

## Meeting of the Malta Ornithology Committee

16<sup>th</sup> May 2013, Casa Leoni, Sta Venera

### Minutes

#### Attendees:

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

Apologies for absence: Mr Lino Farrugia - FKNK

In addition to Committee members, two observers were present:

Insp. Ramon Mercieca – ALE, Police Corps  
Mr Sergei Golovkin – Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights

#### **1. Adoption of the Agenda**

The Chair introduced the agenda. The agenda was adopted.

#### **2. Approval of the minutes and matters arising out of the minutes**

The following clarifications were raised with respect to the minutes of the meeting held on 23<sup>rd</sup> March 2013:

With respect to minute 2.1, Birdlife (Malta) asked whether there is any intention to modify Spring hunting quotas and the methodology for their calculation. The Chair clarified that until the present time, the modification to the quotas or the methodology for their calculation have not been proposed for discussion.

With respect to minute 2.3, Birdlife (Malta) referred to Commission's press release dated 28<sup>th</sup> October 2010, in which the Commission requested that Malta complies with the ECJ judgement concerning Spring hunting derogation. Birdlife (Malta) asked whether there have been any developments with respect to this request. The Chair replied that liaison with the Commission regarding the implementation of ECJ ruling is ongoing, and in fact only a few days ago Malta submitted its formal reply to Commission's EU Pilot request concerning implementation of Spring hunting derogation.

The Secretary added that the Parliamentary Secretariat is presently taking stock of all matters related to reporting to the EU.

With respect to minute 2.4, Birdlife (Malta) asked whether there has been any follow up to the proposal to conduct independent bird migration study in Autumn. The Secretary explained that whilst the Government agrees in principle with the need to conduct such a study in Autumn, it is presently assessing the necessary financial considerations in conjunction with financing such a study. It is to be noted that an 8 week study, depending on the exact scope and extent of coverage, may cost in the region between €100,000 and €300,000. These figures were confirmed by Mr Darrin Stevens, representing the Environment Directorate.

Minutes were approved subject to clarifications given.

### **3. Matters for report**

The Chair informed the Committee regarding the forthcoming 2nd Conference on Illegal killing, trapping and trade of wild birds, as well as the 4th Meeting of the Group of Experts on the conservation of birds, which will be held at the end of May in Tunis. The Government will be represented at these meetings by Dr Louis F Cassar and Mr Sergei Golovkin.

### **4. Spring hunting derogation 2013**

The Chair and the Secretary noted that a multi-stakeholder Derogation Monitoring Board was set up to oversee implementation of the derogation. The DMB, which acts as a platform for effective conservation management during the derogation period, is largely responsible for operational strategy with respect to enforcement and surveillance. The Board met six times and, in addition, held intensive discussions via email. The Chairman also added that he had been in regular contact with most of the members of the DMB throughout the derogation period, in particular with Insp Mercieca (officer i/c of the ALE) with whom he communicated numerous times every day. The Board had a noticeable positive effect on the coordination of enforcement effort, including the work of the ALE, district police and other supporting units, and AFM personnel who monitored hunting/Marsh Harrier roosting hotspots. There may be scope for further fine-tuning the monitoring system, however by and large an improvement over the previous years was noticeable.

The Government has entrusted Dr Louis F Cassar with the compilation of the derogation report, which is envisaged to be transmitted to the Commission by the end of May. A number of useful inputs to this report have already been received, including enforcement statistics from the police, as well as migration study data. The full report of the Ecoserv study, which has already been submitted to MEPA, is expected in the coming days, whilst MEPA is presently finalising its own report on Spring hunting Special Licenses and SMS reports. The Chair encouraged all stakeholders represented on the Committee to provide any relevant input for consideration in this report.

FKNK asked whether the Government may be able to provide data which may be used by the FKNK in the compilation in its own derogation report. The Chair noted that the government report may be shared with Ornis members once it has been submitted to the Commission.

## **5. Labour Party – FKNK agreement**

Birdlife (Malta) asked whether the LP – FKNK agreement may be disclosed, and whether as a result of this agreement the Government intends to initiate discussions regarding a possible finch trapping derogation.

The Chair explained that an agreement concluded between a political party and an NGO is beyond the scope of this Committee, and that as far as the future Committee agenda is concerned, it is up to the Committee members to come forward and propose agenda items for discussion. The Chairman further reminded of the distinction between the Labour Party and the Government, and that it was the latter that was represented on the Ornis Committee. Moreover, Government, like other key stakeholders on the Ornis Committee, has every entitlement and opportunity to submit proposals for discussion, and the three Members representing it provided the appropriate vehicle for its representations.

The FKNK representative objected on the basis that a pre-election agreement between his organization and a political party, by far, fell short of the Ornis Committee's remit. Nonetheless, he also added that the contents of the said agreement were published in a Press Release by FKNK and, as a consequence, there was nothing else to add.

The MEPA representative added that the role and scope of the Committee is prescribed by law, and such role does not include discussion on such private, third-party agreements.

Birdlife (Malta) replied that it would like to start discussions on possible finch trapping derogation as early as possible in order to debate the issue pro-actively. This was noted and agreed upon.

FKNK representative remarked that he has no objections to discussing a possible trapping derogation.

## **6. Proposals concerning Rabbit hunting regulations**

Birdlife (Malta) pointed out that the rabbit hunting season (which is open between 1<sup>st</sup> June and 30<sup>th</sup> September), during which hunters may carry shotguns in the field, presents potential difficulties with respect to enforcement, since irresponsible elements may use the season as a cover for illegal bird shooting activities. Birdlife (Malta) is thus proposing that the rabbit hunting regulations are amended, whereby rabbit hunting between 1<sup>st</sup> June and 30<sup>th</sup> August should only be allowed using traditional non-gun methods (ferret and net method), whilst hunting with guns may be allowed during the rest of the season when it overlaps with the Autumn bird-hunting season.

