

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

**20<sup>th</sup> April 2016, WBRU, 1630 - 1930**

### **Minutes**

#### **Attending members:**

Prof Mark Anthony Falzon – Chairman  
Mr Sergei Golovkin - Secretary  
Mr Mark Sultana – Birdlife (Malta)  
Mr Nicholas Barbara - Birdlife (Malta)  
Mr Marco Falzon – Member nominated by Government  
Mr Gwido Baldacchino - Member nominated by Government  
Mr Frank Vassallo– Hunting and Trapping Expert  
Mr Mark Gauci – Avifauna Expert  
Mr Stephen Saliba – MEPA

**Excused:** Mr Lino Farrugia – FKKN; Mr Joe Perici Calascione – FKKN

**Absent:** Ms Emeline Fenech – Member nominated by Government

**Other contributors present:** Mr Richard Lia, Wild Birds Regulation Unit; Inspector Colin Sheldon, Administrative Law Enforcement Unit of Malta Police Force

#### **(1) Adoption of the agenda**

1.1 The agenda was adopted.

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

2.1 Minutes were approved.

#### **(3) Matters arising and matters to report**

3.1 The Chairman made reference to the appointment of Sergei Golovkin as Chair of the Bern Convention Special Focal Points Network on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds. On behalf of the Committee, the Chairman congratulated Sergei Golovkin on this appointment.

3.2 No further matters arising were reported.

#### **(4) Information note concerning spring hunting season**

4.1 Nicholas Barbara asked regarding WBRU's justification behind the decision to open the season for 5,000 Turtle Doves. He said that since the Ornis Committee did not suggest any quotas, the reasoning why the 5,000 quota was chosen needs to be presented to Committee.

4.2 In reply, Sergei Golovkin recalled that on 25 February 2016, the Committee recommended that, in view of the recent reclassification of the Turtle Dove as a 'vulnerable' IUCN Red List species and a

'near-threatened' species at EU27 level, government should apply special measures to further reduce the potential impact of spring hunting on the population of that species. In parallel, the Wild Birds Regulation Unit solicited the views of hunting organisations with regards to addressing the issue of change in the conservation status of Turtle Dove. Two organisations (FKNK and KSU) have provided proposals expressing their views on how the situation may be addressed.

4.3 Sergei Golovkin furthermore explained that note was also taken of the fact that at present there is no scientific evidence pointing to any detectable impact of Malta's limited derogation on the population of this species, as well as of the fact that the species remains listed in Annex II/B of the Birds Directive and is hunted on a significant scale (around 3 million birds) in 9 EU Member States other than Malta. He noted that the European Court of Justice confirmed that due to Malta's biogeographic circumstances, hunting of these two main quarry species in the autumn does not constitute a satisfactory solution within the meaning of Article 9(1)(c), and therefore Malta's reliance on a limited and strictly supervised spring hunting derogation should be seen on par with autumn hunting of these species in these other EU Member States. Moreover, reference was made to the fact that the International Union for the Conservation of Nature (IUCN), in its recommended Conservation and Research Actions, did not contemplate a ban on Turtle Dove hunting in autumn or spring, and instead called for restrictions that aim to "develop a level of hunting which is sustainable"<sup>1</sup>. Taking the above into consideration, the Unit proposed to the Government a range of options for potential measures that can be taken in line with Ornis recommendations. On the basis of the above proposals, the Government decided to enact the following measures:

1. A 7-day reduction in the duration of the 2016 season from the maximum of three weeks allowed under the Framework Regulations;
2. Reduction in permitted hunting hours from two hours before sunrise until two o'clock in the afternoon (2pm) during weekdays, to two hours before sunrise until noon on all days, which represents a reduction of two hours on each weekday;
3. Reduction in the national spring quota for Turtle Dove from the maximum of 11,000 birds to 5,000 birds;

In addition to these measures, in order to further reduce what is already the EU's smallest share of Turtle Dove uptake, the Government has reduced the autumn hunting season for this species from five months (previously between 1st September and 31st January of the following year) to the month of September only, through the publication of Legal Notice 77 of 2016.<sup>2</sup> This Legal Notice stipulates that the one-month autumn hunting season for Turtle Dove shall be subject to a new statutory maximum national quota of 7,000 birds.

4.4 Mark Sultana reacted to this presentation by stating that the decision on the quotas was a political one and lacks scientific justification. No mathematical reasoning for allowing a quota of 5,000 Turtle Dove has been presented and what has been stated by WBRU confirms that. He asked for further information regarding the season.

