

Meeting of the Malta Ornis Committee

Wednesday 26 April 2017, 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 Stephen Saliba – ERA
Mr Joe Perici Calascione – FKNK
Mr Lino Farrugia – 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

Other contributors present: Richard Lia, Senior Manager, Wild Birds Regulation Unit

(1) Adoption of the agenda

1.1 Agenda was approved.

(2) Approval of the minutes

2.1 Minutes of the meetings held on 20/03 and 12/04 were approved.

(3) Matters arising and matters to report

3.1 Sergei Golovkin informed the Committee that the latest game data report has just been published on WBRU website. This is the first time that a report was compiled solely on the basis of the telephone reporting system, instead of Carnet de Chasse, which was phased out last year. The report provides hunting / live-capturing data for all species hunted or captured in 2016. The report also contains analysis that was previously not possible for Carnet de Chasse data, such as for example an analysis of the time of reports made.

3.2 Mark Gauci reiterated the need for data on the total hunting effort, which is not being captured through the telephone system. Sergei Golovkin recalled that the Committee previously discussed this issue in depth. He added that a lot of hunting effort data was captured through Carne de Chasse system in previous years, and this data had a limited utility. Moreover, it can easily be collected through other means, such as through telephone surveys, if required.

3.3 Lino Farrugia asked whether the data is presented in a weekly or monthly format. He noted that when Carnet de Chasse was initially introduced, data was presented on a weekly basis. Sergei Golovkin replied that for the sake of consistency with previous years' reports, data in the published summary report is presented in a monthly format. However should it be required to extract any particular data for any given day or period, this would be possible since WBRU has all the detailed data gathered through the system.

(4) Outcome of the 2016 autumn live-capturing derogation for finches

4.1 Chairman invited Sergei Golovkin to present the report circulated to the Committee.

4.2 Sergei Golovkin said that a detailed report on the outcome of the 2016 autumn finch live-capturing derogation follows similar format to the reports compiled in 2014 and 2015. He then proceeded to outline the salient points contained in the report.

4.3 Some 3,851 persons¹ applied for a special live-capturing license for finches in 2016, about 1% fewer than in 2015. Of these, 1,019 persons were resident in Gozo and 2,832 were resident in Malta. Of these, 719 persons who applied for finches license also applied for special license to capture Golden Plover and Song Thrush under separate derogation. Licensed persons were authorised to operate 6,014 registered live-capturing stations, which comprised 10,310 pairs of clap nets.

4.4 Conditions of special licenses were identical to license conditions in 2015, with the exception that all reporting had to be done through telephone system and no longer through carnet de chasse which was phased out. 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 38,310 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 6,842. 30,901 rings were returned following the end of the derogation, whilst a balance of 296 rings that were not returned was subject to a €5 fine per ring. Moreover, 133 rings were confiscated during enforcement operations, whilst the persons who did not return the remaining 138 rings or pay a fine were referred to ALE for prosecution.

4.5 During the derogation, 2,614 Linnets, 240 Goldfinches, 557 Greenfinches, 365 Siskins, 449 Hawfinches, 1,481 Chaffinches and 1,136 Serins were caught. Peak catches for most species were reported in the period between late October and early December, with other peaks occurring 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 215 live-capturers reported fulfilling the maximum quota of 10 birds whilst the vast majority reported catching between 1 and 6 birds.

4.6 Following the end of the season, WBRU conducted a telephone survey amongst a representative sample (confidence level 95%) of trappers who did not report a single catch. 75% survey respondents indicated that they did not practice live-capturing during the season for health reasons (25%) and work commitments (75%), whilst 25% of respondents who claimed to have participated in the season cited being active on fewer than 5 occasions (13%) or poor location of their sites (12%) as the main reason for not being able to make a catch.

4.7 As was also the case in 2015, 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 for some species, however significant divergence between the two

¹ Following screening of applications against records of suspension of license, a total of 3,844 licenses were issued, including 2,826 licenses to applicants resident in Malta and 1,018 to applicants resident in Gozo. This information is included in the report but was not mentioned during presentation to the Committee.

trends for some species was also observed towards the end of the season. This divergence can be caused by several factors, including due to large number of licensees being active in the field during Christmas holidays whilst the migration study effort has remained constant, the low sample size of the study, and other factors including possibility that some licensees may have delayed reports of their catches out of concern for not being able to remain on site during late part of the season. Although such factor has not been confirmed, it is clearly in breach of license conditions which requires immediate reports to be made upon making a catch. Although the monitoring of the daily uptake of individual quotas is a complex process, the overall system of controls put in place ensured that the parameters of the derogation, particularly national quotas, have not been exceeded by a wide margin.

