

## **Meeting of the Malta Ornis Committee**

**9<sup>th</sup> April 2014, Hexagon House, MEPA, 1600 - 1945**

### **Minutes**

#### **Attending members:**

Prof Mark Anthony Falzon – Chairman  
Mr Sergei Golovkin - Secretary  
Mr Lino Farrugia – FKNK (excused at 1845)  
Mr Joe Perici Calascione - FKNK (excused at 1900)  
Mr Nicholas Barbara – Birdlife (Malta)  
Mr. Geoffrey Saliba - Birdlife (Malta)  
Mr Gwido Baldacchino - Member nominated by Government  
Ms Emeline Fenech – Member nominated by Government  
Mr Marco Falzon – Member nominated by Government  
Mr Frank Vassallo – Hunting and Trapping Expert  
Mr Stephen Saliba – MEPA  
Mr Mark Gauci – Avifauna Expert

#### **1. Adoption of the agenda**

1.1 The agenda was adopted.

#### **2. Minutes of the previous meeting**

2.1 Minutes of the meeting held on 4<sup>th</sup> March 2014 were adopted following amendments from Chairman, Birdlife (Malta) and FKNK.

#### **3. Matters arising and matters to report**

3.1 Chairman referred to media reports concerning resignation of Saviour Balzan. However no formal resignation notice has been received to date. Given media reports and email communication from Birdlife Malta Executive Director advising Parliamentary Secretary of the proposed nomination of Mr Geoffrey Saliba, it is assumed that Mr Balzan's resignation is official. Mr Geoffrey Saliba is thus officially welcomed to the Committee as member representing Birdlife Malta.

3.2 Sergei Golovkin informed the Committee that the Wild Birds Regulation Unit recently published a report containing analysis of enforcement statistics during 2013 autumn hunting season, as well as a separate report on the outcome of the 2012 golden plover and song thrush live-capturing derogation. He said that a similar report concerning outcome of the 2013 live-capturing season will be published shortly. The Committee noted this information.

#### **4. Enforcement during spring hunting season**

4.1 Mr Stanley Gatt, Manager, Specialist Enforcement Branch of WBRU and Insp. Jurgen Vella, ALE were invited to brief the Committee on enforcement arrangements.

4.2 Mr Stanley Gatt explained the legal requirements under S.L.504.94, which stipulates that for every 1,000 hunters in possession of a Spring Hunting Licence, a minimum of 7 enforcement officers shall be on duty during all hours for which a spring hunting season is open. Outside these hours at least two officers per 1,000 hunters shall be on duty during the hours of daylight. The law also stipulates that enforcement officers shall continue to carry out on-the-spot checks until at least four weeks following the start of a spring hunting season, in order to prevent illegal hunting. Following the closure of a spring hunting season, for every 1,000 Spring Hunting Licenses issued that year, a minimum of three enforcement officers shall be on duty during the hours of daylight. The Police, together with the AFM have made the necessary arrangements to ensure that these requirements are met and possibly exceeded. He said that a training course for officers to be deployed in the field is being organized. The course will provide an overview of legal requirements, some basic bird identification knowledge, an overview of some of the potential evasion techniques deployed by poachers, practical tips concerning surveillance and monitoring operations, conditions of special spring hunting license and related topics.

4.3 Nicholas Barbara asked regarding number of special spring hunting licenses issued. Sergei Golovkin replied that the number stands at *circa* 9,800 (it was subsequently confirmed that the precise number is 9,798), of which around 15% were issued to licensees in Gozo. This translates into a requirement of around 70 enforcement officers (60 in Malta and 10 in Gozo) during open season; around 20 officers (17 in Malta and 3 in Gozo) outside the hours of open season until 30<sup>th</sup> April and around 30 officers (25 in Malta and 5 in Gozo) during hours of daylight following the closure of the season.

