

Meeting of the Malta Ornis Committee

18th February 2014, Ghammieri, 1600 - 1830

Minutes

Attending members:

Prof Mark Anthony Falzon – Chairman
Mr Sergei Golovkin - Secretary
Mr Lino Farrugia – FKNK
Mr Joe Perici Calascione - FKNK
Mr Nicholas Barbara – Birdlife (Malta)
Mr. Saviour Balzan - 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 24th January 2014 were adopted following amendments from Chairman and FKNK.

3. Matters arising and matters to report

3.1 There were no matters arising or matters to report.

4. Discussion on verification mechanisms concerning reported bag statistics for turtle dove and quail

4.1 The Chair invited Sergei Golovkin to report on the present mechanisms in place to ensure reporting and verification of turtle dove and quail harvest.

4.2 Sergei Golovkin recalled that Birdlife (Malta)'s proposal to implement a tagging system for Turtle Dove and Quail hunted in Autumn was discussed extensively during several Malta Ornis Committee meetings in 2012 and most recently, during meetings held in June and July 2013. At this point in time the FKNK representatives confirmed this situation in that this proposal had been rejected by the Committee on previous occasions, the last time being July 2013. The FKNK representatives supported their declarations by tabling two documents: (1) "Redress to Birdlife Malta's proposals submitted to the Malta Ornis Committee for the 2011 autumn hunting season re- enhanced control of turtle dove and quail catches" and

(2) “The Minutes of the Ornis Committee Meeting of 12 July 2013”, in particular to the following Minute: “5. Birdlife (Malta)’s proposal for tagging system for turtle Dove and Quail”, which read thus:

“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.”

Sergei Golovkin took note of FKNK’s intervention and continued to explain that Birdlife’s proposal involved the introduction of a tagging system for bagged birds, whereby each bagged bird can be identified with a tagging device bearing an identification number. The tagging devices may be subsequently returned to the authorities possibly together with the CDC. The proposal was based on the wild salmon and migratory trout logbook and tagging scheme introduced in England and Wales. The Ornis Committee subsequently decided that whilst the aims behind the proposal were relevant, a number of significant limitations of the proposed system rendered it impractical. The main limitation of the proposal revolves around the fact that the proposed system operates on the same fundamental principles of the CDC and therefore does not fundamentally add value over and above the present Carnet de Chasse (CdC) system in place in Malta. In fact the proposed system does not necessarily address the root causes of possible abuse of reporting on hunting bags. Hence, the added benefit of this proposal may be curtailed by the fact that hunters who may be inclined not to report their bags correctly through the CDC, despite the legal deterrent and threat of penalties, may equally abuse the tagging requirement. Moreover, the implementation of the proposed system would not necessarily lead to an enhanced accuracy of the CDC. In its assessment of the proposal, MEPA also underlined that the collection, storage and processing of tagging devices from bagged birds may possibly present a health hazard for the officials who may be charged with collecting tags from dead specimens at the end of the season (which may potentially be contaminated by pathogens such as avian flu viruses). Furthermore, it was also highlighted that the additional financial and administrative resources required to implement this system are likely to be significant and the added value of implementing the system has thus been questioned. On the other hand, the Malta Ornis Committee concurred with the need for continuous improvement of the monitoring and verification effort.

4.3 Sergei Golovkin subsequently gave an overview of the existing reporting and verification mechanisms currently in place. He noted that Carnet de Chasse is the most widely used system for bag reports amongst Member States and includes a comprehensive mechanism through which individual data recording of species bagged during an open hunting season is provided. He also noted that data extracted from the Carnet de Chasse was the basis upon which the CJEU ruled in Case C-76/08 Commission vs. Malta. The Carnet de Chasse therefore has proved to be an acceptable system for the collection of data with respect to the number of birds taken from the wild during a hunting season, to one of the highest of institutions of the European Union. The current format of its CDC has evolved over the years, so as to facilitate data collection from the hunters as much as possible in line with recommendations made by the European Commission, the FACE and the Sustainable Hunting Initiative, with a view to improving coordination and maximising the potential for hunters to report and monitor catches. He also pointed out that the CDC is considered as a more reliable tool than questionnaires with hunters or telephone interviews which are deployed in some countries and also serves the dual function of monitoring and enforcement. He noted that FKNK conducted specific training sessions for hunters on the format of the CDC so as to ensure that hunters are fully aware of how to fill it in and report relevant data. In terms of verification of CDC data, the Malta Police Force carry on-the-spot checks in the field to ensure that all the conditions of the licence and the provisions of the relevant regulations are observed and respected. A number of checks are performed in the processing of the licence, i.e. the CDC; in this case, WBRU checks that (i) the person providing the

