

Meeting of the Malta Ornithology Committee

27th January 2016, WBRU, 1630 - 1915

Minutes

Attending members:

Prof Mark Anthony Falzon – Chairman
Mr Sergei Golovkin - Secretary
Mr Mark Sultana – Birdlife (Malta)
Mr Nicholas Barbara - Birdlife (Malta)
Mr Joe Perici Calascione – FKNK
Mr Lino Farrugia - FKNK
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

Other contributors present: Mr Richard Lia, Manager of Policy Branch and Acting Manager of Specialist Enforcement Branch, WBRU

Absent: Ms Emeline Fenech – Member nominated by Government;

1. Adoption of the agenda

1.1 The agenda was adopted.

2. Adoption of the minutes of the meeting held on 9th December 2015

2.1 Minutes were adopted.

3. Matters arising and matters to report

3.1 Mark Sultana asked if WBRU can provide data on the uptake of quotas during last year's live-capturing derogations. Sergei Golovkin replied that this data will be provided as part of a report that will contain all available information concerning these derogations. This report still needs to be compiled and should be ready within the same timeframes as last year (i.e. in April). Due to other pending workload, the WBRU cannot produce this report sooner. Mark Sultana asked further why this data cannot be provided now given that it is already available from telephonic system. Sergei Golovkin replied that information requires appropriate time to be compiled in a coherent report, which would allow this information to be appraised in its proper context, which is something that piecemeal snippets of raw data taken out of context cannot achieve. This report will contain all detailed information gathered by the authorities, such as reported catches of each species by day and the relevant totals, daily observations undertaken under monitoring study and their relationship with the catches reported, statistics concerning rings issued and rings returned, number and nature of infringements detected, the extent of enforcement effort deployed, legal action taken against offenders, any outcomes of that legal action and a multitude of other parameters. Ornithology would, in turn, have ample time to consider this report.

3.2 Referring to BLM request, Chairman asked if the Committee sees any particular urgency for the provision of the data requested, given that a full report will be eventually available and the Committee would have the time to consider it. Lino Farrugia said he agrees with considering all information in a coherent report, as otherwise raw data can be misinterpreted

or quoted out of context in an attempt to apply pressure on the Committee's proceedings. Mark Sultana however furthermore asked regarding any deadlines imposed by the Commission for these reports. Sergei Golovkin clarified that in the case of finches derogation, Government has no legal obligation to submit a detailed report to the Commission, apart from the routine Article 9 report which is due by October 2016, given that the case is now pending decision by ECJ. Nonetheless this report would still be compiled, presented to Ornis and eventually published. In the case of Golden Plover and Song Thrush derogation, Government has agreed with the Commission that it shall furnish a detailed report within 3 months from the closure of the season, i.e. by the end of March. Again, this detailed report is over and above Malta's statutory obligation to submit formal Article 9 reports.

3.3 Chairman asked whether any members may have a reaction to the recently announced change in hunting licensing system.

3.4 Mark Sultana said that Birdlife Malta expressed its concerns over the fact that license fees are being reduced, which goes contrary to the polluter pays principle. Moreover, BLM voiced its objection to apparent loss of important data concerning hunting effort, which would no longer be captured under new system. BLM is also concerned that WBRU may have difficulties to assess the number of active hunters at a particular time since licenses would no longer be returned every year.

3.5 Lino Farrugia said that for some people license fees have actually increased since new fees are cumulative and depend on number of licenses a person holds. People who hold four or all five licenses would actually pay the same or even more under new system. Moreover, carnet de chasse renewal fees were imposed by the present government and therefore it is not fair to imply that fees are being reduced since up to two years ago hunters did not pay anything for the renewal of carnet de chasse. Furthermore apart from hunting licenses hunters pay hefty police fees, membership in hunting organisations, annual insurance and these costs are substantial. In addition, new fees are being changed five years in advance as opposed to being payable on a yearly basis.