4.4 Inspector Jurgen Vella explained the overall enforcement approach, whereby police deployment will consist of ALE officers and officers from district police units, which will be assisted by officers from Rapid Response Unit as well as mounted police detachments and detachments from the AFM. The latter will provide patrols in 5 AFM vehicles (including 1 in Gozo), as well as stationary observation posts in strategic locations. The police will also be deploying an unmanned aerial surveillance vehicle. There will be a mixture of vehicular patrols, foot patrols and stationary observation. The police will also be carrying out random spot checks on hunters to ensure compliance with spring hunting regulations.

4.5. Sergei Golovkin added that the overall aim of the enforcement operation is to ensure that no illegal targeting of protected species occurs, and that any detected incidents of abuse are dealt with swiftly and effectively. In parallel, the enforcement operation is also aimed at ensuring that the general prohibitions and parameters related to open season are enforced. He said that WBRU carried out an intense campaign of engagement with all hunting associations to drive the message across that nothing short of strictest compliance with regulations is being expected, and that infringements will not be tolerated.

4.6 Geoffrey Saliba said that effectiveness of enforcement depends on 3 issues: legal deterrents; convictions in courts and field enforcement. He said that the recent increase in the penalties for targeting of protected birds is a welcome measure, but on its own it will not be enough without effective enforcement in the field. Moreover, one must make sure that offences disclosed in the field actually result in convictions.

4.7 Sergei Golovkin said the recent legal changes were aimed at strengthening the two pillars of enforcement that Geoffrey Saliba has mentioned, namely legal deterrent and convictions in courts, and that the ultimate aim of strengthened enforcement presence in the field was to also boost the third pillar, i.e. field disclosure and deterrent against offences.

4.7 Chairman asked Sergei Golovkin to explain the recent legal changes introduced by government. Sergei Golovkin said that the changes introduced on 28th March implied that anyone convicted of any shooting or trapping of protected species listed in Schedules I and IX of these Regulations, but excluding those listed as “hunnable species” in Schedule II, even in the case of a first time offence,

will automatically incur penalty comprising of €5,000 fine, and / or imprisonment for one year, as well as permanent revocation or ban on obtaining a hunting or trapping license, and confiscation of *corpus delicti*. In case of second or subsequent offence, the applicable penalty will go up to €10,000, confiscation, and / or imprisonment for two years. These penalties are possibly the harshest in Europe against this type of offences. By comparison, the maximum penalty for poaching in the UK is GBP 5,000 fine. Record of prosecutions also shows that penalties are indeed being applied in practice.

4.8 Lino Farrugia said that all these measures indicate that during the hunting season Malta risks turning into a police state. He urged the police to ensure that spot checks are being carried out sensibly through a random system to prevent possibility of individual hunters being “harassed” several times throughout the season. The FKNK is not against the spot checks for as long as these are applied sensibly. However FKNK strongly objects to the use of drones, which are an affront to people’s privacy, and this concerns not only hunters but everyone. Hunters already have to put up with various provocations and the use of drones would be an additional provocation. It is certainly unnecessary since government’s enforcement drive is already intense, bordering on the excessive. M

4.9 Joe Perici Calascione echoed this concern stating that the FKNK is not, in principle, against increased penalties for shooting protected birds, but the measures introduced by government seem really harsh. He also strongly objected to use of drones. He asked what would happen in the case of genuine mistakes, where a hunter may inadvertently shoot a look-alike bird such as collared dove which can easily be mistaken for a turtle dove, or a cuckoo, whose flight pattern looks also very similar to turtle dove’s, particularly at pre-dawn time.

4.10 Sergei Golovkin said the cuckoo and collared dove are not listed in schedules I and IX and would thus be exempted from the highest level of penalty. But nonetheless these birds are still protected and therefore hunters should take special care not to target them inadvertently.

4.11 Regarding the use of drones, Jurgen Vella clarified that only one drone will be deployed at very specific locations, usually those that may not be easily accessible to normal patrols. Deployment will mostly be limited to these areas, especially protected areas like Buskett where hunting is already prohibited. Law abiding hunters should have nothing to fear from this drone as the aim is not to snoop on people’s privacy but to enforce the law.