booklet is a paid licensee – this is cross-checked with the official list of hunting licences and. (ii) the relevant booklet contains the official Malta Police Force stamps and signatures, and the relevant membership in a hunting association and insurance cover. For a CDC booklet (licence) to be accepted, it has to meet all of the above requirements, which thus confirm that the person holding the CDC booklet is a valid, registered and fully paid-up licensed hunter. The new CDC booklets are published annually and clearly bear the years which these CDC booklets cover. Further checks are performed during the data gathering exercise. On receipt of filled-in hunting CDC booklets, WBRU extracts the hunting data for the Turtle Dove and Quail for the previous year, inputting such data into a worksheet. WBRU confirms that the compiled statistical data truly reflects the hunting catches reported in the CDC booklets by verifying the correctness of the inputted data a number of times. Moreover, to reduce the possibility of interpretation errors by officers extracting the data from the CDC booklets and inputting it, WBRU provides training to relevant staff on the CDC booklets. CDC booklets with unclear information are subjected to further review and scrutiny, which may, if required, include a personal follow-up with the hunter concerned. In case of CDC data requiring further investigation, these are referred to Police for necessary follow-up. Moreover, in order to have a reliability check on the figures of the CDC, WBRU assesses the trends in capture along the years. Should catches be considered not within an acceptable range, these are further compared with field observations. Furthermore, since 2009 MEPA (and now WBRU) also extracts data in the hunting hotspots as declared in CDCs; in general these tally with available information and do not indicate major changes. CDC data reports are published on WBRU website.

4.4 There used to be a concern in the past that each year a certain percentage of the CDC booklets were not returned to the authorities. For example in 2013 some 1,154 booklets were not returned before March. The number of non returns and the consequent extrapolation calculations are closely monitored by the Competent Authority which used to be MEPA and now WBRU. It can be confirmed that to date the variation in the figures resulting from extrapolation have been extremely minimal and any mathematical error emanating from the resulting uncertainty is also extremely minimal and did not affect the overall outcome in terms of the determination of bag quotas. Returning of the CDC booklet is a prerequisite for granting a special Spring hunting licence and whether there are any further legal consequences for hunters (for example, fines) who do not return their CDC booklets. Moreover, renewals of licences to hunt under the Conservation of Wild Birds Regulations (S.L. 504.71) are allowed only if the licensee hands in his previous year's CDC booklet. Regulation 12 (5) (a) of these Regulations expressly stipulates that CDC booklets are to be returned within 10 days from the closure of the autumn / winter season as prescribed in Schedule IV of these Regulations. Moreover, at present, offences against these regulations are subject to penalties (which could include fines) stipulated under Regulation 27 and 27(A) of the same Regulations. It should also be noted that persons handing in their previous year's CDC booklet are issued with a new one covering the subsequent year and for such new booklet to be deemed as valid the holder is obliged to have it endorsed by his insurance company, hunting organisation and by the Malta Police Force. This procedure has been structured in order to facilitate enforcement since possession of a valid Carnet de Chasse immediately proves that a hunter is covered by an insurance policy against third party risks, is a duly paid up member of a hunting organisation and has his or her Police arms licence renewed. It must be emphasised once again that all applicants for a Spring Hunting Licence are obliged by the pertinent legislation (S.L.504.94) to present a valid CDC booklet containing all of the above mentioned endorsements. Failure to present such duly stamped booklet automatically disqualifies the applicant from obtaining a Spring Hunting Licence.

4.5 Since 25th October 2013, CDC booklet renewal system had been reviewed in order to ensure stricter compliance with return obligations, in particular with the introduction of automatic administrative fines for holders who fail to return their duly filled in booklets within stipulated timeframes irrespective of the reasons for this. WBRU recognised that the previous system, which relied entirely on prosecution before the Court of Magistrates can be quite cumbersome and may not be effective in dealing with offenses of an administrative nature such as the late return or non-return

of Carnet de Chasse booklets. This is why by virtue of Schedule VIII of the above Regulations, failure to return Carnet de Chasse within the stipulated time (by 13th February) now incurs an automatic fine of €50, which fine shall be increased by €20 for every week of non-return up to a maximum of €300. Licenses shall not be renewed unless Carnet de Chasse is duly handed over and any outstanding fines have been paid.