4.9 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 2016, in comparison with the same period in 2015. As a result of the increased intensity of inspections, the number of offences has declined across most categories. The most common offence detected was illegal use of bird callers, resulting in legal action taken against 23 persons. The report also explains enforcement action taken in response to reports made by NGOs. 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.

4.10 The Committee took note of this presentation and commended WBRU for compiling this comprehensive report. The Chair opened the floor to discussion.

4.11 Joe Perici Calascione said that he is not aware of any other country that compiles and publishes derogation reports at this level of technical detail.

4.12 Nicholas Barbara said that the report evidently points to lack of controls over quotas uptake. Sergei Golovkin refuted this assertion and said that to the contrary, the report documents in great detail all necessary controls that are in place.

4.13 Mark Sultana said that BLM will be reviewing the report closely, and may get back with specific questions over email. Chairman said that it would be preferable if questions are discussed within the Committee which specifically allocated time for this purpose.

4.14 Sergei Golovkin pointed out that the report contains all information available to WBRU and there is nothing further to add.

4.15 The Committee took note of the report.

5. Update on the conservation status of seven finch species

5.1 The Chairman invited Richard Lia to present this item.

5.2 Richard Lia explained that, as was also done in previous years, WBRU reviewed all latest available scientific literature on the population status of the seven finch species. The current update focuses on the species trends published by the European Bird Census Council (EBCC, 2016) at pan-European and EU level. Given that the next update on the EU population size, trends and status of the seven finch species will not be available before 2019 (Article 12 reports for the 2013–2018 reporting cycle), the current conservation status report does not include any updated in this regard and retains the same datasets as published by WBRU in 2016. The analyses of Article 12 reports (2013–2018) on the population size, trends, conservation status and <1% annual mortality rate have thus been carried forward from the previous (2016) conservation status report to the current report.

5.3 Richard Lia pointed out that no updates on the reference population of the seven finch species was possible since on the basis of personal communication with BirdLife Malta, during the review period (mid-2016 to mid-April 2017), no finches fitted with rings from other countries and none of the finches ringed by BirdLife Malta were controlled in other countries.

5.4 Although in their Article 12 reports a number of Member States reported a decrease in some of the finch populations, the analyses showed that such magnitude change is not actually reflected in the number of breeding pairs that was reported ten years earlier in *Birds in Europe II* (BirdLife International, 2004). Therefore despite a reported decline, the number of breeding pairs as reported in Article 12 reports is actually higher than those reported ten years earlier. This was also the case in terms of reported increases, since the corresponding number of pairs in *Birds in Europe II* was either exactly the same or indeed higher than those in Article 12 reports. The values for the number of breeding pairs in 2004 was thus revised using an online percentages calculator to provide a more realistic number of breeding pairs based on the percentage changes as reported by each Member State in the current Article 12 reports. The resulting analysis showed that in the short-term trend, the EU populations of Chaffinch, Linnet, Goldfinch, Hawfinch, Serin and Siskin are stable, whereas the Greenfinch population is increasing at all levels of the population (minimum and maximum pairs and their geomean).

5.5 In terms of long-term trend at EU level, all seven finch species have been shown to be Stable at all three levels of their population (min/max/geomean), the Siskin being the only exception since it increased in the number of minimum pairs.

5.6 The same methodology (i.e. review of the 2004 baseline population) was used to determine the short-term trends at ring recovery (reference population) level. It was shown that whilst the Goldfinch and Siskin increased, the Linnet, Hawfinch, Serin, Chaffinch, Greenfinch were stable.

5.7 In terms of long-term trends at ring recovery (reference population) level, it was shown that the Chaffinch, Linnet, Greenfinch, Hawfinch, Serin were stable at all three levels of the population (min/max/geomean) whereas the Goldfinch and Siskin increased.

5.8 A detailed assessment of the conservation status of each species and a comparison of the trends at EU level with those at ring recoveries level, as well as the trends reported by EBCC (2016) at pan-European as well as at EU level with those reported by Member States in their Article 12 reports was presented. For each of the seven finch species considered in this analysis, the resulting “small numbers” calculation was considerably below the 1% threshold for non-huntable species as specified in paragraph 3.5.34 of the Guidance Document on Sustainable Hunting. The <1% figure is based on a much smaller subset of the total breeding population of the respective species within the territory of the European Union, since only those European countries (Member States) from which there are ring recoveries in Malta form part of the reference population, with the exception of the Hawfinch. In the absence of ring recoveries pertaining to the latter species, the reference population of the Hawfinch is based on ring recoveries in Italy from other Member States, divided by three to take into account the three principal flyways that may be utilised by this species.