4.12 Stanley Gatt said the use of a drone should not be seen as being in principle different from use of binoculars, or normal observation patrols. It is just a technique in law enforcement which is being deployed to supplement other techniques like foot patrols.

4.13 Joe Perici Calascione and Lino Farrugia expressed strong reservations regarding what is being said about drones. They maintain that the FKNK strongly objects against their use, and one cannot exclude possibility that someone may feel so provoked that a drone itself may be targeted. They also asked about the legality of deploying these drones, given that a number of legal issues surfaced in 2012 when CABS deployed their drone. There has recently been a publication to the effect that the EU is trying to legislate to harmonize rules pertaining to deployment of these devices for civilian use and it is unclear whether the use of the drones in Malta is actually legal. On a separate note, they also mentioned that whilst hunters are ready to report illegalities, some hunters felt it unsafe to do so through routine police channels which may not guarantee confidentiality and privacy of these reports.

4.14 Jurgen Vella said that although he is not well briefed on the precise legal aspects pertaining to deployment of drones, he is not aware of any particular legal impediments that would prejudice their use by the police. Various legislation is in place including data protection act, which ensures that citizens privacy is respected and that any private data is handled securely and confidentially. The same applies to reporting of illegalities. The police has a system that ensures privacy and confidentiality of reports received on 119. However quality of some of the reports received is an issue as in the past the police acted upon poor quality or outright false reports of alleged illegalities and this

has proven to result in wastage of police effort. He also said that if a drone is targeted, this would be treated in the same manner as targeting other police and government property.

4.15 On a separate note, Sergei Golovkin referred to recent appeal by the government to all environmental NGOs to sign up to a joint communiqué on the eradication of illegal targeting of protected birds. He said that although this is a symbolic initiative, it is an inherently positive one as it attempts to bring together various stakeholders in the sector. It would be opportune for NGOs to express their support for this initiative, he said. He asked Birdlife Malta's representatives regarding whether Birdlife would be willing to endorse this communiqué. Geoffrey Saliba replied that Birdlife Malta is assessing this proposal and will be referring its comments on the draft for government's consideration shortly.

4.16 Sergei Golovkin also referred to the fact that the European Commission requested government's explanation regarding turning down request by Birdlife Malta to assign a uniformed police officer to accompany NGO patrols during Spring Watch camp. The reason for the refusal was that the police has its own operating procedures, and the Commissioner of Police deemed it proper that all reports of suspected illegalities should be channeled through police control room and command centre, rather than through ad hoc arrangements involving a disjointed officer attached with an NGO. Sergei Golovkin expressed disappointment that Birdlife Malta deemed it proper to disrespect Commissioner of Police's decision not to assign an officer for logistical and operational reasons, and instead chose to complain to the European Commission in the hope that enough pressure will be put on the Maltese authorities to reverse this decision. He said that the level of operational cooperation between Birdlife Malta's volunteers with the police and with the Specialist Enforcement Branch of the Wild Birds Regulation Unit on enforcement issues is strong, and one should not construe a refusal to assign an officer in terms of lack of cooperation. He said that regrettably, a pattern emerged whereby Birdlife Malta opts to report "problems" to the European Commission without first attempting to clarify or discuss these "problems" with the authorities concerned. One cannot, on the one hand, demonstrate lack of genuine will to cooperate, and, at the same time complain about lack of cooperation.

4.17 Reacting to these remarks, Geoffrey Saliba said that similar requests were acceded to in the past and therefore Birdlife cannot understand why the request is being refused now, particularly given that the NGO was prepared to even fund the expenses involved. He said that in the past, such a measure was deemed to be very useful in facilitating swift reaction to detected illegalities, since the police officer could rapidly communicate with other units and coordinate immediate response. It was unfortunate that the police rejected this measure on this occasion and Birdlife Malta is free to express its disappointment also directly with the European Commission. Reacting to the last comment, Geoffrey Saliba said that Birdlife Malta also has its own pressures from the European Commission, which often requests Birdlife Malta's opinion or comments on particular issues and therefore Birdlife Malta communicates with the Commission directly whenever this is necessary.