4.6 Information about these penalties has been clearly and extensively communicated to all registered hunters and trappers (mailshot in November 2013, press releases issued in January 2014, notice in the hunter's newspaper and through multiple meetings with hunters' organisations and in communication with individual hunters and trappers). This measure has had a direct positive effect since the number of non-returned booklets was reduced to fewer than 100 (from 1,154 in 2013 which were not returned by the end of March 2013). Late submissions are still trickling in and fines are being issued.

4.7 Sergei Golovkin said that this development must also be seen in conjunction with another legal amendment introduced in October 2013 which provided for the requirement to complete Carnet de Chasse booklets before leaving the hunting area, and stipulated automatic fines for failure to declare birds hunted or taken.

4.8 Should the government decide to apply spring hunting derogation in 2014, the necessary preparations are also under way to commission independent migration study during 2014 spring period. Precision of the study is being increased in comparison with the previous years, by increasing the number of active monitoring stations on any given day from 8 to 10.

4.9 Furthermore, for the first time, the Government decided to undertake an independent ornithological study of migration of Turtle Dove and Quail during the peak migration period in Autumn 2014. In order to ensure comparability of results, the study is envisaged to follow identical methodology to that of the Spring migration study, and is intended to provide a broad indication of migration trends for these two species, which trends would, in turn, be used to compare and verify the trends reported through the Carnet de Chasse.

4.10 At this point, the Chair opened discussion by asking whether the Carnet de Chasse can be used by illiterate persons. Sergei Golovkin clarified that the format of the booklet is very simple and can be used by persons with low literacy levels.

4.11 Lino Farrugia and Joe Perici Calascione said that whilst the FKNK used to have concerns regarding booklet's user-friendliness, these concerns were gradually addressed by disseminating information on the use of Carnet de Chasse amongst hunters, majority of whom are fully accustomed to its format.

4.12 Saviour Balzan referred to 2009 ECJ case and said that the judgement had nothing to do with Carnet de Chasse and therefore should not be mentioned as a case of "endorsement" of the system in place. He said the main issue is with veracity of reporting and that in his view any CdC data reported since 2002 is of highly questionable quality and value. For example the reported autumn figures for past years are noticeably small. The point is that there is no enforcement and no physical correlation of reported figures with the actual reality on the ground. The only manner in which verification can work in practice is by conducting physical spot checks, as it is the case in other countries.

4.13 Sergei Golovkin clarified that physical spot checks are conducted by the police throughout the open season. It is easy for a police officer patrolling the countryside to randomly check hunters' carnet de chasse and to correlate entries with the physical bag. The problem that precluded this system from being efficient was a legal one since there was no legal obligation upon hunters to complete carnet de chasse before leaving the hunting area and thus this provision was virtually impossible to enforce. After October 2013 the situation changes since hunters are now legally obliged to fill in their booklets before leaving the hunting area and spot checks can thus be effective and any defaulters detected would face increased penalties.

4.14 Saviour Balzan was not convinced that spot checks are being carried out as they should be.

4.15 Nicholas Barbara asked regarding the proposed autumn migration study and its purpose. Sergei Golovkin replied that the purpose of the study was not an academic one, i.e. to study migration purely for scientific purposes, but a policy-oriented one, which stems from the need to provide robust scientific evidence that may be used as an additional verification for reported autumn bags. The purpose is thus to include an additional level of checks that would lead to greater credibility of the whole reporting system.

4.16 Joe Perici Calascione said that he agrees with the need for an effective physical spot checks system, however he challenged Saviour Balzan's arguments that CdC data has no value or that there is no enforcement. He said that enforcement is strong but at times erratic with the result that some hunters are being repeatedly checked by the police within a single day. Such extreme "checking" is tantamount to harassment. He said that the CdC system was introduced voluntarily by the FKNK way back in 2002 and that the Association strongly believes in such a mechanism. However unfortunately the data collected was manipulated for political ends and hunters got "the wrong end of a stick". On the other hand the FKNK recognises the need for consensus on such issues as reporting since we need to build credibility on this matter.

4.17 Mark Gauci said that the overview of the measures given by Sergei Golovkin indicates progress, however he is not convinced whether these measures are enough. We need to further strengthen the system and have more physical spot checks however these checks should be better structured.