4.5 Nicholas Barbara remarked how WBRU has been biased in soliciting only the hunting organisations' view on how the season should be opened. He remarked how come do we have an Ornis Committee where matters should be presented and discussed collectively. The Ornis committee

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<sup>1</sup> It should be noted that a week after this Ornis meeting took place, on 26 April the IUCN issued a press statement, in which it called upon the Commission to "immediately request the Maltese authorities to protect the European Turtle Dove" stating also that "in the case of species with an 'unfavourable conservation status' or with 'very low population levels', the Birds Directive clearly stipulates that a derogation should not be granted" and therefore "in order to save the Turtle Dove from a real threat of extinction, IUCN has requested the Commission to apply an urgent moratorium on spring hunting of the species in Malta", which "should remain in place until sustainability and recovery of the Turtle Dove can be clearly demonstrated".

<sup>2</sup> Available online <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27460&l=1>

recommended the opening of the season, yet the conditions are then discussed outside the Committee directly with hunting organisations.

4.6 Sergei Golovkin responded to Birdlife Malta's criticism by referring to the fact that extensive materials were presented and debated within the Committee, and whilst the Committee gave its recommendations in principle, the Committee opted not to delve into specific conditions of the recommended season, and this matter was therefore further considered by the government in consultation with the stakeholders directly affected by such conditions. In response to BLM's request for information regarding the season, he explained that this year fewer hunters have applied for their special hunting licenses than in the previous years. Indeed around 9,252 eligible hunters were issued with a special spring hunting license, however to date around 70 of these licenses remained uncollected and thus the total number of active licensees was around 3% less than last year. He also explained that the reform of general hunting licenses has been completed, and hunters now use the new information booklets and telephone system for game reporting purposes.

4.7 Mark Sultana asked regarding the uptake of the quotas reported to date. Sergei Golovkin replied that these figures will be published after the end of the season, and not in the interim during the season itself. However he also offered to provide demonstration on the use of the telephone system and interconnected reporting & licensing database.

4.8 Nicholas Barbara asked regarding the publishing of all data in a derogation report and whether there was still a deadline applicable with the Commission to present a report within 30 days of the closure of the season. Sergei Golovkin replied that following the Commission dropping the infringement case there was no deadline in place; but that however WBRU intends to keep this as good practice and publish the report at the beginning of June.

## **(5) Enforcement during spring hunting season**

5.1 The Chairman invited Inspector Colin Sheldon to brief the Committee regarding enforcement deployment during the season and any illegalities detected so far.

5.2 Inspector Sheldon said that although there have been reports of illegal shooting before the season started, and indeed some incidents were reported in late March and early April, so far the hunting season itself is proceeding well, with no incidents disclosed. There have been some unconfirmed reports of illegal shooting in specific locations such as in Bidnija and near Rabat, which reports are being investigated. As was the case also in previous years, so far a contingent of around 55 enforcement officers from the ALE, seconded officers from district police units, mounted police and AFM was deployed on patrols in two shifts in Malta.

5.3 Mark Sultana asked regarding the situation in Gozo, where a number of illegal shooting incidents were reported. He noted in particular that recently the number of illegal trapping incidents in Gozo seemed to be on the increase. Sergei Golovkin replied that there are at present a total of 10 officers deployed on patrols in Gozo. He added that WBRU's Specialist Enforcement Branch is also conducting its own surveillance operations, and that the overall deployment figures may vary during the season. A detailed report that contains all information on enforcement will be compiled and published after the season, as in previous years.

5.4 Mark Sultana also requested whether the intention was for the police contingent to be maintained following closure of the season on the 30<sup>th</sup> April. Inspector Sheldon noted that he would still need to check whether this would be the case.

5.5. Sergei Golovkin commented that WBRU were providing backup with covert surveillance.

5.6 Sergei Golovkin suggested that it may be helpful if the Committee is presented with the assessment of enforcement situation by Birdlife Malta, which is presently conducting its spring watch camp that involves significant number of volunteers in the field.

## **(6) Outcome of the 2015 live-capturing derogation for Golden Plover and Song Thrush**

6.1 Chairman invited Sergei Golovkin to present the summary of the report which was circulated to the Committee in advance of the meeting.

6.2 Sergei Golovkin outlined the salient points from the report. Some 1,128 persons applied and obtained a special live-capturing license for these species in 2015, slightly fewer than in 2014. Approximately 16% of these were resident in Gozo and 84% were resident in Malta. These persons were authorised to operate 1,524 registered live-capturing stations. Conditions of special licenses were identical to license conditions in 2014. 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 321 Golden Plovers and 248 Song Thrushes were caught during that season, slightly less than in 2014, but more than in 2013. For the first 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 significant 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 2015, in comparison with the same period in 2014. As a result of the increased intensity of inspections, more offences such as use of bird callers or exceedance in the number of permitted decoys were detected than in 2014 and therefore the number of persons charged or facing administrative action has been higher in 2015 than in 2014. On the other hand the number of relatively more serious violations, such as trapping without a license or illegal trapping for protected species has decreased. 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.

