

Meeting of the Malta Ornis Committee

Monday 20th March 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 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, Mr Lino Farrugia – FKNK¹

Other contributors present: Inspector Colin Sheldon, ALE

(1) Adoption of the agenda

1.1 The agenda was adopted.

(2) Approval of the minutes

2.1 Minutes of the meeting held on 2nd February 2017 were approved, subject to minor correction to point 4.10.

(3) Matters arising and matters to report

3.1 Mark Sultana mentioned the apparent spike in the incidents of illegal trapping, particularly targeting linnets. Nicholas Barbara furthermore referred to specific incidents of illegal trapping in Gozo, stating also that enforcement response seems to be minimal, with only one ALE patrol reported to be on duty.

3.2 Sergei Golovkin confirmed that indeed a number of illegal trapping incidents have been recorded by the authorities, which over the past couple of weeks located and dismantled several active sites and seized live birds. However he also noted that such occurrences were reported on a larger scale in previous years, and contrary to media reports, the enforcement authorities are carrying out their duties efficiently in a routine and ongoing manner.

¹ Mr Lino Farrugia subsequently informed the Committee that he did not receive notifications pertaining to this meeting, hence his absence for this meeting

(4) Spring hunting derogation for quail

4.1 Chairman noted that since the method of quail hunting is different to that for the turtle dove, one would expect the authorities to factor this in their supervision effort for the derogation. He furthermore noted that it is unlikely that places like Mizieb would see much quail, and likewise hunters would be expected to be seen with their dogs roaming the hunting grounds to flush quail as opposed to being stationary in their hides.

4.2 Joe Perici Calascione concurred that the method of quail hunting is different; however he also observed that quail hunters often make use of their hides early in the morning to call for quail with a traditional whistle. Therefore observing a hunter in his hide should not automatically translate to the conclusion that he is targeting species other than quail.

4.3 Nicholas Barbara referred to illegal use of bird callers to attract quail to hunting grounds, as well as to possibility that Turtle Dove may be illegally targeted. He asked whether the government would consider enacting special penalties to deter such illegalities. He also asked regarding the number of special licenses being issued.

4.4 Mark Sultana reiterated BLM's concerns over the decision to open the season, despite "lack of scientific justification" for the derogation. Since quail hunting reports were "notoriously difficult" to verify, he argued that the authorities would have a very challenging situation on their hands from an enforcement perspective.

4.5 Sergei Golovkin replied that 6,653 eligible hunters applied for special spring hunting license. Licenses were in the process of being issued. As regards penalties, he noted that the penalty regime envisaged in regulation 27 of SL549.42 is more than adequate to provide a deterrent to illegalities. Indeed anyone caught illegally targeting the turtle dove would be subject to a fine of between €500 and €5,000 and suspension of license for a period of between two and five years. On second conviction the fine increases to up to €10,000, permanent revocation of license, and possible imprisonment for up to two years. The authorities therefore do not have any doubt that the penalty regime already in place is extremely harsh. As regards illegal use of bird callers, penalty envisaged in Schedule VIII, namely a €250 fine and confiscation, applies if the offence was committed on its own. But if the offence was committed in conjunction with any other offence that is subject to criminal prosecution, then much harsher penalties envisaged in regulation 27 would apply.

4.6 Several Committee members commented on the "ridiculousness" of a €5,000 fine for shooting a turtle dove. Sergei Golovkin acknowledged that the penalty is very high and may seem to be disproportionate to some, however on the other hand such harsh deterrents are necessary to ensure the limited and strictly controlled derogation is not abused and respects the necessary parameters. This is ultimately in the interest of the hunters, he added.

4.7 Chairman invited Inspector Colin Sheldon to brief the Committee regarding enforcement arrangements being put in place to supervise the season.

