

Meeting of the Malta Ornis Committee

Thursday, 7th September 2017, Minister's Office, Casa Leoni, Sta Venera
1200 - 1330

Minutes

Participants:

Hon. Dr. José A. Herrera, Minister for the Environment, Sustainable Development and Climate Change
Hon Perit Clint Camilleri, Parliamentary Secretary for Agriculture, Fisheries and Animal Rights
Col. Pierre Vassallo (retd.), Minister's Chief of Staff
Ms Roberta Apap, Private Secretary to the Minister
Mr Adrian Sciberras, Consultant to the Minister
Mr Thomas Bajada, Advisor to the Parliamentary Secretary

Attending Committee members:

Magistrate (retd.) Dr Dennis Montebello – Chairman
Mr Sergei Golovkin - Secretary
Mr Mark Sultana – Birdlife (Malta)
Mr Nicholas Barbara - Birdlife (Malta)
Mr Frank Vassallo– Hunting and Trapping Expert
Mr Marco Falzon – Member nominated by Government
Mr Daniel Grech - Member nominated by Government¹
Mr Mark Gauci – Avifauna Expert

Excused:

Mr Joe Perici Calascione – FKNK
Mr Lino Farrugia – FKNK
Mr Joseph Tabone - Member nominated by Government

(1) Introduction

1.1 The Hon Minister introduced the Chairman and Members of the newly-appointed Committee. He highlighted the Committee's importance as part of the overall national policy making structure related to conservation of wild birds, and explained that the purpose of the meeting was to initiate the newly-appointed Committee to its role. The Minister explained that although representation of key stakeholders with divergent aims may at times lead to polarised discussion, it is important to ensure balanced consideration of the issues at hand; hence the appointment of the new Chairman, who is impartial and detached from any pro or anti-hunting both lobby groups, is envisaged to contribute towards this aim.

1.2 In reaction to Minister's introduction of the Chairman's role, Dr Dennis Montebello underlined the importance of a balanced approach that achieves sustainability of the activities regulated by the Committee.

1.3 Mr Mark Sultana noted that despite a degree of polarisation that persists on certain controversial issues, the members of the Committee often have a lot of common ground and share common aims,

¹ Member was subsequently replaced by Mr Horace Micallef

such as for instance the need to eradicate illegal killing of protected species. He also underlined the importance of integrity and responsibility vis a vis the role of individual voting members, whose voting has, at times, decisive bearing on the Committee's final recommendations to the Minister.

1.4 The Minister invited Sergei Golovkin to give an overview of the statutory functions and remit of the Committee.

(2) Committee's composition and functions

2.1 Sergei Golovkin referred to Regulation 10 of the Conservation of Wild Birds Regulations (SL 549.42) which transposes EU Birds Directive into Maltese law and defines, amongst other, the composition and role of the Ornithological Committee. He explained that the primary function of the Committee is that of advising the Minister on a range of matters concerning conservation of wild birds, including, *inter alia*, regarding parameters of any bird hunting seasons, authorization of derogations and monitoring of their implementation, policies related to conservation of wild birds, scientific studies and similar matters. The precise functions of the Committee are described in detail in regulation 10(6) of the Conservation of Wild Birds Regulations. The Ornithological Committee is composed of eleven members appointed by the Minister for a period of one year. The Committee consists of a Chairman, Secretary, two representatives of hunting organisations (FKNK), two representatives in the bird conservation sector (Birdlife Malta), three independent experts appointed by the government, an expert on the conservation of birds and an expert on hunting and trapping. All members, except the Secretary, the expert on the conservation of wild birds and the expert on hunting and trapping have one vote each. The Chairman has a casting vote. He said that the Committee normally meets about 13 times a year, and although there is no fixed timetable of meetings which are called according to exigencies, the work of the Committee tends to intensify during certain periods of the year, such as during spring and autumn bird migration. Sergei Golovkin concluded the briefing by highlighting the fact that since 2014, all minutes of Ornithological Committee meetings have been published.

2.2 The Minister requested Sergei Golovkin to circulate a copy of the Conservation of Wild Birds Regulations, for Members' information.