4.18 The Chairman summed up outcome of this discussion being consensus on the need to further improve credibility of the reporting system, and that the way to do it is to come up with a structured and robust system of physical spot checks. The approach should ideally be based on random sampling and be transparent to preclude possibility of harassment mentioned by the FKNK. He suggested that the Committee may perhaps recommend to Government certain guidelines on spot checks which may be adopted. He proposed that he would draft some points and will circulate for further discussion for subsequent meetings. The Committee agreed with this suggestion.

5. Conservation status of turtle dove and quail

5.1 Richard Lia, Senior Policy Officer of the Wild Birds Regulation Unit was invited to present the outcome of the assessment, conducted by the Unit, in order to determine whether there have been any significant new scientific insights with regards to the conservation status of turtle dove and quail which may warrant a re-assessment of the situation. It was explained that this assessment was conducted in pursuance of legal obligations under Legal Notice 221 of 2010. Richard Lia explained the salient points of the assessment, which is detailed in a document circulated to the Committee in advance. The assessment notes that the analysis of available scientific literature performed in

February 2014 did not result in any significant new scientific insight pertaining to the conservation status of Turtle Dove and Quail over the past year, that is, since the assessment of available scientific data on the conservation status of these two species was undertaken in 2013 prior to the application of a derogation for spring hunting in Malta in 2013. The turtle dove suffered moderate decline in some European regions whilst increased in others. Based on the recent update from the European Bird Council Census (2013), the decline in the short-term trend and long-term trend is of 0.01% and 0.05% respectively when compared with the same trend brackets in the EBCC 2012 report. There appears to be no scientific indications that the potential application of a spring hunting derogation in Malta in 2014 could in any new way threaten the maintenance of the global, European, or EU populations of either Quail or Turtle Dove at a satisfactory level.

5.2 Chairman asked how this conclusion was reached. Richard Lia replied that the extent of the reported decline of turtle dove was insignificant (0.01% and 0.05%) and that there is no scientific indication whatsoever that hunting of this species in Malta would in any manner exacerbate this trend. Furthermore, Richard Lia explained that the overall trend classification for this species according to the latest EBCC 2013 update has remained the same as that reported by EBCC in 2012.

5.3 Saviour Balzan queried regarding qualifications of Richard Lia and also asked regarding references to turtle dove management plan. These clarifications were provided. He said he does not fully understand the purpose of this report – is this report prepared to justify hunting in spring? It is clear that turtle dove conservation status is deteriorating and whilst one can agree that not all of that decline can be attributed to hunting, clearly hunting does not help to ameliorate conservation status and therefore there should be no reason why hunting in spring should be permitted under the Birds Directive which expressly forbids it.

5.4 At this point Joe Perici Calascione said that hunting has nothing to do with the reported trends as could clearly be seen in the case of the UK, which suffered the biggest decline in turtle dove, and where hunting for turtle dove is not allowed, and France, which permits hunting of turtle dove in huge numbers and yet sees increase of the species. To the contrary, one may argue that hunters help to conserve habitats and hence their involvement in conservation of the species is crucial. Just as an increase in the species population, on its own, cannot automatically justify that the species may be hunted; likewise, a marginal and geographically limited decline cannot be taken to imply that hunting of a particular species should stop.

5.5 Saviour Balzan said that he cannot be convinced by such arguments as it is clear that hunting in spring should never be allowed for species which are in decline. He also pointed out that the conclusion of the report refers to “no need to reassess the conclusions reached by the ECJ in its 2009 judgement”, which reference is out of place because the Court did not go into the merits of the conservation status, but simply reaffirmed that in Malta’s case, hunting of turtle dove in autumn cannot be regarded as a satisfactory alternative to spring hunting.

5.6 At this point the Chair asked whether the Committee endorses or objects to the report. Saviour Balzan replied that Birdlife rejects the report as politically motivated and pseudo-scientific attempt to justify spring hunting derogation. However the Chair asked Saviour Balzan to indicate concrete issues or passages in the report with which Birdlife would not agree on objective grounds. Saviour Balzan reiterated that he disagrees with the conclusion of the report. This objection has been noted.

6. Any other business

6.1 Sergei Golovkin suggested that the next Ornis meeting should be held within around a week's time in order to continue discussion on spring hunting with the view to providing recommendations to Government. He said that within a week WBRU would have extracted all the data from recently collected CdC booklets and after several quality checks the data will be presented to Ornis.

6.2 It was agreed that the next meeting will take place on Tuesday 4th March between 1600 and 1830. It was suggested that the meeting should take place at a more suitable venue such as at MEPA. The Secretary will confirm this.