4.8 Inspector Colin Sheldon said that the ALE shall deploy 24 officers on daily field patrols in Malta throughout the season. These officers will be assisted by around 21 officers seconded from district police units, as well as by around 17 officers from the AFM deployed in two shifts. Therefore the total complement for Malta is around 61 officers, which effectively exceeds the requirement of the framework regulations. This complement excludes officers that will be deployed in Gozo, which include Gozo district police and an AFM patrol. Fixed surveillance points will also be deployed in certain areas such as Delimara. Inspector Sheldon also added that the ALE will be conducting several night patrols specifically to detect illegal bird callers. Whilst enforcement deployment will be strong,

it is nonetheless hoped that the early start of the season would ensure that overlap with turtle dove migration would be avoided, to reduce the “temptation” of illegal targeting of the turtle dove. Inspector Sheldon concluded by stating that the ALE complement would continue patrols after the closure of the hunting season as required by law.

4.9 Nicholas Barbara asked whether media reports of a “single ALE patrol vehicle deployed to police illegal trapping” were true. Inspector Sheldon said that on a particular date, only one ALE patrol was indeed available since other officers were deployed on other commitments including in court and on security detail related to Malta’s Presidency of the Council of the EU. He confirmed that during the hunting season, full strength as previously described will be deployed.

4.10 Sergei Golovkin added further to Inspector’s briefing that WBRU are also conducting patrols and surveillance operations to assist the police. In preparation for enforcement deployment, WBRU conducted two training sessions which were well attended by over 60 enforcement officers. As was also done during previous years, WBRU has commissioned an independent migration monitoring study, and will also be monitoring the uptake of the quail quota in real time. As regards deployment on surveillance against illegal trapping, he noted that such operations were conducted routinely by the ALE, WBRU and Gozo police over the past two weeks which coincided with linnet migration. Several illegally operated trapping sites were located and dismantled, a number of birds were seized, and a number of individuals were being investigated.

4.11 Chairman thanked Inspector Sheldon for his intervention and invited the Committee to proceed to the next agenda item.

5. FKNK’s concerns regarding scientific bird ringing

5.1 Chairman invited FKNK representative to explain this item.

5.2 Joe Perici Calascione said that “there is an obvious discrimination” concerning the manner in which the Ornithology Committee and the government treat derogations related to hunting and live-capturing, as opposed to derogations concerning the capture of birds from the wild for scientific bird ringing. He noted that, on the one hand, hunting-related derogations are being subjected to “enormous degree of scrutiny and unprecedented restrictions and controls, and extremely detailed reporting requirements”, but on the other hand, “nothing is heard of Birdlife Malta’s bird ringing derogations”. The FKNK therefore presented the Committee with a list of specific questions and concerns regarding these bird ringing derogations. The FKNK requests information concerning annual application of bird ringing derogations, information on the procedure followed in authorising such derogations and detailed reports concerning the following:

- the derogation application;
- number of issued bird-ringing licenses;
- number of locations used for ringing purposes and relative number of ‘excursions’ carried out at each location;
- number of locations used which are situated in bird sanctuaries and similar areas;
- number of locations used which are situated on ‘garigue’ land/habitat;
- method/s used for ringing purposes;
- number of ringed birds by species;
- method/s used by the police for supervision and number of officers deployed for such;
- number of spot-checks carried out by the police;
- number of persons that have been/will be charged and/or arraigned in Court;
- number of convictions and relative penalties imposed;
- number of acquittals;

- number of recovered rings by species and country;
- number of occurrences of ‘accidents’ and type of ‘accidents’ and species involved;
- number of mist-nets importation approvals by the WBRU;
- number of bird-ringers who have used the imported mist-nets;
- number of mist-nets at each one of these bird-ringers;
- number and types of rings approved by the WBRU for bird-ringing purposes.

5.3 Joe Perici Calascione furthermore said the FKNK rejects the discriminatory requirement that “only Birdlife members” can be licensed bird ringers, and that hunters cannot obtain such a license as they are precluded by law.

5.4 Mark Gauci rejected the claim that only BLM members can qualify for bird ringing license. He clarified that Birdlife Malta operates the only national scientific bird ringing scheme recognised by EURING and therefore at the national level bird ringing activities are coordinated by Birdlife Malta. However one does not need to be a member of BLM to qualify for bird ringing license. Qualifying for endorsement from the national scheme involves 2-4 years of training under supervision of licensed bird ringers, a thorough understanding of applicable international bird ringing protocols and standards, as well as approval by a special committee. He added that these practices are consistent with the practices in other EU Member States, which, with only a few exceptions, operate only one national ringing scheme per member state. He furthermore explained that EURING rigorously monitors adherence by the national scheme to such international protocols and standards, and on several occasions has rejected applications from schemes in countries where a national EURING-affiliated scheme already exists. He also noted that Birdlife Malta sees a fundamental conflict of interest between the activity of hunting / trapping and scientific bird ringing. He said that he cannot envisage a situation where in the morning one exercises an activity involving the shooting of birds or capturing them alive for keeping, and in the afternoon that same individual would engage in bird ringing, which involves a totally different pursuit.