4.18 Lino Farrugia said the Commission's official partner is the Government of Malta and not any NGO, be it Birdlife or FKNK.

4.19 The Chairman said that as an NGO Birdlife Malta is free to write or appeal to whoever it wishes and that one cannot stop the organization from doing so. Sergei Golovkin clarified that his remarks were not intended to chastise Birdlife for complaining or criticizing the authorities, but to highlight the fact that there were reasons behind Police Commissioner's decision and that these reasons should be understood and respected, even if the NGO disagrees with them. On its part the government was open to intense collaboration with the NGOs, and indeed there are several joint initiatives in progress, but this does not mean that whenever one disagrees with a particular decision, there is no collaboration.

4.20 Mark Gauci asked whether there will be a Derogation Monitoring Board this year to coordinate enforcement operation as was the case last year. Sergei Golovkin clarified that there is no particular need to constitute this structure this year because the necessary coordinating mechanisms are already

in place through the Wild Birds Regulation Unit which is in daily operational contact with the necessary stakeholders. It is felt that such coordination may be more effective than through a separate board or a committee.

4.21 Chairman said that he agrees that there may be no need for a separate board, for as long as the Ornis committee is regularly briefed on the enforcement operation. Sergei Golovkin confirmed that this is the intention.

## **5. Assessment of the proposed finch live-capturing derogation**

5.1 Chairman recalled that it was previously mentioned during 18<sup>th</sup> February meeting that the WBRU are conducting an assessment of FKNK's proposal concerning finch live-capturing derogation and that at some point when this assessment is completed the outcome of the analysis shall be reverted to Ornis for further discussion. He stated this in a recent interview with Reno Bugeja of *Dissett*, during which he also highlighted the fact that as Chairman, his role is to create the necessary conditions for an objective technical discussion on this issue to take place within the Committee. It is clear that the proposal may have wide-ranging implications, and this calls for a thorough analysis and discussion. The proposal has multiple dimensions, including scientific and legal ones, as well as cultural and social dimensions. It is the role of this Committee to give the Government an objective assessment and recommendations concerning this proposal and therefore the Committee should take the necessary time to discuss the matter from multiple angles. It does not seem feasible that the discussion on this item can be concluded in a single sitting. He proposed that during the present sitting the Committee will begin by hearing presentations from the Wild Birds Regulation Unit, and subsequent to that members will be able to react, possibly at the next sitting. He asked whether the discussion should first focus on the technical and scientific aspects of the proposed derogation, or whether the legal dimension should be presented first. It was agreed that presentations should commence from the legal dimension, since this is pivotal for understanding the legality of what is being proposed, before delving into further technical details.

5.2 Nicholas Barbara asked for clarifications regarding the reason why this proposal is being discussed at this stage, given that the Committee is also preoccupied with other priorities such as spring hunting. It is also unclear why the assessment is being presented by WBRU. He also asked what the Chairman meant by referring to "cultural" dimension.

5.3 The Chairman explained that there is little doubt that tradition of live-finch capturing has an extremely deeply rooted social and cultural dimension. Whilst it may not be the role of the Committee to advise Government on social and cultural implications, it is also clear that these implications are implicit and cannot be ignored.

5.4 Sergei Golovkin clarified that the Ornis Committee at its sitting on 20<sup>th</sup> August 2013 was formally presented with a proposal from the FKNK. He noted that Birdlife Malta's representatives opted to walk out of that Committee's meeting before finches agenda item was even considered, in protest over an unrelated item that was being discussed at that time, namely the assessment of the proposed golden plover and song thrush live-capturing derogation. The Committee realised that the finch live-capturing proposal has a vast legal and technical dimension, and that a thorough preliminary analysis is required to provide the Committee with an informed basis for further consideration. This is why the Committee requested WBRU to perform this analysis from legal, scientific and technical points of view, and to revert back the outcome of this analysis when completed. The WBRU is therefore acting as a technical supporting arm of the Committee, which is its legal duty in terms of the Conservation of Wild Birds Regulations.