3.6 Sergei Golovkin clarified that the new fees structure indeed leads to a reduction in fees for the vast majority of hunters and trappers, although, as pointed out by FKNK, about 100 persons would actually end up paying slightly more. Nonetheless an overall reduction in fees was possible due to introduction of a technological solution for game reporting, which in turn resulted in savings for the authorities which savings are being passed on to hunters in a fair and proportionate manner. License fee is not a tax on "pollution" caused by hunters but an administrative measure aimed at cost recovery. Therefore these fees should not be seen in the context of the polluter pays principle. As regards the hunting effort issue, it should be noted that a wealth of historical data from carnet de chasse was collected over a 12 year period, and this data has not recently been used since the authorities can determine the hunting effort by appraising the number of active licenses, and the relevant game reporting data. Indeed Birdlife Malta has never requested such data in the past and it is unclear why the organisation attaches such great importance to it now. However the law and technology used in the reporting system allows WBRU to impose this reporting requirement if deemed necessary, but this would also imply that hunters may be required to make telephonic call every time they are out hunting irrespective of whether they actually bag anything. The main priority for WBRU at this point in time is to ensure the new system functions and is used correctly, whilst other reporting requirements can be considered in future if deemed relevant and proportionate to the costs involved.

3.7 Lino Farrugia said that the hunting effort statistics was used in Malta's defence of spring hunting case and the FKNK finds this statistic useful. However the FKNK is against imposing any additional reporting requirement at this point in time since hunters would already be incurring costs when making mandatory phone calls to report game caught. Moreover, such requirements are not imposed in any other country.

4. Updated assessment of the conservation status of Turtle Dove and Quail

4.1 Chairman invited Richard Lia to present the assessment which was circulated to members in advance of the meeting.

4.2 Richard Lia explained that recent Birdlife International and IUCN assessment published in May 2015 indicated that European Turtle Dove (*Streptopelia turtur*) is undergoing rapid population declines, and its conservation status was therefore re-classified from “Least Concern” to “Vulnerable” at pan-European level and as “Near Threatened” within EU 27. For this reason, the species was included in European Red List of Birds. Moreover, the assessment shows that the species is undergoing a rapid decline in virtually all of Malta’s source populations (reference populations), namely in Austria, the Czech Republic, France, Germany and Poland. The only reference population that is still classified as “Stable” is that of Hungary, whilst the short-term and long-term population trend of the Italian population is “Unknown”. The only data available for the Croatian reference population is that published in Birds in Europe II (BirdLife International 2004), since Croatia was not expected to submit an Article 12 report for the 2008-2012 period. In the case of Italy, this apparent lack of data on the status is of particular concern since Italy is estimated to account for over half of Malta’s reference population of this species. This seems contrary to the assessments made in previous years, in which it was indicated that the species overall enjoyed a “Least Concern” status in the EU, whilst Malta’s reference populations (i.e. populations known as migrating over Malta) were classified as either “stable” or “increasing”.

4.3 In 2015 the EU population status of Turtle Dove (*Streptopelia turtur*) was assessed as Near Threatened, because the species comes close to meeting the IUCN Red List criteria at the EU27 scale (BirdLife International, 2015: 41). At the European and Global levels the Turtle Dove has been uplisted to Vulnerable. The latest (2015) European Bird Census Council update has shown that at Pan-European level, the Turtle Dove continued to decline by an additional 1% in the long-term trend, reaching a total decline of 78% since 1980. Compared with the previous (2014) EBCC update, which had shown an increase of 9% in the short-term trend, the current EBCC update has reported a decline of 8% in the short-term trend, resulting in a total Turtle Dove population decline of 29% since 2004.

4.4 The Pan-European population of the Turtle Dove is classified as Moderate Decline (EBCC, 2015 update) [both the short-term and long-term trends]. The number of Turtle Dove breeding pairs reported in Birds in Europe II (BirdLife International, 2004) was compared with the number of breeding pairs reported in Article 12 reports for the reporting period 2008–2012. Although in their Article 12 reports a number of Member States reported a percentage decline in the number of breeding pairs, they also reported having a larger breeding population in 2014 (Article 12) than in 2004 (Birds in Europe II). There seems to be no correlation between the two datasets pertaining to some Member States. In 2004, the total number of Turtle Doves at EU28 level (including Croatia) was reported by BirdLife International (2004) at 1,663,132–2,836,711 pairs yet in 2014 the population at EU27 level (excluding Croatia) was reported by the European Environment Agency at 2,330,000–4,060,000 pairs¹, equating to a 40–43% increase over a 10-year period. Such increase does not correlate with the recent uplisting of this species to Near Threatened at EU level.

