

Meeting of the Malta Ornis Committee

**Wednesday, 21st February 2018, WBRU, MESDC, Sta Venera
1630 - 1815**

Minutes

Participants:

Magistrate (retd.) Dr Dennis Montebello – Chairman
Mr Sergei Golovkin - Secretary
Mr Mark Sultana – Birdlife (Malta)
Mr Nicholas Barbara - Birdlife (Malta)
Mr Lino Farrugia – FKKNK
Mr Joe Perici Calascione – FKKNK
Mr Joseph Tabone - Member nominated by Government
Mr Marco Falzon – Member nominated by Government
Mr Horace Micallef - Member nominated by Government
Mr Mark Gauci – Avifauna Expert
Ms Maria Attard – Representative of the Environment and Resources Authority

Excused: Mr Frank Vassallo– Hunting and trapping expert

(1) Approval of the agenda

1.1 Sergei Golovkin asked to postpone presentation of the report on game hunted during 2017 since the draft report is presently awaiting internal clearances. He furthermore informed the Committee that pursuant to previous requests to table information regarding enforcement during the past autumn season, a report has also been drafted but is also pending internal clearances. It will be tabled once clearances are obtained.

1.2 Agenda was approved

(2) Matters arising and matters to report

2.1 Sergei Golovkin informed the Committee that further to Ornis recommendations of 22/11/2017 concerning research derogation to authorise a study of Blue Rock Thrushes and subsequent Minister's authorisation of a derogation, the relevant research permit has not yet been issued due to objections from project proponent to some of the conditions recommended by Ornis concerning bird ringing. The Committee noted this update.

(3) Approval of the minutes

3.1 Minutes of the previous meeting were approved, subject to inclusion of a correction pointed out by FKKNK.

(4) Consideration of the parameters of spring hunting derogation for Quail

4.1 The Chair referred to the Committee's in-principle recommendation to apply spring hunting derogation, and to FKNK's subsequent proposal that the derogation should be applied between 10th and 30th of April, inclusive of both days. He invited the Committee to consider this proposal and other relevant parameters of the derogation.

4.2 Lino Farrugia asked for clarification regarding the term "parameters". He recalled that when he previously asked as to who should propose the dates of the season, the Secretary advised that this is up to FKNK since the FKNK has proposed the derogation in the first place. He reiterated that Ornis should therefore take a position on FKNK's proposal concerning the dates since no other proposals were tabled. Chairman clarified that the dates of the season is a parameter of the derogation and it is up to Committee members to make and debate proposals concerning this and other parameters. Sergei Golovkin clarified further that besides the dates, other parameters of the derogation involve individual seasonal, daily and national bag limits.

4.3 Nicholas Barbara referred to the legal requirement to consider game bagged during previous autumn. Without a report on the catches made during previous autumn, Ornis cannot consider any recommendation concerning bag limits. Sergei Golovkin clarified that bag data for Quail was tabled at Ornis during November 2017 sitting. A total of 229 Quails were reported as hunted during 2017, of which 128 specimens were bagged during 2017 spring hunting season and 101 specimens were bagged in the autumn. These figures were final since no further Quail catches were reported in December and January.

4.4 Mark Sultana said the BLM objects to FKNK's proposal concerning the dates. He presented a detailed position that substantiates this objection with reference to bag data statistics for Quail and Turtle Dove reported by hunters since 2002, as well as statistics based on migration studies. He reiterated that BLM consistently expressed its in-principle objection to the application of spring hunting derogation since in BLM's opinion the derogation does not meet the parameters of Article 9 of the Birds Directive. However apart from this in-principle position, BLM does not agree with the dates proposed by the FKNK as these will coincide with the peak migration of the Turtle Dove and would undermine moratorium on spring hunting of this species. Moreover, a season during these dates would "guarantee" a catch of over 5,000 Quails, i.e. in excess of the national quota stipulated in framework regulations. On the other hand, a hunting season opened between the 3rd week of March and the 1st week of April would "guarantee" a catch of Common Quail (possibly less than 5,000), but would totally avoid Turtle Dove migration. A hunting season opened between the last week of March and the second week of April (as in 2017) would "guarantee" a catch of over/close to 5,000 Common Quail, with still a risk of Turtle Doves being targeted during the second week of April.

4.5 Mark Gauci said that apart from the data presented in BLM's submission, there is published literature which is also directly relevant to the present discussion. He noted in particular that there is documented evidence of quail breeding sporadically in the Maltese Islands, and indeed the species is classified as "irregular breeder". He also noted that evidence points out that disruption caused by hunting in spring is possibly amongst the main reasons why quail has not bred regularly. Lino Farrugia countered this assertion by referring to agricultural practices as being the main reason for lack of breeding.

4.6 Maria Attard read out a statement which summarises ERA's position with regards to FKNK proposal. ERA does not agree with the dates proposed by the FKNK, which, on the basis of studies available to ERA, coincide with the period of the peak migration of the Turtle Dove whilst avoiding the apparent peak migration of Quail, which has been recorded between mid-March and early April. The ERA would only accept any three-week period between mid-March and 1st week of April and would vote in favour of a season during these dates provided that the derogation under EU Birds Directive is "appropriately applied in its entirety", and provided that the ALE and WBRU ensure proper enforcement.