2.3 The Chairman asked whether the Committee has a statutory oversight role over enforcement, and whether it has the powers to summon persons to testify during its sittings. Sergei Golovkin clarified that although the Committee has the function of advising the Minister on enforcement, it does not have the statutory powers to summon any persons. However it is often the case that the Committee *invites* representatives of key entities, such as the police, to some of its sittings to contribute to the debate on specific topics such as enforcement. The Committee also has the function of hearing appeals against regulatory decisions of the Wild Birds Regulation Unit, such as those related to refusal of licenses. The Committee also sometimes invites proponents of research projects related to birds to brief the Committee on their proposals. In regard to the latter, Sergei Golovkin briefed the Chairman regarding the case, concerning one particular research project, which is subject to consideration by the Ombudsman. He will subsequently provide the Chairman with copies of documentation related to this case.

2.4 The Minister asked regarding the status of the finch trapping case presently pending consideration by the European Court of Justice (ECJ) and the extent to which it has a bearing on the Committee's immediate priorities. Sergei Golovkin provided a brief background on the situation that has led to the opening of the ECJ case in 2015, and the current state of proceedings. He explained that at the present stage, written and oral submissions phase of proceedings has closed, and the Court is due to pronounce its verdict following consideration of all submissions made by the parties, as well as the Opinion of the Advocate General appointed by the Court. Although no date for the delivery of the verdict has been set yet, it is expected by the end of the year. The Committee may subsequently consider the implications of any eventual judgement once this is delivered.

2.5 The Chairman asked regarding the modalities for the setting of Committee's agenda. He also asked regarding the last agenda items considered by the Committee and whether there are any particular pending issues that would need to be taken up by the new Committee. Sergei Golovkin said that any Member of the Committee may propose agenda items for discussion, subject to Chairman's consideration and prerogative to decide on the substance and sequence of the agenda. It has also been the practice to date that the Committee approves its agenda at the start of each meeting. The substantive content of the agenda often follows cyclical pattern corresponding to particular exigencies at the time: for example early spring sessions are usually dedicated to considerations of spring hunting derogations; autumn sessions are dedicated to enforcement during hunting or trapping seasons and so on. The last session held in May 2017 was dedicated to providing recommendations on the application of finch live-capturing (trapping) derogation and the application of the Golden Plover and Song Thrush live-capturing derogation. There are no specific pending issues carried over from the previous Committee, except the Ombudsman case referred to earlier.

2.6 The Minister asked regarding the number of licensed hunters and trappers and whether this number has changed over the years. Sergei Golovkin, who did not have the precise statistics with him at the meeting, provided approximate numbers of different categories of hunting / live-capturing licenses issued by the Wild Birds Regulation Unit. He also stated that the number of licensed persons has been slightly declining over the years.

2.7 The Parliamentary Secretary made reference to enforcement of the law as being amongst government priorities in this area, and stated that a draft Enforcement strategy is expected to be available soon for stakeholder consultation. He said that the Committee is expected to play an important role in the ongoing implementation of enforcement priorities. The Parliamentary Secretary also mentioned the importance of considering various threats to bird species, such as the issue of marine litter and its impact on seabirds. He mentioned as an example the drastic impacts of plastic pollution on seabirds in the Pacific.

2.8 The Chairman asked whether it would be within the remit of the Committee to consider issues such as the impact of the use of pesticides on wild birds. Sergei Golovkin replied that such issues fall squarely within the Committee's remit and are indeed very important because impacts from agricultural practices are often the most important amongst pressures facing bird populations in Europe.

2.9 Several other issues were briefly discussed during the meeting, including the Barn Owl reintroduction project in Buskett (briefing on the status of the project).

(3) Conclusion

3.1 Concluding this introductory meeting, the Minister emphasized the importance of protecting wildlife in a manner that underscores sustainability and balance, and avoids extremes. The Minister underlined the paramount importance of stemming biodiversity loss and preventing further extinction, whilst at the same time involving all stakeholders, including hunters in conservation. He furthermore highlighted the importance of achieving culture change through education. The Minister congratulated the Committee members on their appointment and augured a productive and fruitful work for the Committee.

3.2 The meeting was adjourned at 1330 hrs.

3.3 The next meeting is tentatively scheduled for Wednesday 27th September at 1630 at the offices of the Wild Birds Regulation Unit, 122, Quarries Street, Sta Venera. The Secretary will circulate a calendar invitation.