5.5. Chairman remarked on the latter point mentioned by Mark Gauci that there have been other activities, such as bird photography, that were previously unthinkable in relation to hunters, but which have recently gathered a strong following. Therefore the reasoning that there is necessarily an *a priori* conflict between hunting and scientific bird ringing does not always stand.

5.6 Frank Vassallo said that some countries such as Italy allow hunters to be bird ringers, and moreover hunters play important role in ornithological research and conservation and this is something that should be encouraged. However the law in Malta does not allow this thus perpetuating “Birdlife monopoly” over bird ringing. He specifically mentioned his own experience of bird ringing in 1970s as part of the scheme run by the National History Museum at that time, “which BLM sought to oppose and destroy”.

5.7 Mark Sultana reacted to the latter point by accusing Frank Vassallo of “having removed BLM rings” from birds caught “in violation” of fundamental protocols. Frank Vassallo rejected these allegations.

5.8 Chairman said that he understands the reason behind the legal requirement for a national ringing scheme affiliated with EURING. He said that EURING acts as an umbrella organisation for all ringing activities in Europe and one therefore cannot envisage a scientific ringing activity without involvement of EURING.

5.9 Mark Gauci furthermore explained that scientific bird ringing goes beyond catching of birds from the wild. The activity involves systematically recording important biological parameters and reporting them in a specified format using EURING database platform. The process is transparent and anyone can request ringing data through EURING.

5.10 Sergei Golovkin suggested to BLM that in order to address the concerns raised by the FKNK, BLM may wish to consider presenting to the Ornithology Committee the exact procedures and protocols followed by licensed ringers, as well as procedures related to training of ringing license applicants. He also said that greater transparency of these processes on the part of BLM may reduce mistrust. He also referred to examination procedures in place for other types of licenses, such as falconry license. Such examinations consist of a theoretical component, which is conducted by WBRU, and a practical test which is administered by falconry clubs in accordance with a WBRU-approved syllabus and in the presence of WBRU officials. Such procedures are completely transparent. He suggested that similar *modus operandi* may perhaps be adopted also for those who apply for bird ringing license.

5.11 Mark Gauci said that the BLM would be glad to provide the required information and may also invite Ornithology members to a bird ringing session in the field for demonstration of the process and protocols used.

5.12 Sergei Golovkin referred to the initial request for information made by the FKNK and asked to clarify whether this information is being requested from Ornithology or specifically from WBRU. Joe Perici Calascione confirmed that the information is requested from WBRU.

5.13 Sergei Golovkin referred the Committee to regulation 23 of the Conservation of Wild Birds Regulations which stipulates parameters that regulate the activity of scientific bird ringers. In particular, the law prohibits any bird ringing unless authorised through a license issued by WBRU. Such licenses are issued for a period of five years subject to fulfilment of the criteria stipulated in regulations 23(2)-(5). Therefore this specific regulation provides a *sui generis* legal basis for a derogation that is distinct from other derogations granted under regulation 9, which require recommendation of the Ornithology Committee. Hence procedures associated with hunting-related derogations are different from those applicable to bird ringing. He furthermore explained that the legal provisions concerning bird ringing were established prior to Malta's accession to the EU. Since the activity of scientific bird ringing is fundamentally different to hunting or live-capturing in that it does not involve the permanent removal of the specimens from the wild, differential regulatory controls also apply accordingly.

