

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

**12<sup>th</sup> July 2013, Casa Leoni, Sta Venera**

### **Minutes**

#### Attendees:

Dr Louis F. Cassar – Chairman  
Mr Sergei Golovkin - Secretary  
Mr Frank Vassallo – Hunting and Trapping Expert  
Mr Lino Farrugia – FKNK  
Mr. Joe Perici Calascione - FKNK  
Mr Nicholas Barbara – BIRDLIFE (MALTA)  
Mr Gwido Baldacchino - Member nominated by Government  
Mr Mark Gauci – Avifauna Expert  
Ms Emeline Fenech – Member nominated by Government  
Mr Marco Falzon – Member nominated by Government  
Mr Darrin Stevens – MEPA

Apologies for absence: Mr. Joseph Mangion - BIRDLIFE (MALTA);

#### **1. Information note regarding Ornis Secretary**

The Chairman informed the Committee that the Parliamentary Secretary had appointed Mr. Sergei Golovkin as Ornis Secretary instead of Mr. Victor Agius. The Chairman expressed appreciation for the dedication of Mr. Victor Agius who had done a sterling job as Secretary and whose valid input shall be missed. The Committee acknowledged the change of the Secretary and thanked Mr. Agius for all the work he had done for the Committee.

#### **2. Information item concerning legal advice on the composition of the Ornis Committee**

2.1 The Secretary explained that upon Committee's request and in pursuance to the concerns raised by the representatives of the FKNK, the Ministry sought to obtain independent legal advice from lawyers Dr Franco Debono and Dr Leonard Caruana. Written advice from Dr Leonard Caruana has been circulated to Committee members. Advice of Dr Franco Debono was given verbally, along similar lines as the advice of Dr Caruana. In summary, the advice given indicates that the Committee may wish to establish its own procedure concerning participation of substitute members of the two organisations, namely the Bidrlife (Malta) and the FKNK. Should the Committee fail to establish an internal procedure in this regard, the situation may be regularised if the two organisations would wish to propose substitutes to their appointed members to the Parliamentary Secretary, who may in turn consider their appointment as substitute members on the Committee.

2.2 It was however also acknowledged that the law does not provide for the appointment of substitute members, and neither does it exclude the possibility of their appointment by the Minister. The FKNK representatives were not satisfied with this legal interpretation and insisted on a definitive ruling to be sought from the AG's Office.

2.3 The Secretary took note of FKNK's request and will be seeking AG's Office ruling accordingly.

### **3. Adoption of the agenda**

3.1 The Chairman explained that the purpose of the meeting was to bring the previously initiated discussion regarding proposals concerning 2013 Autumn hunting season to a conclusion with the view to producing a set of concrete recommendations to Government. The agenda was thus adopted.

### **4. Proposals related to 2013 autumn hunting season**

4.1 After a brief deliberation, the Chairman proposed to subject a set of proposals listed below to a voting procedure with the view to developing a set of recommendations to the Government.

4.1.1 The first proposal subjected to a brief deliberation and vote was FKNK's recommendation concerning fixing of Autumn hunting season dates permanently in legislation. It was clarified that this proposal concerns not only the 2013 hunting season but all Autumn hunting seasons. It was also highlighted that the chief reason behind the advice given to the Government by Malta's Permanent Representation to the EU was the need to minimise Malta's exposure to a potential legal challenge by the European Commission which may result from fixing dates permanently in legislation. This is because the Birds Directive places upon member states the obligation to monitor conservation status of wild birds including huntable species and thus any decisions concerning parameters of the hunting seasons should be subject to such an ongoing assessment.

4.1.2 Mr. Mark Gauci noted that since there have been no significant updates on the conservation status of the species concerned for a number of years, there may be no need to fix the dates permanently since de-facto hunters are aware that the season would not change. On the other hand, it would be useful if the Committee begins to discuss the parameters of the Autumn seasons soon after the Spring derogation, as that would enable the Government to publish the parameters of the season well in advance. Birdlife (Malta) representative agreed with the latter point.

4.1.3 The MEPA representative stated that he will abstain from all votes since he does not have instructions, with respect to the agency's position. FKNK representative noted that in the past MEPA did not vote on issues concerning derogations, however, in this case no derogation was involved and thus MEPA should favourably consider casting its vote.

4.1.4 A vote was taken on whether to fix Autumn hunting dates permanently in legislation. Outcome: 4 votes in favour (FKNK & 3 Government-appointed members; 2 votes against (Chair and Birdlife Malta); 1 abstention (MEPA)

#### **4.1.5 Recommendation to Government: fix Autumn hunting dates in legislation**

### **4.2 Application of differentiated season dates for Turtle Dove and Quail**

4.2.1 BLM representative argued against the need for having fixed season for Turtle Dove and Quail as the measure (i) will be in anyway practically unenforceable, (ii) it will increase the enforcement burden on the already stretched out ALE, (iii) it makes no sense to create the perception that the autumn hunting season revolves around just TD and Q, when in reality there are many other game species for which the season opens from September to January.