5.5 Mark Gauci recalled that in previous years similar proposals were made by the FKNK, but it was always understood that the implementation of such a proposal would not be legally possible, and hence there was no thorough discussion on the technical aspects.

5.6 Joe Perici Calascione said that indeed the FKNK has filed this proposal every year since 2009, but the proposal was simply ignored. This showed that the Committee did not fulfil its legal duties properly, as it is the legal role and remit of the Committee to discuss any derogations. The FKNK is glad that on this occasion the Committee requested Government to perform a serious analysis of this issue, although it would have hoped that this analysis would have been completed sooner.

5.7 Mark Gauci said it is still unclear why if the proposal was deemed to be not legal before, why is the Committee considering this now. What has changed?

5.8 The Chairman said that it was important to ascertain the legality of the proposal first. He asked Sergei Golovkin to explain the legal analysis.

5.9 Sergei Golovkin said that the first question that had to be asked in this analysis was: Is the proposal legally feasible? If the answer to that question was a “no”, then further technical analysis did not make sense. As part of a legal assessment, WBRU obtained legal advice from independent legal experts, from AG’s office, from the legal staff at the EU Secretariat and at the Permanent Representation of Malta to the EU. Two meetings also took place with the European Commission, where the legal dimension was discussed. The results of this assessment were summarised in the document circulated to Ornis members last week. Essentially, the analysis focused on two distinct, but interrelated parts. In the first part, one had to ascertain whether the proposed derogation is legally feasible, in the light of Malta’s obligations under the Act of Accession to the EU. Therefore both the wording, and the context of Annex XI of the Act of Accession were thoroughly analysed. As regards wording, it is clear that the Act of Accession did not preclude Malta from applying Article 9 derogations after the expiry of the transitional period in 2009. In other words, Malta did not relinquish its rights under parts of EU *Acquis* through intermediary measures spelled out in the Act of Accession. A special derogation granted to Malta under this Act was time-bound, and has expired by the end of 2008. As regards the context within which obligations under the Act of Accession were analysed, one had to recall that Malta’s starting point in the negotiations with the EC on the finches dossier was a proposal to include seven finch species in annex II of the Directive. When this proved to be not possible, Malta accepted the possibility that a captive breeding programme may provide a solution, for as long as there will exist a possibility that some limited taking of finches from the wild will be permitted in the numbers strictly necessary to address the problem of consanguinity in the captive breeding programme. It is very important to understand that a solution to traditional live-capturing practice can only be deemed satisfactory if it comprises both the element of live capturing, and the element of keeping. The Act of Accession thus envisaged a potential solution, as it was seen at that time, that the captive breeding programme would enable fulfilment of both of these elements. The government has subsequently fulfilled its obligations under Act of Accession, and a pilot captive breeding programme was set up. The programme was analysed and assessed from multiple angles at various points in time, and it has subsequently become clear that the programme could not provide a satisfactory solution that was originally sought since the taking of finches from the wild has turned out to be not necessary in the first place in order to sustain genetic diversity of the programme. There were various scientifically justified and structural reasons for this, and the resulting effect of these reasons was that the programme turned out not a solution. The intermediate period prescribed in the Act subsequently came to an end and the practice of finch trapping was banned as from 2009, and no derogation was sought by Government at that time. However the original problem for which a solution was being sought did not dissipate and has remained in place. Thus in the second part of the legal assessment, a question had to be asked: If the Act of Accession expired and no longer regulates the issue, what is the applicable legal basis for considering a possible solution? The answer to this question lies within the Birds Directive itself, which provides for a mechanism for derogating from some of its provisions within a very specific and restricted range of situations. This mechanism is spelled out in Article 9(1)(c) which allows member states to derogate from the provisions of articles 5, 6, 7 and 8 to permit, provided there is no other satisfactory alternative, the “capture and keeping and other judicious use” of certain birds in “small numbers” on a “selective basis” and under “strict supervision”. The second part of the legal assessment therefore had to focus on whether the proposed

