation for golden plover and song thrush. Mr Golovkin said that a full report concerning the outcome of the derogation will be compiled and circulated to Ornithology Committee towards the end of January 2014. This full report will feature detailed enforcement statistics covering the entire period of the derogation. A similar report pertaining to last year's derogation is also being compiled.

5.2 Mr Golovkin recalled that some 1,164 Autumn-live capturing Licences have been issued for the ongoing 2013/14 Song Thrush and Golden Plover trapping season. 916 licenses were issued in Malta and 248 licenses in Gozo. As with the previous Autumn 2012/2013 trapping season, Malta has in place the required complement of enforcement officials established under the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations, 2012. In this respect, the Malta Police Force deployed between 8 and 11 officers on the beat in Malta and 4 officers on the beat in Gozo, since the start of the season. From 20 October 2013 until 31 October 2013, 320 inspections and 47 inspections have been carried out in Malta and Gozo, respectively. As a result of these inspections, during this period the police detected 3 cases pertaining to trapping of protected birds, 2 cases of trapping without a license, 1 case of trapping using illegal net and 3 cases of using bird callers. Mr Golovkin also said that the new system of administrative fines is now functioning, with 9 offenders having been served with a fines notice to date. Most fines pertain to illegal use of bird callers whilst trapping or hunting. In such cases, bird callers are confiscated and destroyed by the police, whilst the offender has to pay a €250 fine within 21 days from the date of issuance of the fine notice.

6. Any other business

6.1 The Chair announced that this is the last sitting of the Committee during 2013 and that a new Committee is to be appointed by the Minister, under the chairmanship of Prof. Mark Anthony Falzon, since Dr Cassar had opted not to have his appointment renewed. He thanked the members for their contribution during the 2013 and augured best wishes for the festive season and the next year.

6.2 The Committee expressed appreciation for Dr Louis Cassar's stewardship during 2013 and thanked the Chair for his contribution throughout the year.

6.3 The minutes of this meeting will be circulated to members for approval through a written procedure.

6.4 The date of the first sitting in 2014 will be suggested by the Secretary once the new Committee is constituted.