5.9 The resulting national bag limits are therefore considerably lower than <1% of the total annual mortality of the EU reference population of each finch species as they also take into account the average bag limits over a seven-year period (2002–2008), which in turn are all considerably below the <1% threshold. The bag limits have been partitioned restrictively with those Member States that are known to have applied derogations for live-finch capturing or hunting of these finch species (EC, 2011), namely Austria (Linnet, Goldfinch, Siskin, Chaffinch and Hawfinch), Spain (Linnet, Goldfinch, Siskin, Chaffinch, Serin and Greenfinch) and Italy (Chaffinch).

5.10 A direct comparison between the <1% mortality (calculated on the basis of the minimum EU breeding population size and lowest recruitment rate), the harvest record (average of Carnet de Chasse data over a seven-year period: 2002–2008) and the national bag limit for each of the seven species was also presented.

5.11 A review of the latest (2016) EBCC update was presented. No change in trend classifications has been reported. At pan-European and EU level, the Common Linnet, European Serin and Eurasian Siskin are classified as Moderate Decline, the European Greenfinch as Stable, whereas the Common Chaffinch, European Goldfinch and Hawfinch as Moderate Increase. The following data and the change in trends between the previous (2015) and current (2016) EBCC update was presented to the Members:

Species	EBCC Long-term Trend classification	Long-term trend (1980)	Change in long-term trend from previous EBCC update	Short-term trend (2005–2014)	Change in short-term trend from previous EBCC update
Common Linnet	Moderate Decline	-62%	+5%	-10%	+8%
European Serin	Moderate Decline	-48%	-1%	-13%	+8%
Eurasian Siskin	Moderate Decline	-7%	+1%	-6%	+13%
European Greenfinch	Stable	+6%	-8%	-11%	-2%
Common Chaffinch	Moderate Increase	+8%	+1%	-2%	+2%
European Goldfinch	Moderate Increase	+9%	+7%	-7%	+7%
Hawfinch	Moderate Increase	+670%	+281%	+31%	-18%

5.12 The Chairman thanked Richard Lia for the detailed presentation and opened the floor for comments.

5.13 Mark Gauci queried the basis for classification of the population status of the species, given that the long and short term trends for some species indicated a decline.

5.14 Richard Lia explained that all seven finch species are listed as Least Concern in the 2015 European Red List of Birds. He further pointed out that IUCN defines a taxon as Least Concern when it does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened and that IUCN includes widespread and abundant taxa in this category. The report presented to the Committee contains a detailed explanation of the classification categories.

5.15 Lino Farrugia pointed out that the report presented by WBRU clearly indicates that the harvest of finch species in Malta, “as indeed any other species”, is insignificant for the population of the species. Not only the numbers caught are an order of magnitude less than the already biologically insignificant 1% of annual mortality rate, but WBRU seems to have gone way beyond that in reducing the maximum allowable quotas by partitioning the estimates with other countries. He remarked that such methods are grossly unfair on the Maltese live-capturers, and this is therefore “yet another example of only in Malta”.

5.16 Joe Perici Calascione further developed upon the previous comment and called for an increase in national quotas.

5.17 The Committee took note of the report.

(6) Preliminary discussion on recommendations for the application of a live-capturing derogation for seven finch species

6.1 Mark Sultana reiterated BLM's concern that the discussion on the finch derogation seems "premature", because the case pending before ECJ has reached its final stages and judgement is expected imminently, "possibly before mid-July". He explained that BLM has an indication, on the basis of statistics of similar environmental cases, that the Court is likely to decide by mid-June. If that does not happen, the case would then be concluded following summer recess. Since ECJ case would have a direct bearing on the future and the parameters of this derogation, it would be reasonable for the Committee to wait for the outcome of the judgement, at least until mid-June, before giving further recommendations to Government. He said that if the Committee opts to go ahead with its recommendations before the judgement, there is high probability that these recommendations would then need to be amended or even reversed, depending on ruling.

6.2 Nicholas Barabara asked whether there is any particular "urgency" behind considering a recommendation now, given that the ECJ case is still to be concluded.

6.3 Marco Falzon said that Ornis should provide its recommendation to government, and it would then be up to the government on how to act upon it, and to also consider ECJ ruling once it is forthcoming.

6.4 Chairman said that he does not see a reason why Ornis should be conditioned by the fact that a case is pending ECJ judgement. Ornis is an autonomous body with a clear mandate to advise the government. Ornis does not have competence in legal matters.

