

## Meeting of the Malta Ornis Committee

Wednesday 12 April 2017, WBRU, 1630 - 1900

### 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 Joe Perici Calascione – FKNK  
Mr Lino Farrugia – 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

**Other contributors present:** Richard Lia, Senior Manager, Wild Birds Regulation Unit

#### (1) Adoption of the agenda

1.1 Nicholas Barbara asked whether the ALE Inspector has been invited to be present during discussion on item 3 (spring hunting). Sergei Golovkin clarified that in this instance he did not see particular need to distract the Inspector from his enforcement operations at this time, given that the Inspector has already provided the Committee with detailed overview of enforcement deployment which is presently being implemented. WBRU, which coordinates with the ALE on a daily basis will provide any relevant updates.

1.2 Nicholas Barbara furthermore expressed reservations regarding consideration of the Golden Plover and Song Thrush derogation in on its own, without considering first the results of the finches derogation. He argued that since both derogations involve common elements such as enforcement and licensing procedures, the two derogations should be considered concurrently and in conjunction with one another. He furthermore referred to the finch trapping case presently pending CJEU judgement and said that the expected court ruling would affect both derogations. He therefore questioned the rationale behind considering these derogations prior to CJEU judgement.

1.3 Sergei Golovkin acknowledged that both derogations have common elements, however reiterated that the two derogations are legally distinct and separate as they involve different parameters and separate species. He informed the Committee that the draft report on the outcome of finch live-capturing derogation has been prepared, and is presently pending necessary internal reviews, which will require more time to complete. Likewise, work to update the conservation status assessment of finch species is still underway. He said that as soon as both reports are finalised, possibly within the next couple of weeks, they will be presented to the Committee. He underlined that to date the Committee has always followed the same procedure of considering the Golden Plover and Song Thrush derogation separately from the finches derogation, and hence there is no particular reason why this procedure should be changed at this stage. Whilst the finches case is pending determination by

CJEU, this is not the case for the other derogation. Once CJEU pronounces its ruling on the finches case, the government will take this ruling into consideration in its decisions. However this should not constrain or preclude the Committee for providing recommendations to government, on the merits of both derogations.

1.4 Lino Farrugia emphasized that the two derogations are completely separate and must be considered separately.

1.5 The Chairman concluded this discussion by stating that the Committee would take the necessary time to deliberate materials presented and will take its decision concerning recommendations to government on both separate derogations once it is ready to do so.

1.6 The agenda was adopted.

## **(2) Approval of the minutes**

2.1 Nicholas Barbara asked for more time to review the draft minutes of the meeting held on 20 March. Chairman agreed – approval of the minutes shall be postponed to next session.

2.2 Lino Farrugia said that he did not attend the meeting on 20/03 because he did not receive notification. Sergei Golovkin replied that the notification was duly sent to all Ornis members including to Lino Farrugia. If the emails were not received, this was likely to have been a problem with recipient's email account. He asked for an alternative email address to be provided.

2.3 Lino Farrugia further stated that although he was not present during last Ornis discussion with regards to bird ringing item, he observed that the replies given by WBRU and BLM to the questions put forward by the FKNK were "rather pathetic". He said that it was evident from the replies given that there was a "gross imbalance" in legislation and in the manner the law is being enforced. He added that whilst the hunters and trappers had to contend with extreme restrictions and harsh enforcement regime, legal provisions regulating the activities of BLM were lax and enforcement of compliance of such activities with the law was non-existent. As an example of such imbalance he made reference to the fact that bird ringers are authorised to use non-selective mist nets, yet there was no legal requirement to ensure that such nets are never left unattended. This in contrast with the legal restrictions on the use of selective clap nets by trappers, with clear legal obligations not to leave armed nets unattended.

2.4 Mark Sultana reacted by stating that BLM would have no objection to enacting such legal requirements since mist nets used by licensed ringers are never left unattended. He furthermore referred to Lino Farrugia's claim of "pathetic" replies and suggested that if any further clarifications are needed, BLM would be glad to provide them.

2.5 Chairman concluded this discussion by inviting the FKNK to feel free to propose any further issues related to bird ringing for follow up at subsequent sessions. Lino Farrugia responded by stating that at this stage the FKNK does not feel further need for follow-up discussion at Ornis and also added that if he were to be present during the last meeting, he would have again asked to postpone discussion on this item until the appropriate time.