6.3 The Committee took note of the report.

## **7. Conservation status assessment of Golden Plover and Song Thrush**

7.1 Chairman invited Richard Lia to present the assessment.

7.2 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. The main updates stem from the recently published Article 12 reporting data for EU MS, as well as the 2015 EBCC update. A detailed report was circulated to the Committee in advance of the meeting.

7.3 Article 12 reporting data for Golden Plover indicates the breeding population trend in the EU27 as "Increasing" in both the short and long term datasets. The EU population status of *Pluvialis apricaria* was assessed as "Secure" in accordance with IUCN Red List criteria. According to the latest dataset available from the EBCC at the time the conservation status of the Golden Plover was updated (April

2016), there was an increase in the Northeast European (West Continental) population (Norway, Sweden and Finland) both in the short term and long term, when compared with the previous (2014) EBCC update. In the short-term trend (1990–2013) the increase was from +2% to +16% (+14% increase) and from -12% to -1% (+11% increase) in the long-term (1980–2013) trend. The current EBCC assessment considers *Pluvialis apricaria* as “Stable” (1980–2013), 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* and, in turn, Malta’s reference population.

7.4 As regards Song Thrush, Article 12 data indicates that the breeding population trend in the EU27 is “Increasing” in both the short and long term. The EU population status of the Song Thrush was assessed as “Secure”, in accordance with IUCN criteria. The latest dataset available from the EBCC at the time the conservation status of the Song Thrush was updated (April 2016), lists this species trend classification as “Moderate Increase”, with “no significant increase or decline, and most probable trends are less than 5% per year”.

7.5 The current update shows that Malta’s reference population of the Golden Plover (Finland and Sweden) increased from the estimated 84,630 minimum breeding pairs<sup>3</sup> to 203,000. Although updated population estimates for Golden Plover allow for an increase in the “small numbers” calculation for that species<sup>4</sup>, no change to the actual bag limits is being proposed. Similarly, although the “small numbers” criterion for Song Thrush is an order of magnitude higher than the actual bag limit of 5,000 birds, no changes to the bag limit are being proposed.

7.6 The Committee discussed the problem with over use of bird callers for Golden Plover during the derogation season and solutions to it.

## **8. Outcome of the 2015 live-capturing derogation for finches**

8.1 Chairman invited Sergei Golovkin to present this item.

8.2 Sergei Golovkin said that a detailed report was compiled, but is presently undergoing internal reviews and approval process. It is expected to be made public shortly. However even prior to publication of the report, he is in a position to provide the Committee with an overview of the salient points contained in this report.

8.3 Some 3,880 persons applied and obtained a special live-capturing license for finches in 2015, about 7% fewer than in 2014. Of these, 1,018 persons were resident in Gozo and 2,862 were resident in Malta. 799 persons licensed to capture finches were also licensed to capture Golden Plover and Song Thrush under separate derogation. Licensed persons were authorised to operate 6,246 registered live-capturing stations. Conditions of special licenses were identical to license conditions in 2014. 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 38,596 special single-use rings of three types were distributed together with licenses in advance of the season. The total number of finches caught during this derogation was 10,579. 27,254 rings were returned following the end of the derogation, whilst a balance of 763 rings that were not returned was subject to a €5 fine per ring. During the derogation,

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<sup>3</sup> Prior to the publication of Article 12 reports for the 2008-2012 reporting period, the <1% annual mortality was based on the population estimates published in the EU Management Plan (2009–2011) for Golden Plover.

<sup>4</sup> The former 1% annual mortality of 2,213 individuals was based on a minimum breeding population of 84,630 pairs—the corresponding bag limit was less than one-third of the 1% annual mortality to take into account the three principal flyways. The current minimum breeding population is 203,000 pairs, equivalent to a 1% annual mortality of 5,309 individuals and a bag limit of 1,770 (5,309÷3) individuals.

4,045 Linnets, 256 Goldfinches, 1,027 Greenfinches, 1,796 Siskins, 436 Hawfinches, 1,830 Chaffinches and 1,189 Serins were caught. Peak catches for most species were reported in the period between 21/11 and 03/12, with other peaks occurring at the beginning and at the end of the season. The report also presents an analysis of the maximum number of finches caught and the number of live-capturers reporting a given level of catches. Thus only 200 live-capturers reported fulfilling the maximum quota of 10 birds whilst the vast majority reported catching between 1 and 5 birds.

8.4 As was also the case in 2014, 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 significant correlation was observed between the two sets of trends, which indicates that by and large reported catches mirrored observed extent of migration. Divergence between the two trends for some species was observed towards the end of the season, which was probably due to large number of licensees being active in the field during Christmas holidays. 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 2015, in comparison with the same period in 2014. As a result of the increased intensity of inspections, more offences such as use of bird callers or exceedance in the number of permitted decoys were detected than in 2014 and therefore the number of persons charged or facing administrative action has been higher in 2015 than in 2014. On the other hand the number of relatively more serious violations, such as trapping without a license or illegal trapping for protected species has decreased. 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.