6.5 Sergei Golovkin referred to the fact that even though the challenge instituted by the EC on finch trapping derogation was already in place since 2014, Ornis always considered the derogation on its own merits in accordance with the national legislation and has always given its recommendations to the government. He said there appears to be no reason why this approach should suddenly be changes.

6.6 Lino Farrugia said the FKNK strongly urges the Committee to give its recommendations on both live-capturing derogations. Given that the Golden Plover and Song Thrush derogation has already been discussed during previous sessions, FKNK expects a recommendation to be reached at the present sitting. Likewise, FKNK requests that the Committee reaches its conclusions regarding finches derogation within a maximum of two weeks time. He added that he does not believe BLM's assumptions on a verdict expected by mid-June. Moreover, an early decision is merited not only to allow WBRU sufficient time to effect necessary preparations, but first and foremost to provide a message to the people who are anticipating and are directly affected by Ornis recommendations.

6.7 Joe Perici Calascione said that if the EC or ECJ deemed finches derogation so crucial, it would have probably imposed interim measures in previous years. This has not happened, despite "alarmist" reports made by Birdlife. He emphasized that the people must be informed of Ornis recommendations well in advance of any derogation and it would not be fair on live-capturers to be kept in the dark until ECJ decides.

6.8 Stephen Saliba informed the Committee that he would not be in a position to take a vote on this item during this sessions, since the matter must first be deliberated and decided by ERA Board.

6.9 Chairman and several Members expressed concern over ERA's stance, since Ornis is an autonomous body and cannot depend on consideration by any other board. ERA's representative was urged to convey this position to ERA Board, and to ensure that ERA's position is made clear by the next sitting.

6.10 It was agreed that the recommendations shall be adopted at the next sitting.

7. Recommendations on the application of autumn live-capturing derogation for Golden Plover and Song Thrush

7.1 Chairman made reference to previous discussions on this item, and to the materials and reports presented by WBRU. He proposed that the Committee should proceed to vote on two separate motions as follows:

- a. Whether to recommend to government the application of live-capturing derogation for Golden Plover and Song Thrush in autumn 2017; and
- b. Whether to recommend to government that the individual bag limits for both species should be removed

7.2 With regards to the second motion, the Chairman stated that for the law to work effectively, it's recipients must clearly understand rationality behind regulations. He further explained that a seasonal bag limit of six birds for both species that can be hunted without such limits during the same period does not appear to be a rational measure that serves any particular purpose.

7.3 The Committee proceeded to vote on the above motions.

7.4 The first motion was approved with five votes in favour (ERA, FKNK, two government appointees + Chairman) and one against (BLM).

7.5 The second motion was approved with four votes in favour (FKNK, Chair and two government appointees), one vote against (ERA) and one abstention (BLM).

7.6 Stephen Saliba read out the following ERA's explanation of its vote and position on these motions:

“Proposal 1: Opening of trapping season for Thrush & Plover

If one considers the conservation status of the species in question, and the fact that both species are huntable at the EU level, ERA would have no objection, provided that:

- *the trapping operations are carried out in line with current legal parameters;*
- *the assessment in relation to the implications of this vote in relation to derogations to the EU Birds Directive is assessed by the WBRU; and*
- *compliance and enforcement is guaranteed and implemented by WBRU and the Police Force, in accordance with existing legislation governing the conservation of wild birds.*

Proposal 2: Removal of individual quotas

ERA objects, since there is no assurance that the new proposal will lead to better factual reporting.

These votes are based on the assumption that:

(i) trapping will be carried out in line with the Conservation of Wild Birds Regulations, 2006 (SL 549.42) and the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (SL 549.74);

(ii) SL 549.74 specifies that the live-capturing stations cannot be located in a protected area, the latter defined to include areas within Natura 2000 sites containing natural habitat types and areas outside Natura 2000 sites that support natural habitats, including scheduled property under the Development Planning Act (Cap. 552);

(iii) the position is without prejudice to the outcome of the ongoing discussions linked with infringement procedures of the European Commission against Malta”

7.7 The Committee took note of ERA’s explanation and adopted recommendations to government on the basis of the motions approved.

(8) Turtle Dove migration monitoring study

8.1 On FKNK’s request, discussions on this item was postponed to the following session, especially since it was also late in the day to do anything about the study at this stage.

(9) AOB

9.1 The Committee did not discuss any other business.

9.2 The meeting was adjourned at 1910 hrs.

9.3 The Committee agreed to schedule the next meeting for Wednesday 10th May.