derogation would fulfil the parameters of this article. As part of this analysis, potential alternatives were subjected to an “other satisfactory solution” test, and it was ascertained, through experience of implementing captive breeding programme, through ban on trapping, through the application of live-capturing derogations for other species, and other initiatives, that “no other satisfactory solution exists”. Aspects pertaining to selectivity of the methods used, conservation status of the species concerned, determination of “small numbers” and strict supervision requirements were also assessed. The analysis is summarised in the documentation circulated amongst Ornithologists members. This analysis indicates that the fulfilment of the above conditions is legally and technically possible. However given the fact that the species concerned are non-huntable (i.e. not listed in Annex II of the Directive), particular attention needs to be paid to the analysis of the conservation status and determination of “small numbers”. For this reason a separate analysis of these aspects was also performed, independently from the legal assessment. This analysis was also circulated to the Committee and is to be presented by Mr Richard Lia, Manager of Policy Branch of WBRU.

5.10 Chairman invited Richard Lia to present this analysis.

5.11 The presentation on the technical assessment focused on the conservation status of the seven finch species and the methodology adopted when calculating the reference population from which the hypothetical bag limit for each species was deduced. For each species the assessment looked at the conservation status at a three-tier population level: Pan-European, EU level and ring recoveries in Malta and Italy with an emphasis on the EU populations. Malta has ring recoveries for Chaffinch, Linnet, Goldfinch, Greenfinch, Serin and Siskin but no ring recoveries for Hawfinch. For the latter species ring recoveries in Italy were used as a proxy. It was explained that the assessment of the reference population and the less than 1% mortality is based on ring recoveries in Malta (and Italy in the case of Hawfinch) from other EU Member States.

5.12 The population trend categories were explained. According to BirdLife International (2004) a change in the population size ranging from less than 10% decline to less than 10% increase falls within the Stable trend category, that changes in excess of 30% (decline or increase) fall within the Large Decline / Large Increase trend category respectively and that Moderate Decline / Moderate Increase trend categories are denoted by a change between 10% and 29%. The trend categories for each species were discussed at Pan-European, EU and ring recoveries level. It was shown that at the Pan-European level the European Bird Census Council (2013) lists the long-term trend (1980-2011) of the Goldfinch, Greenfinch, Hawfinch and Chaffinch as Moderate Increase but the long-term trend (1980-2011) of the Linnet, Serin and Siskin as Moderate Decline. However, it was also shown that on the basis of minimum and maximum pairs these populations at Pan-European Level are all Stable, with the exception of the Hawfinch which is classified as Moderate Increase (+10.27%). It was also shown that noticeable differences exist between the trend classification of these populations at EU level and their subset (ring recoveries). At EU level, the Goldfinch, Siskin and Hawfinch populations are classified as Moderate Increase whereas the Greenfinch, Chaffinch and Serin as Stable at the minimum and maximum pairs as well as their geomean. The minimum and geomean Linnet pairs at EU level are Stable but the maximum number of pairs is classified as Moderate Decline (-12.94%). The situation differs markedly with respect to ring recoveries from other EU Member states: the Linnet minimum number of pairs falls within the Large Increase category (+30.95) and the maximum number of pairs within the Moderate Increase category (+25.19%). Both the minimum and maximum number of Goldfinch pairs fall within the Large Increase category whereas the Hawfinch within the Moderate Increase (minimum and maximum pairs). The remaining four species at the ring recoveries level (Greenfinch, Siskin, Chaffinch and Serin) fall within the Stable category. The method used for calculating the small numbers criterion was explained. The EU Guidance on Sustainable Hunting states that for huntable species “small numbers” for huntable species should be in the region of 1% mortality and for non-huntable species it should be less than 1% mortality. The latter figure (<1% threshold) was used in the technical assessment.