FKNK objected to this proposal on the grounds that it goes beyond the remit of this Committee, which is mandated by law to deal with birds-related issues and has no remit over rabbit hunting.

MEPA representative noted that birds and rabbits are regulated through two distinct regulations, and Ornis does not have remit over wild rabbits regulations.

The Chair confirmed that Ornis deals with birds but not rabbits, however it is understood that the Birdlife (Malta) may have legitimate concerns over possible secondary impact of rabbit hunting upon avifauna and that he has no objection for the Committee to discuss these concerns.

FKNK noted that it fundamentally disagrees with the proposed approach, whereby the issue is not legitimate rabbit hunting *per se*, but the possibility of illegal hunting, which possibility is not limited to any particular season and can be exercised by poachers at any time of the year. Any recommendation to restrict rabbit hunting would thus not be addressing the issue of illegal hunting directly, but would instead penalise law abiding hunters.

The Chair noted that enforcement is the key point and that it would be ideal if the Birdlife (Malta) and FKNK cooperate on clamping down on illegal hunting rather than simply oppose each other's proposals. The planned establishment of the Wildlife Crime Unit would be a step in the direction of improved enforcement, and this is clearly an example of a measure for which there is a consensus amongst all members of the Committee.

It was agreed that the Birdlife (Malta) will prepare a presentation on this item and this will be placed on the agenda of the next meeting.

## **7. Monitoring system for Autumn season**

Birdlife (Malta) has, in the past, made a proposal concerning a tagging system which may be used to supplement Carnet de Chasse reporting during Autumn season. In Birdlife (Malta)'s view, this measure is particularly important in view of the relationship between declared Autumn bags and determination of Spring derogation quotas.

The MEPA representative remarked that the previous Ornis Committee had set up a subcommittee to consider this proposal. The present Committee may wish to reconstitute this sub-committee.

The Chair said that since any sub-committee will have to report to the main Committee, rather than allow for time wastage, such a proposal may be considered by the present Committee and there may be no need to constitute subcommittees at this stage. The Chair asked Birdlife (Malta) to present its proposal at the next meeting; such presentation may be oral or may be supported by visual aids, such as a PowerPoint slide presentation. It was pointed out that the presentation must not exceed 20 minutes, but should preferably be shorter.

## **8. Recommendations for Autumn hunting season**

Birdlife (Malta) expressed concern over illegal targeting of raptors recorded in Autumn 2012 and are proposing to extend the ban on hunting during peak raptor migration to 4 weeks from

the present 2 weeks in September as well as a ban on hunting in the afternoons. In Birdlife (Malta)'s view, extending the curfew would help to prevent illegalities.

The Chair asked if rather than extending the curfew, increasing enforcement in hotspots would help. Birdlife (Malta) is of the opinion that there is a need for a change in the regulations and not only beefing up enforcement in the field.

Mr. Mark Gauci remarked that he from experience we know that different species have different roosting patterns. For example, different species leave their roosting areas at different times.

FKNK expressed its belief that the proposed afternoon ban is totally unjustified and unfair. In FKNK's view, by considering this proposal we are trying to legislate for wrong reasons. Why should law abiding hunters suffer because of actions of the few poachers? – FKNK representative asked. There has been considerable improvement in the situation with respect to clamping down on illegal hunting – a case in point is Buskett - and so let us strengthen and consolidate this progress instead of penalising law abiding hunters. FKNK thus suggested a removal of existing curfew altogether.

The Chair noted that the FKNK and Birdlife (Malta)'s proposals should be carefully weighted from all angles prior to any vote on the matter. For this reason he suggested to extend the debate on this item.

The MEPA representatives suggested that proposals should be circulated at least a week before the meeting. Chair agreed.

### **9. FKNK re Autumn hunting season – fixing dates in legislation**

FKNK representative said that Maltese hunters are the only hunters in Europe who pay their license and yet, they have no certainty over whether the Autumn season will be opened or not. This is why the FKNK has persistently raised its proposal to permanently fix Autumn hunting dates in legislation.

Birdlife (Malta) representative said he would wish to review FKNK's proposal.

Mr. Sergei Golovkin noted that the previous Ornis Committee has already discussed in 2012 and recommended to Government the proposal to fix Autumn dates in legislation. The advice on this matter was subsequently sought from the Permanent representation of Malta to the EU, which has advised that a further assessment needs to be conducted in order to determine whether such a proposal would be compatible with the Birds Directive.

The MEPA representative noted that from a legal point of view, whilst all wild bird species are protected, some 41 species may be legally hunted for a limited period. Therefore FKNK's proposal may be legally valid.

The Chair asked Mr. Golovkin to prepare a brief on the outcome of previous Government's consultation with PREU for next Ornis meeting.

## **10. Decriminalisation of minor infringements**

Clarifying the title of this agenda item, the Chair explained that the idea is not to legalise illegalities but to prioritise infringements in terms of criminal as opposed to administrative liability. Prioritisation of offences is extremely important for maximising enforcement effort and achievements (results).

Possible reforms in this direction may include the introduction of on-the-spot fines for minor offence as well as possibility of out-of-court settlement which would simplify legal matters, decrease pending caseload before the courts and possibly create a stream of revenue which may be used for conservation purposes.

A working paper outlining proposals in this regard will need to be prepared in the near future for consideration by the Committee. Legal advice should be sought on the matter. Meanwhile, the Chairman encouraged Birdlife (Malta) and FKNK to start thinking about legal representation, as, in this case, a sub-committee may be necessary.

## **11. Other matters**

No substantive matters were raised.

The meeting was adjourned at 1830 hours.