4.7 Joe Perici Calascione questioned the apparent lack of consistency in BLM position, which on the one hand, favours a season opened in mid-March, but on the other hand – rejects the derogation as a matter of principle. He furthermore pointed out that BLM has consistently expressed mistrust in hunters reports and refused to participate in migration studies, but at the same time appears to base its conclusions on precisely the same reports it mistrusts. He dismissed the argument that a season in April would allegedly increase the risk of illegal targeting the Turtle Dove as being irrelevant to this discussion, because enforcement against any illegal activities must take place irrespective of the dates of the season. He noted that even in early March there is substantial presence of protected birds such as raptors, yet BLM position seems to overlook that focusing entirely on the Turtle Dove. Lino Farrugia added that unlike many Annex I species present during March, Turtle Dove is an Annex II (hunnable) species, which is presently subject to a moratorium. By this logic, one would expect to show higher concern for Annex I protected species, but this is apparently not the case. FKNK's proposal aims to ensure satisfactory solution for quail hunters, which is in line with Article 9 of the Birds Directive. Joe Perici Calascione furthermore observed, with reference to BLM statement that sufficient numbers of quail have been recorded to be present from as early as the beginning and mid-March, that Maltese hunters refer to such early migrants as “winter quail” (known in Maltese as “*tal-haxix*” or “*tax-xitwa*”), and that these specimens are known to behave differently, insofar as hunting opportunities are concerned, in comparison with quail that migrates later in spring. The latter argument was challenged by Nicholas Barbara who questioned the apparent lack of scientific and legal grounds for distinguishing the populations of quail migrating during different periods in spring on the basis of the different hunting opportunities these may present.

4.8 Sergei Golovkin presented WBRU's assessment of FKNK's proposal. This assessment is based on the analysis of the data obtained from independent migration studies conducted since 2008. This analysis is summarized in a graph which plots the average estimated migratory influxes of Turtle Dove and Quail over March – May period. He underlined that migration data for March and early April is less reliable than the data available for mid-to late April, since the former was obtained from 2017 observations only, which might not be representative of the longer term trend, whilst the latter is based on the average influxes recorded between 2011 and 2016. He noted that a comparison of hunting bag statistics reported prior to ECJ judgement in spring hunting case in 2009 with the statistics reported after spring hunting was reinstated in 2011 is mostly irrelevant to this consideration, because entirely new framework parameters enacted in 2011 post-ECJ judgement stipulated very strict limits that contrasted sharply with the virtually unregulated seasons prior to ECJ judgement. He recalled that last year's derogation occurred earlier than usual, because this was the first year following declaration of a moratorium on spring hunting of the turtle dove, and a paramount consideration at that time was to as much as possible avoid overlap with peak migration of the turtle dove. However 2017 spring quail season has turned out to be extremely poor in terms of hunting opportunity, notwithstanding that substantial quail migration during late March was recorded through migration study conducted for the first time during this period. On the other hand, there was also substantial turtle dove migration in mid-April that partially overlapped with the quail season and notwithstanding this, very few incidents of illegal targeting of the turtle dove actually occurred during the hunting season itself. Indeed some incidents were recorded after the hunting season for quail was closed, and migration of the turtle dove peaked towards the end of April and beginning of May. Therefore in order to provide hunters with a better hunting opportunity for quail, the optimum time window for quail hunting may be from 6th to 26th of April. He reiterated that irrespective of the dates for the hunting season, strict enforcement must take place regardless.

4.9 Mark Sultana disagreed with WBRU's assessment, reiterating BLM's lack of confidence in the reporting system which relies on self-reporting by hunters. He furthermore stated that apart from the risks presented by overlap with migration of the turtle dove, a quail season in mid-to late April presents a high risk that the national quota would in actual fact be exceeded due to misreporting.

4.10 Lino Farrugia said that the concept of bag limits which has impact on reporting is not applied correctly, since in other countries where a daily bag limit exists, there is usually no individual bag limit for the whole season which may provide perverse incentive to misreport game caught. Sergei Golovkin clarified that the requirement for daily, individual and national bag limits is stipulated in the framework law as part of the package negotiated with the EC post-ECJ judgement. He also noted that any perceived incentive to misreport game caught is mitigated by hunters' legal obligations, enforcement through spot checks, and a deterrent of sanctions in case of non-compliance.

4.11 The Chairman recapitulated key proposals suggested during the meeting, noting the following options: 10 – 30 April (FKNK), 15 March – 7 April (ERA) and 6 – 26 April (WBRU). To these he added a further proposal for 30 March – 20 April. He invited the Committee to consider these four options and to take a position on the preferred one.

4.12 Marco Falzon said that given the spectrum of divergent views expressed during this session, as well as argumentation presented by BLM, ERA and WBRU, the Committee may require further time to assess and discuss these options prior to final vote. He suggested deferring the vote to next session. Other members including Lino Farrugia, Mark Sultana, Horace Micallef and Joseph Tabone agreed with this suggestion. The Chair also agreed and ruled that the vote shall be taken at the next session.

4.13 Sergei Golovkin highlighted a range of technical arrangements that will need to be put into place following Ornis recommendation; including publication of a legal notice authorising derogation, notification to all eligible hunters, and special licensing procedures besides enforcement arrangements and arrangements necessary for migration study to take place. These preparatory measures require appropriate time to be completed and hence urgent consideration is required. This was noted.

(5) Any other business

5.1 The Committee did not discuss any other business.

5.2 The meeting was adjourned at 1815 hrs.

5.3 The next session was scheduled for Tuesday 27th of February.