¹ Includes the surrogate data for Czech Republic and Greece, as reported by the European Environment Agency in the Audit Trail for this species: “In the absence of a report from the Czech Republic for this taxon, surrogate data were provided by ČSO / BirdLife indicating a breeding population of 225000–450000 pairs, with a decreasing trend (50–83%) during 2000–2012 and a decreasing trend (98–99%) during 1982–2012. In the absence of a report from Greece for this taxon, surrogate data were provided by the Hellenic Ornithological Society (HOS), the BirdLife Partner in Greece, indicating a breeding

4.5 This update has attempted to tally the number of Turtle Dove breeding pairs in 2004 (Birds in Europe II) with those of 2014 on the basis of the percentage declines reported by the Member States in their Article 12 submissions. The anomalies between the two datasets cannot be easily explained or justified. For example, it is very unclear why Austria had reported a Stable Turtle Dove population at 8,000–15,000 pairs in 2004 then 12,000–18,000 pairs in 2014 with a decline of 30–50% in the short-term trend. Similarly, Spain had reported a Turtle Dove population of 790,000–1,000,000 pairs in 2004 with a decline of 30–49% yet in 2014 reported a population of 1,370,000–2,285,000 with a 29% decline in the short-term trend. The objective of the exercise was to establish a clearer (more realistic) trend analysis of the EU and reference populations on the basis of the reported maximum magnitude change. The assessment shows that at EU28 level, the Turtle Dove is Stable in the long-term trend (Min. Pairs: -6.18%; Max. Pairs: -8.96%) but Declining in the short-term trend (Min. Pairs: -23.13%; Max. Pairs: -22.12%). A similar output for the short-term and long-term trend classifications was obtained when the Turtle Dove populations were analysed at EU28 level without using the adjusted figures as explained above, namely: Stable in the long-term trend (Min. Pairs: -4.78%; Max. Pairs: -7.10%) but Declining in the short-term trend (Min. Pairs: -17.86%; Max. Pairs: -17.53%).

4.6 The Turtle Dove reference population is Declining in the short-term trend (Min. Pairs: -13.69%; Max. Pairs: -11.42%) but appears to be Stable in the long-term trend (minimum and maximum pairs). However, given that both the short-term and long-term trend categories for the major source population in Italy (51.4% of the total reference population) is ‘Unknown’, such trend classification should be interpreted with caution, taking into full account the overall decline of this species at EU (Near Threatened), European (Vulnerable) and Global (Vulnerable) scales.

4.7 As regards the Common Quail, the European Environment Agency (2014) notes that the breeding population trend in the EU27 is Decreasing in the short-term and Unknown in the long-term. The EU population status for Common Quail is Unknown, as the data reported were not sufficient to assess the population status of the species (EEA, 2014). The assessment carried out as part of this update has shown that, on the basis of Article 12 reports (EEA, 2014) at EU28 level (EU27 Article 12 reports + Croatian data for 2004), the Quail is Increasing in the long-term trend (Min. Pairs: +23.49%; Max. Pairs: +27.40%). However, this percentage increase should be interpreted with caution given that it is based on data pertaining to only 74% of Quail population within EU28—the remaining 26% have an Unknown long-term trend. In the short-term, the EU28 population of Common Quail has a Stable maximum number of calling males (-9.23%) but a Decreasing minimum number of calling males (-13.65%). Similarly, the reference population of the Common Quail has a short-term trend classification of Stable in the maximum number of calling males (+6%) but Decreasing in the minimum number of calling males (-11.73%). The long-term trend of the reference population is Unknown. The Common Quail (*Coturnix coturnix*) has remained within the IUCN Least Concern classification at the EU27 and European scale (BirdLife International, 2015: 38). The Common Quail is not included in the Pan-European Common Bird Monitoring Scheme.

4.8 Chairman thanked Richard Lia for his presentation and invited the Committee to suggest way forward.

4.9 Mark Sultana said that Birdlife Malta needs to review the report prepared by WBRU in greater detail and will revert with any comments. However on the basis of the information presented it appears that the report reflects the latest available scientific data which clearly points to the decline in Turtle Dove populations. In the face of this data, the Committee

population of 80000–110000 pairs, with a stable trend during 2007–2013 and an unknown trend during 1980–2012.”

Available at: <http://bd.eionet.europa.eu/article12/summary/audittrail/?period=1&subject=A361>

should not be recommending any derogation involving this species. He asked WBRU to explain how the government intends to take this information into account and whether it intends to proceed with derogation regardless.