4.2.2 The Committee voted on FKNK's proposal to permanently fix Autumn season dates for Turtle Dove as being from 1<sup>st</sup> September and until 31<sup>st</sup> October, and to fix season dates for Quail as being from 1<sup>st</sup> September until 30<sup>th</sup> November. 4 members voted in favour (3 Government-appointed members and FKNK); the Chair and Birdlife (Malta) representative voted against; MEPA representative abstained.

#### **4.2.3 Recommendation to Government: permanently fix Autumn season dates for Turtle Dove as being from 1<sup>st</sup> September and until 31<sup>st</sup> October, and to fix season dates for Quail as being from 1<sup>st</sup> September until 30<sup>th</sup> November.**

### **4.3 Recommendations to Government concerning the 'curfew' in September to protect raptors during peak migration**

4.3.1 Discussion ensued on the merits of the curfew. Sergei Golovkin suggested a mid-way position with having a curfew from 7pm and being extended into October. BLM Representative questioned what is the reason for proposing such a timing for the curfew. In response Sergei Golovkin referred to the reasons explained during Ornithology meeting on 3<sup>rd</sup> July.

4.3.1 The first vote on this item was taken on the question of whether it should be recommended to the Government to retain some form of 'curfew'. The Chair, two Government-appointed members and Birdlife (Malta) voted in favour of retaining some form of curfew (without specifying the parameters that the curfew should take), whilst the FKNK and one Government-appointed member voted against.

4.3.2 Another vote took place on the original Birdlife (Malta) proposal to extend the present curfew to 7<sup>th</sup> October, retaining the present restrictions from 3pm onwards. Only the Birdlife (Malta) representative voted in favour, whilst the 3 Government appointees, the FKNK and the Chair voted against.

4.3.3 A separate vote was taken on whether the curfew should remain in its current form, i.e. from 3pm onwards between 15<sup>th</sup> and 30<sup>th</sup> September. Three Government representatives and the FKNK voted against, whilst the Chair and Birdlife (Malta) voted in favour.

4.3.4 The Committee then voted on Government proposal to shorten the present curfew to apply from 7pm, in order to protect birds of prey during roosting time and to lengthen the period of the curfew to 7<sup>th</sup> October as originally proposed by Birdlife (Malta). A brief debate ensued on whether this motion should also be coupled with a condition that should the curfew be abused, the Government may return to the present 3pm regime. The majority of the members opposed linking the motion to this condition. Three Government representatives voted in favour of the motion, whilst Birdlife (Malta), FKNK and the Chair voted against, thus resulting in a tie. As a consequence, the Chair exercised a casting vote.

4.3.5 MEPA representative abstained in all votes.

**4.3.6 Recommendation to Government: The Committee recommends retaining some form of curfew, noting however that the Committee is unable to recommend the precise parameters for the curfew.**

## **5. Birdlife (Malta)'s proposal for tagging system for turtle Dove and Quail**

5.1 All Government-appointed members as well as the Chair and the FKNK voted against the proposal. Birdlife (Malta) voted in favour. MEPA abstained.

**5.2 It is recommended that the Government should continue to explore measures to strengthen the present verification regime with respect to Autumn season's bag data collection, however implementation of the tagging system as proposed by Birdlife (Malta) is not being recommended for practical reasons including costs, health & safety issues, and the proposal's reliance on the same principle underpinning Carnet de Chasse system, namely self-compliance by hunters.**

## **6. Draft framework legislation regarding control of Starlings at the MIA in the interest of air safety**

6.1 The draft legislation has been circulated to members. No comments were made other than the suggestion by Birdlife (Malta) to include a provision, as part of the conditions of special license, which would make reference to reporting of ring recoveries for scientific purposes. This suggestion was noted and will be included in the draft. The FKNK's concerns and beliefs in this matter were expressed as indicated in para. 8.2 of the Minutes of the 28 June 2013.

## **7. Any other business**

7.1 The FKNK proposed that the next Ornis session should discuss proposal for potential derogation concerning live-capturing of 7 finch species. The FKNK representative said that a technical proposal to that effect will be sent to the Government in the coming days, the same proposal that had previously been circulated to all interested parties, including the Ornis Committee.

7.2 The Secretary suggested that the next Ornis meeting should be set in August, and the Secretariat shall be proposing the application of a possible live-capturing derogation concerning Song Thrush and Golden Plover as an item for discussion. The FKNK representative said that a technical proposal to that effect will be sent to the Government in the coming days, the same proposal that had previously been circulated to all interested parties, including the Ornis Committee.

7.3 The MEPA representative noted that MEPA shall also be proposing an item concerning a reporting requirement under Article 12 of the Birds Directive. In conjunction with this, the Secretary asked MEPA representative to discuss this requirement with the Wild Birds Regulation Unit prior to placing this on the agenda of the Ornis meeting.

## **8. Date of the next meeting**

8.1 The next meeting will take place on the 20<sup>th</sup> of August between 1400 and 1800hrs.

The meeting was adjourned at 1915 hrs.