5.14 As regards the specific concerns listed by the FKNK, Sergei Golovkin tabled the following information:

a. The annual relative derogation/s application/s for recommendation:

Application of bird ringing derogations for scientific research is regulated under Regulation 23 of SL 549.42 which provides standing parameters for a *sui generis* derogation that does not necessitate procedures required by Regulations 9 and 10 of the said Regulations. Hence application of such derogations did not follow the same procedure as that for other types of derogations regulated under Regulation 9.

b. Follow-up reports:

Bird ringing derogations are reported to the Commission annually through HABIDES system. These reports can be accessed from:

http://ec.europa.eu/environment/nature/knowledge/rep_birds/index_en.htm

Detailed Article 9 derogation reports are compiled only for the two live-capturing derogations and for spring hunting derogation in view of explicit request from the Commission and in view of respective infringement procedures. Such reports are not required for other forms of Article 9 derogations.

c. *Number of issued bird-ringing licenses:*

Year	Number of licenses
2013	23
2014	25
2015	24
2016	33

d. *Number of locations used for ringing purposes and relative number of 'excursions' carried out at each location:*

According to data provided by BirdLife Malta, licensed bird ringers use a total of 17 sites within the Maltese Islands for the capture and scientific ringing of wild birds. It is to be noted that SL 549.42 does not require bird ringers to indicate locations in which the activity is practiced, however as part of the changes in the licensing process carried out in 2016, WBRU asked for the provision of this information. WBRU did not carry out inspections on these locations.

e. *Number of locations used which are situated in bird sanctuaries and similar areas:*

Out of a total of 17 sites, 10 sites are located within bird sanctuaries, including six located in Buskett, one in Simar, one at Ghadira, one at Salina and one on Comino.

f. *Number of locations used which are situated on 'garigue' land/habitat:*

Site situated at Comino bird sanctuary and site situated within the boundary of Salina bird sanctuary are the only two locations used for bird ringing that comprise of 'garigue' land.

g. *Method/s used for ringing purposes:*

The methods which are legally allowed for bird ringing purposes are clearly set out in Regulation 23(2) f of SL 549.42, which states that "notwithstanding the provisions of regulations 7(1)(d) and (e), a bird-ringer who takes a bird to ring or mark it, or to examine any ring or mark on the bird, may, for this purpose, use mist-nets, pre-recorded bird calls or any other means, arrangements or methods as may be authorized in accordance with the provisions of regulation 10(6)(c)." Licensed bird ringers may take wild birds using mist-nets, pre-recorded bird calls and any other methods authorized by the Ornithology Committee.

h. *Number of ringed birds by species:*

BLM annually provides to WBRU a report listing all ringed specimens. In 2016, BLM reported ringing 17,807 birds of 109 different species.

i. *Method/s used by the police for supervision and number of officers deployed for such:*

No specific supervision regime or the number of officers deployed is prescribed in the law for this activity.

j. *Number of spot-checks carried out by the police:*

As above.

k. *Number of persons that have been/will be charged and/or arraigned in Court (for bird-ringing violations):*

WBRU is not aware of such arraignments / convictions in the recent years.

l. *Number of convictions and relative penalties imposed:*

As above.

m. *Number of acquittals:*

As above.

n. Number of recovered rings by species and country:

WBRU normally does not request this data except on specific species. Such data can be requested directly from the ringing scheme.

o. Number of occurrences of 'accidents' and type of 'accidents' and species involved:

WBRU is not aware of any reports of bird ringing-related "accidents".

p. Number of mist-nets importation approvals by the WBRU:

In 2016 BLM reported the use of 317 mist nets and in 2015 the number was 299.

q. Number of bird-ringers who have used the imported mist-nets:

This information is not available at WBRU. It is assumed that each licensed bird ringer would utilise several mist nets or have such nets at his / her disposal.

r. Number of mist-nets at each one of these bird-ringers:

As above.

s. Number and types of rings approved by the WBRU for bird-ringing purposes:

Since BLM ringing scheme is accredited with EURING, WBRU relies on the ring standards prescribed by EURING, which obviates the need for separate approval process.

5.15 The Committee took note of the above information. The Chairman concluded the debate by acknowledging FKNK's concerns, as well as the information provided by BLM and WBRU. The Committee did not adopt any specific recommendations on this item.

6. AOB

6.1 The Committee did not discuss any other business.

6.2 The meeting was adjourned at 1900 hrs.