4.10 Sergei Golovkin replied that it is up to the Committee to consider this data and to make its recommendations to government. WBRU's role in this process is limited solely to supporting the work of the Committee by providing relevant scientific data and other reports to enable the Committee to make an informed recommendation. He also stated that the government has a clear legal obligation under Framework Regulations to consider the population status of the species concerned prior to any decisions concerning derogations. Although the data presented contains considerable inconsistencies (e.g. discrepancy between numbers of pairs reported over the years by various countries in Article 12 report and the narrative accompanying these figures that does not tally with the actual figures themselves), it seems clear that notwithstanding these shortcomings, the data was recognised at EU level and by IUCN, which ultimately led to official re-classification of the species' status and its inclusion in Red List. This downlisting must definitely be taken into account. He also reminded the Committee that the law requires consideration of previous autumn bags statistics and that this data will be extracted by the end of February. Therefore he suggested that at this stage the Committee should debate and register its views on the conservation status issue, whilst further sessions will have to be dedicated to complete this discussion and to also assess other factors such as outcome of previous autumn season.

4.11 Lino Farrugia said that in FKNK's view the data presented is far from indisputable and indeed the inconsistencies shown are very considerable. The FKNK is conducting its own research on the matter and will be presenting the government with own proposals in due course. The FKNK is not prepared to debate its proposals within the Committee as it does not see any possible constructive outcome emerging due to Birdlife's opposition to hunting.

4.12 Chairman noted that the Committee is legally mandated to make its recommendations, at least in principle. He invited the members to assess the detailed report presented by WBRU, and to forward any comments for further consideration at the next Ornis session.

5. Status of Red-breasted Merganser

5.1 Sergei Golovkin circulated for Committee's information the recent Note to EU Ornis Committee members regarding decisions taken under the Agreement on the Conservation of African – Eurasian Migratory Waterbirds (AEWA) regarding Long-tailed Duck (*Clangula hyemalis*), Velvet Scoter (*Melanitta fusca*), Common Redshank (*Tringa tetanus tetanus*) and Red-Breasted Merganser (*Mergus serrator*). On the basis of latest scientific data, the status of these birds was re-classified under AEWA in a category with a higher level of protection, which excludes their hunting. Since the EU is a party to AEWA and has accepted this decision, a 90 days reservation was entered in order to allow for the necessary changes in ERU law (Birds Directive). Since Red-Breasted Merganser is listed as a huntable specie under Schedule II A and B of the Conservation of Wild Birds Regulations, this implies that Maltese legislation must also be amended and the species should be removed from the huntable species list. Whilst the changes to EU legislation will take some time to be completed, EU Member States are urged to prohibit the hunting of these species with immediate effect. Therefore the Committee is being asked for its opinion on whether national law should be amended in this respect immediately, especially given that the information reporting booklets that list all huntable species are presently being produced and the authorities would still be in time to change these without the need to re-print them at a later stage at an unnecessary extra cost. Changes will also have to be made to examination materials for hunting licenses to reflect the change in the status of the species. He also noted that the species does not commonly occur in Malta, with only scarce hunting bag records reported (e.g 26 in 2010; 8 in 2011; 41 in 2012; 59 in 2013; 5 in 2014).

5.2 Chairman said that there appears to be no room for much consideration and he agrees with the proposed amendment to the law. Other members also registered their agreement.

6. Any other business

6.1 Chairman referred to an incident of two license applicants caught cheating during their license test in September 2014. He asked whether WBRU has established a procedure for imposing sanctions on such cases.

6.2 Sergei Golovkin said that in that specific incident both persons were immediately ejected from examination room and were given a warning. However since there is no procedure at law that empowers the authority to disqualify such persons from sitting for future exams, the persons concerned were allowed to re-sit at another session against payment of a re-sit fee, in addition to full exam fee they paid for the first session, which was forfeited. This was an isolated incident since license tests are meticulously invigilated and no further occurrence was detected since that incident. However WBRU would be open to suggestions as to what measures can be enacted to impose sanctions should such incidents reoccur in future.

6.3 Chairman proposed that in such cases the WBRU should disqualify applicants from sitting for another exam for 6 months, whilst allowing the applicants the right to appeal before the Ornis Committee. Other members agreed with this suggestion and Sergei Golovkin said that WBRU will be guided by Committee's recommendation accordingly.

6.4 The next session was agreed to be scheduled for Wednesday 17th February.

6.5 The meeting was adjourned at 1915 hrs.