8.5 Mark Sultana asked whether this report will be submitted to the Commission. Sergei Golovkin replied that the report will be published and the Commission will be able to access it. Moreover Malta will formally report this derogation through annual Article 9 report.

8.6 The Committee took note of this presentation, pending circulation of the actual report.

## **9. Research proposal concerning Blue Rock Thrush (*Monticola solitarius*)**

9.1 Chairman said that the Committee is in receipt of a proposal for a research project that concerns Blue Rock Thrush. The proposal was circulated in advance of the meeting. He invited Sergei Golovkin to explain procedure involved.

9.2 Sergei Golovkin said that the project involves the capture of up to ten birds, which shall then be fitted with a tracking device that will be used to analyse their movements and dispersal. In legal terms the request requires derogation from the provisions of regulations 4(1)(d) and (e) of the Conservation of Wild Birds Regulations, and for this reason the request must follow procedure outlined in regulation 9, 10(6)(c) and provisions to regulation 10(6) which involve consideration and recommendations of the Ornis Committee. The proposal is submitted by a local researcher, who shall be assisted by two other persons. The project is proposed to be undertaken in collaboration with a foreign ornithological research institution.

9.3 Chairman said that the Committee needs to know the identity and the profile of the researchers, as well as credentials of the institute to consider this further. Sergei Golovkin replied that the proposal is put forward by XXXXXX<sup>5</sup> who has a well known record of ornithological research. XXXX shall be assisted by XXXXX and XXXX. The lead researcher has provided to WBRU the title of the foreign research institute but requested not to disclose this further.

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<sup>5</sup> Names of the proposers were provided but are withheld from publication for personal data protection purposes.

9.4 Mark Sultana questioned the proposer's credentials in ornithological research, noting also that he is not a licensed bird ringer. He also said that the proposal cannot be approved without ascertaining the credentials of the institute. These concerns were also mentioned by Chairman and by Mark Gauci who argued that Birdlife Malta has a local stewardship of ornithology that ensured the required level of scientific rigour. Mark Gauci cited mandatory training for bird ringers as an example.

9.5 Stephen Saliba observed that the proposal does not seem to be detailed enough to allow its assessment on scientific grounds.

9.6 Mark Sultana questioned the scientific rationale and value behind the proposed research, pointing out that the purposes of the study are unclear.

9.7 Sergei Golovkin suggested that the proposal should be assessed purely on own merits, irrespective of whether the project is being carried out in conjunction with any foreign or local entity or not. He also noted the Committee does not seem to have the required scientific expertise to challenge scientific validity of any proposed research results. He also clarified that in legal terms one does not need to be a licensed ringer in order to perform such research, since the activity requires derogation in its own right. Therefore any presumption that Birdlife Malta somehow holds exclusive national monopoly on ornithological research is legally incorrect. Moreover, he questioned whether in this case Birdlife Malta representatives may have a conflict of interest that may prejudice an impartial consideration of a research project. He also stated that in the past the Committee approved several similar research proposals without questioning affiliation or ornithological credentials of the researchers concerned since those proposals were deemed to be acceptable on technical merits and were deemed to have satisfied legal criteria for a derogation. This is without prejudice to the technical merits of the present proposal, and indeed WBRU had a few comments of technical nature, such as whether re-capture of the specimens is really necessary, in view that the latest tagging technology combined with real-time monitoring makes it possible for the tags to be detached from the bird upon moulting, without the need for recapture.

9.8 BirdLife Malta clarified the various allegations made above by Sergei Golovkin, and pointed out that requested derogations made in the past, were all backed up by personnel who are qualified ornithologists as well as held a full ringing licence with BirdLife Malta's ringing scheme. The proposal put forward in front of the committee does not carry these credentials and this is the reason why the proposal and the candidates who are doing this research are questionable.

9.10 Concluding this debate, the Chairman asked the Secretary to request the proposer to supply a brief resume of experience in ornithology generally and the handling of wild birds in particular, for each of the researchers involved in the project. The Secretary should also request to submit a copy of the agreement with the collaborating ornithological institution (as mentioned in the proposal), and to explain the details of the collaboration. All information will be treated with full confidentiality.

## **10. Any other business**

10.1 It was agreed to schedule follow-up discussion on Blue Rock Thrush item from the following meeting. Due to lack of time, discussion on national enforcement priorities is also postponed to next session. Further pending items include consideration of the conservation status of finches, to be presented by WBRU at the next meeting.

10.2 The meeting was adjourned at 1930 hrs.