### **(3) Spring hunting derogation for quail**

4.1 Chairman invited Sergei Golovkin to update the Committee on implementation of spring hunting derogation for quail.

4.2 Sergei Golovkin made reference to previous updates provided by ALE Inspector concerning enforcement arrangements during the hunting season, and confirmed that these arrangements are currently being implemented. He noted that a combined ALE / district police / AFM / WBRU complement of around 87 officers has been deployed on mainland Malta daily in two shifts. Around 6-8 officers have been deployed in Gozo. To date, the only illegalities detected since the start of the season were unrelated to hunting and consisted of illegal trapping of finches. Several persons were apprehended in conjunction with the trapping incidents and are being prosecuted.

4.3 Sergei Golovkin continued to explain that to date there have been no reports of any hunting-related illegalities. He noted that, although 12 protected birds have so far been recovered and confirmed as having suffered gunshot injuries, there have been no actual reports or eyewitness account of any illegal targeting of protected species which could have led the enforcement officers to identify and apprehend relevant suspects. He observed that in the past years there were always several confirmed instances of illegal shooting of protected birds leading up to identification of suspects, and many more relatively minor illegalities, such as failure to report birds shot, firearm irregularities and illegal use of bird callers. He noted that during this year's season to date there were no such cases, despite, or rather because of, significant enforcement presence.

4.4 Nicholas Barbara observed that 12 birds with confirmed gunshot wounds is an indication that illegal shooting still persists, and this is already more than double the number of such cases reported last year. Sergei Golovkin said that the number of shot protected birds during 2016 spring season was 9. He also acknowledged that the problem of illegal targeting of protected species has not yet been fully eradicated, but also noted that it is nowhere near the extent of the problem in previous years. He said the situation this year compares favourably to last year's season, which was one of the best seasons on record in terms of the low number of illegalities.

4.5 Sergei Golovkin continued to explain that a record low number of hunters took part in this year's season. WBRU issued a total of 6,653 special licenses, of which over a hundred have not yet been collected to date. This is about 30% fewer hunters than last year. Moreover, there is an indication that much fewer hunters have actually taken an active part in the season. This is particularly evident from daily inspection records that WBRU receives from the police, where every patrol indicated that very few hunters are seen in the field. He said that given a significant number of officers deployed this year there would be many spot checks on individual hunters, however inspection records so far indicate that the number of spot checks will be much lower than last year because enforcement officers had trouble of finding hunters to inspect. Many hunters who applied for special license told WBRU that they did not hunt this spring.

4.6 Mark Sultana asked what is the proportion of hunters operating in Gozo. Sergei Golovkin said the precise figure will be included in the report, however usually the proportion stands at around 20%. Mark Sultana asked further whether the proportion of hunters in Malta vs in Gozo is reflected in the enforcement strength being deployed. Sergei Golovkin replied that the number of officers deployed overall significantly exceeds the legal requirement, which does not differentiate between Malta and Gozo.

4.7 Joe Perici Calascione said that there is no doubt that there has been tremendous improvement in enforcement and compliance. The situation today cannot even be compared to that few years ago where BLM was reporting hundreds of incidents in a matter of days. He said that most of this improvement is due to increased awareness of the hunting community, and cooperation between hunters and enforcement authorities. However this improvement is being "constantly undermined" by lack of acknowledgement on the part of BLM, which continued to campaign incessantly for the

abolition of hunting, whilst using every incident to portray “an exaggerated situation that is totally out of proportion with the reality on the ground”. The hunting community therefore feels aggrieved by this lack of appreciation and acknowledgement of progress from the BLM, and this is further compounded by the fact that the hunters have seen a steady erosion of their hunting “rights” over the years and by “lack of respect” towards the “hunters’ sacrifice”.

4.8 Mark Sultana acknowledged that there has been significant progress and that the situation has changed completely in comparison with that few years ago. However he said that this progress must be sustained further and for this reason “we must keep the pressure” and “not let the foot down from the gas pedal” because when this happens the situation can deteriorate rapidly.

4.9 Nicholas Barbara asked for an indication of the number of quail reported hunted so far. He also asked regarding whether a migration study is being undertaken, and if yes, whether it includes both turtle dove and quail.