5.13 Notwithstanding that the collective reference populations at the EU ring recoveries level are either Stable or Increasing, it was explained that the Belgian population of the Hawfinch (which

constitutes 0.57% of all ring recoveries of this species in Italy from other EU Member States) is within the Moderate Decline category, as are the Slovakian and Slovenian population of the Linnet (which collectively constitute 3% of all ring recoveries of this species in Malta from other EU Member States). Although these three Member State populations were included in the workings for determining the total trend classification of the species at the EU ring recoveries level, they were then omitted when calculating the <1% threshold. This was purposely done to limit the <1% threshold to the barest minimum.

5.14 It was explained that in order to fulfil the small numbers criterion further the <1% threshold was partitioned with Member States that have applied derogations for the live-capturing or hunting of these species, namely Austria (Chaffinch, Linnet, Goldfinch, Siskin and Hawfinch), Spain (Chaffinch, Linnet, Goldfinch and Siskin) and Italy (Chaffinch). This partitioning was applied very restrictively since, for example, it is unlikely that Spain and Malta share the same reference populations owing to the distinct Western and Central European flyways. Nonetheless, the resultant partitioned fraction is 25% for Chaffinch, 33% for Linnet, Goldfinch and Siskin and 50% for Hawfinch, Serin and Greenfinch.

5.15 Richard Lia also explained that the assessment went one step further. When calculating the hypothetical national bag limit for each species the methodology used a formula (adapted from Allendorf and Luikart's 2007 publication: *Conservation and the Genetics of Populations*) which takes into account the partitioned <1% mortality of the reference population (ring recoveries in Malta / Italy), based on the minimum breeding pairs and minimum chicks per pair, and the average number of finches caught during the period 2002–2008. The objective of this formula was to return a figure that is not only less than the <1% mortality but also lower than the average number of birds caught. It was shown that for each species the average number of birds caught during this seven-year period is significantly less than the non-partitioned <1% mortality of the reference population and that for some species even lower than the partitioned <1% mortality. It was explained that the formula can only be used when the partitioned <1% mortality is higher than the average number of birds caught between 2002 and 2008. These calculations resulted in much lower potential national bag limits than those proposed by FKNK.

5.16 Once technical presentation was concluded, the Chairman proposed that there should be a follow up session during which WBRU can present the remainder of the documents circulated, and during which members may present their reaction. He said that the Committee will need proper time to consider the issues presented and to have a thorough discussion.

5.17 Sergei Golovkin proposed that the follow-up meeting would take place at the end of April. He said that it was necessary that the Committee would treat consideration of this documentation with priority, with the view to providing government with recommendations by early May. This is because should the Committee decide to recommend to apply the proposed derogation, a multitude of technical and legal arrangements will have to take place to ensure that the derogation is applied and supervised properly. It would be unreasonable to expect that such arrangements would be made at short notice too close to potential season. This does not imply that the Committee is being “pressured” to take a hasty decision, but that the decision needs to be timely.

5.18 Geoffrey Saliba said that WBRU took several months to conduct its assessment and Birdlife would also need to have adequate time to conduct its own review. At first glance, the documents presented by WBRU appear to be one-sided and do not reflect potential questions that may need to be raised.

5.19 Chairman agreed that the Committee should take the necessary time to review, but this timeframe for the review must also be reasonable. If necessary, several follow-up sessions may need to be scheduled. Nobody has the right to influence Committee's decision, but the WBRU do have a point about timing. Thursday 24<sup>th</sup> April was proposed as a tentative date (however subsequent to that this had to be shifted to May).

**6. Any other business**

6.1 The Committee did not discuss any other business.

Meeting was adjourned at 1945 hours.