4.10 Sergei Golovkin said that the number of quails hunted cannot be published at this stage, given that the season is still ongoing. However it will be published as soon as the season is over and a detailed analysis will be included in a comprehensive report. He also confirmed that an independent scientific migration study of turtle dove and quail migration has been commissioned and is ongoing. The study covers the period of the hunting season. He added that so far quail migration was virtually non-existent, with only sporadic quail sightings having been reported mostly over the past few days. The indications so far is that the season has been extremely poor, possibly the poorest on record.

4.11 Lino Farrugia lamented lack of BLM participation in the migration study. He said that on the one hand, BLM refers to the study to challenge spring hunting, but on the other hand, it has failed to participate in it. He specifically referred to the publication in BLI journal in April 2016 circulated by BLM last year, which alleged that Maltese hunters kill hundreds of thousands of turtle doves in spring. Yet both the migration study, and hunters’ reports, which are the best available data backed by physical evidence, clearly disprove such “illogical assertions”, because it is evident that these species are simply not present in Malta in the numbers being alleged.

## **5. Report on the outcome of 2016 autumn live-capturing derogation for Golden Plover and Song Thrush**

5.1 Chairman invited Sergei Golovkin to present this item.

5.2 Sergei Golovkin referred to the report on the outcome of the derogation which was circulated to the Committee and has also been published on WBRU website. The report follows similar format to derogation reports compiled in previous years. Some 997 persons applied and obtained a special live-capturing license for these species in 2016, around 12% fewer than in 2015. Approximately 17% of these were resident in Gozo and 83% were resident in Malta. These persons were authorised to operate 1,341 registered live-capturing stations. Conditions of special licenses were identical to license conditions in 2015. These conditions included, amongst other, restrictions on the use of live-decoys, the use of special rings, mandatory reporting requirements, restrictions pertaining to time and space and conditions of risk, bag limits and other parameters. A total of 297 Golden Plovers and 230 Song Thrushes were caught during that season, slightly less than in 2015, proportionately mirroring a decline in the number of licensees. For the second time an independent migration study was carried out during derogation period. The findings of the study were presented in the report, including an analysis of observed migration trends *vis a vis* reports submitted by live-capturers. A correlation was observed between the two sets of trends, which indicates that by and large reported catches mirrored observed extent of migration. The report also included a section concerning enforcement which provides details regarding number of officers deployed, training provided, the number of spot checks and inspections carried out, and the number and nature of offences detected and action taken. A

significant increase in the intensity of field inspections and spot checks on individual trappers was registered in 2016, in comparison with the same period in 2014 and 2015. As a result of the increased intensity of inspections, the number of breaches of license conditions detected during the 2016 season has declined in comparison with 2015. The bulk of the offences detected related to illegal use of bird callers. The report is accompanied by annexes which include a conservation status assessment report for the two species in question, as well as a sample special license. Sergei Golovkin furthermore noted that the strict supervision regime deployed during this derogation also had a positive effect on general enforcement situation in the field during this period. He also noted that concurrently with this derogation, both species could also be hunted, as was also the case in several other EU MS.

5.3 Chairman questioned the utility of the migration study in the context of derogation monitoring, given that the observed migration trends can never correlate precisely to reported trends of catches. He asked whether the government is getting the value for money from this study.

5.4 Sergei Golovkin said the migration study should not be considered in isolation, but as one element that is an integral part of the overall supervision regime of the derogation. The study should therefore be considered in conjunction with other control elements, including monitoring of quotas and reporting obligations, legal obligations and deterrents in place, as well as enforcement regime including spot checks and inspections on the ground. In this context, the study provides an additional verification mechanism that helps to understand the patterns of migration of the relevant species, and how these patterns correlate to the reports made by live-capturers.

5.5 Nicholas Barbara said that the reports made by trappers “evidently do not correlate” with migration observations. He cited as an example the extent of observed migration of Golden Plover which was significant, yet the reports submitted by trappers indicated a rather poor catch. Similar trends are also evident in the case of Song Thrush.

5.6 Joe Perici Calascione said that one should not ignore the fact that the live-capturing season coincided also with the hunting season during which both species could be hunted. Hunting activity impacts on live-capturing and one should not assume that if some flocks of Golden Plovers or Song Thrushes were sighted, these would automatically be expected to be caught by live-capturers. In reality, only a small fraction of migrating birds would be either captured or trapped. He furthermore referred to the absence of any quotas or bag limits for hunting of these species, whilst at the same time live-capturing was subject to individual bag limits of 6 birds and the national bag limits. He specifically referred to the individual seasonal bag limit per licensee, which in FKNK’s opinion does not make sense and is potentially counter-productive.

5.8 The Chairman said that in its recommendations, the Committee may explore whether to recommend to government that the individual bag limit should be removed. He added that in this instance, the individual bag limit does not appear to serve a meaningful purpose, since the authorities can control the overall uptake of the national bag limits. He proposed that once the Committee is ready to consider recommendations, a two-pronged vote can be taken, one on the application of the derogation in principle, and one on the issue of individual bag limit.

5.9 The Committee took note of the report.

## 6. Updates on the conservation status of Golden Plover and Song Thrush

6.1 Chairman invited Richard Lia to present the assessment.

6.2 Richard Lia explained that as was also the case in previous years, WBRU assessed all latest available scientific information concerning conservation status of the two species, and updated the previous year's assessment accordingly. In the report, which was circulated to the Committee in advance of the meeting, the conservation status of the two species is reviewed on the basis of current scientific literature, which also provides details of population size, mortality rates and migratory routes. An assessment of the Golden Plover at sub-specific level is also provided. It is shown that Golden Plovers migrating over the Maltese Islands are the sub-species *Pluvialis apricaria altifrons* from the Northeast European (West Continental) population<sup>1</sup> and that the moderate historical decline refers to the nominate *P. apricaria apricaria*, which does not pass through Malta. The current update, based on the most recently available scientific literature, shows that both *Pluvialis apricaria altifrons* and *Turdus philomelos* continue to have a Favourable Conservation Status at the European, the EU27 and the reference population levels. The assessment furthermore contains a review of the latest available population estimates of the species concerned, as well as determination of applicable annual mortality rates in accordance with the principles established in Commission's Guide to Sustainable Hunting under the Birds Directive.

6.3 Richard Lia further explained that according to EU Article 12 reporting data, the European Golden Plover has a breeding population size of 244,000–355,000 pairs and a breeding range size of 661,000 km<sup>2</sup> in the EU27. The breeding population trend in the EU27 is *Increasing* in the short term and *Increasing* in the long term (EEA, 2014). The species has a winter population size of 1,350,000–2,430,000 individuals in the EU27. The winter population trend in the EU27 is *Unknown* in the short term and *Unknown* in the long term. The EU population status of *Pluvialis apricaria* was assessed as *Secure*, because the species does not meet any of the IUCN Red List criteria for *Threatened* or *Near Threatened*, or the criteria for *Depleted* or *Declining* (the EU27 population or range has not declined by 20% or more since 1980). The main updates to the above data stemmed from the latest dataset available from the European Bird Census Council<sup>2</sup> (EBCC, 2016) at the time the conservation status of the Golden Plover (*Pluvialis apricaria*) was updated (April 2017). According to EBCC (2016), there was a decrease in the Northeast European (West Continental) population (Norway, Sweden and Finland) both in the short-term and long-term, when compared with the previous (2015) EBCC update. In the short-term trend (1990–2014) the decrease was from +16% to -9% (-25% decrease) and from -1% to -14% (-13% decrease) in the long-term (1980–2014) trend. The current EBCC assessment considers *Pluvialis apricaria* as *Stable* (1980–2014), with “no significant increase or decline, and most probable trends are less than 5% per year”. It should be noted that the “List of Countries” contributing to this update are Norway, Sweden and Finland, which collectively represent the Northeast European population of *Pluvialis apricaria altifrons* (Malta's reference population).

6.4 As regards population status at the *reference population* level, Richard Lia noted that Article 12 reports for the 2008–2012 reporting period specifies that the Northeast European breeding population of the Golden Plover (*P. a. altifrons*) within the EU territory (Finland and Sweden) ranges between 203,000–290,000 breeding pairs. Finland constitutes 43.8% whereas Sweden constitutes 24.1% of the EU27 population respectively. The breeding population of Finland and Sweden is estimated at 120,000–150,000 pairs and 83,000–140,000 pairs respectively, which results in a reference population of 203,000 minimum breeding pairs, based on the current estimates as specified in Article 12 reports for the 2008–2012 reporting period. This results in a 1% of annual mortality estimate of 5,309, which is then further divided by three to account for the three main migratory flyways, producing a figure of 1,770, which can be taken as an approximate maximum estimate of birds than can be sustainably taken. However as a further precaution, this figure is reduced further on account of the average bag

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<sup>1</sup> Source: Wetlands International (2009: 180) *An Atlas of Wader Populations in Africa and Western Eurasia*

<sup>2</sup> *Trends of common birds in Europe, 2016 update*. Available at: <http://www.ebcc.info/index.php?ID=612>

data reported for previous years since 2002, and therefore no changes to the present maximum national bag limit of 700 is proposed.

6.5 As regards Song Thrush (*Turdus philomelos*), Richard Lia reported that the European population is estimated at 20–36 million breeding pairs, forming 50–74% of the global range. According to BirdLife International (2017), the global population size is estimated at 75,000,000–120,000,000 individuals and is thus extremely large. According to BirdLife International (2016) this species does not approach the thresholds for *Vulnerable* neither under the range size criterion, under the population trend criterion, nor under the population size criterion. For these reasons, BirdLife International evaluates this species as *Least Concern* within both Europe and the EU27. According to Article 12 data, the Song Thrush has a breeding population size of 12,700,000–21,900,000 pairs and a breeding range size of 3,520,000 km<sup>2</sup> in the EU27. The breeding population trend in the EU27 is *Increasing* in the short term and *Increasing* in the long term (EEA, 2014). The EU population status of the Song Thrush was assessed as *Secure*, because the species does not meet any of the IUCN Red List criteria for *Threatened* or *Near Threatened*, or the criteria for *Depleted* or *Declining* (the EU27 population or range has not declined by 20% or more since 1980).

6.6 Richard Lia continued to explain that the latest dataset available from the European Bird Council Census (EBCC, 2016) at the time the conservation status of the Song Thrush (*Turdus philomelos*) was updated (April 2016), lists this species trend classification as *Moderate Increase*, defined as a “significant increase, but not significantly more than 5% per year”. In the short-term trend (1990–2014), the change from previous EBCC (2015) update was from +3% to +7% (+4% increase) and from -7% to -5% (+2% increase) in the long-term (1980–2014) trend.

6.7 In the absence of ring recoveries in Malta, the reference population of the Song Thrush has been considered to be 11,831,026 breeding pairs. This represents the entire minimum breeding population at EU level but, as shown below, the 1% threshold is subdivided by three given that Malta is located along the easternmost fringes of the central European flyway, which is one of three principal flyways. This results in a 1% of total annual mortality of 367,472, which is subsequently further divided by three to account for the three flyways, producing a figure of 122,491. However, noting that the average number of Song Thrushes captured with clap-nets over an eleven-year period (2006–2016) is 930, the previous season’s bag limit of 5,000 Song Thrushes should be retained should a derogation to open an autumn live-capturing season for Golden Plover and Song Thrush be applied in 2017.

6.8 The Committee discussed the report presented by Richard Lia. The discussion revolved around the determination of the taxonomy of Golden Plover at sub-species level, as well as the need to account for the three migratory flyways.

6.9 Mark Gauci pointed to the remaining uncertainty over taxonomic determination of the sub-species of Golden Plover migrating over Malta.

6.10 Joe Perici Calascione questioned the established national bag limits, particularly for Song Thrush, which is an order of magnitude lower than the 1% of annual mortality rate estimate for reference population.

6.11 Chairman queried the need to divide estimates of the reference population by three to account for flyway, since such a division is based on a highly approximated and possibly incorrect assumption that migration along the three flyways would be equally distributed.

6.12 Sergei Golovkin pointed out that during the same period of the derogation, both species can be shot without any quotas applied in several EU member states, and that Malta undertakes such a high level of scrutiny in respect of the live-capturing derogation to ensure beyond reasonable doubt that the small scale *de minimis* nature of the activity is completely sustainable, especially when seen within the larger context of hunting of these species in Europe. He also mentioned an example of a recent seizure of over 5,000 dead song thrushes in Sardinia, as reported on IMPEL ESIX. He said that in that

single seizure there were more dead thrushes than the maximum number allowed to be captured by law over an entire season in Malta.

6.13 The Chairman asked Committee members whether they feel that a recommendation can be adopted concerning potential derogation in 2017, on the basis of the materials presented.

6.14 Stephen Saliba asked to postpone such consideration to the next session, given that he needs to discuss matter further internally within ERA. Chairman agreed.

## **7. AOB**

7.1 The Committee did not discuss any other business.

7.2 The meeting was adjourned at 1900 hrs.