

Meeting of the Malta Ornis Committee

Wednesday, 14th July 2021
1600 – 1900

Minutes

Participants:

Dr Joseph Grech – Chairman
Mr Richard Lia – Secretary
Mr Nicholas Barbara – BirdLife (Malta)
Mr Lino Farrugia – FKNK
Mr Mark Gauci – Avifauna expert
Mr Lucas Micallef – Hunting and live-capturing expert
Mr Darrin Stevens – Representative of the Environment and Resources Authority
Mr Mark Sultana – BirdLife (Malta)

Excused:

Mr Horace Micallef – Member nominated by Government (see para. 7.8)
Mr Joe Perici Calascione – FKNK

Absent:

Mr George Borg – Member nominated by Government
Mr Joseph D'Emanuele – Member nominated by Government

1. Approval of the agenda.

1.1 The agenda was approved.

2. Matters arising and matters to report.

A. *Update on the proposed penalty points system.*

2.1 The Secretary informed the Committee that, further to the discussions held during previous Committee meetings and additional guidance from the State Advocate, instead of Court referral, the law will specify that WBRU will suspend the respective general licence for a one-year period as soon as an individual accumulates 12 penalty points within a two-year period. The Committee took note.

B. *Ombudsman's Case No. CEP-21-1932.*

2.2 The Secretary provided an update on this case and informed the Committee that the Ombudsman submitted an email on 2 June 2021 regarding Case No. CEP-21-1932, referring to Dr Natalino Fenech's complaint *regarding unfair treatment in authorizing bird-related research and to an online meeting held on 14 May 2021 between the Ombudsman, Dr Fenech, Ornis Chair and Ornis Secretary.*

2.3 The Ombudsman summarised the main issues as follows:

1. *Unfair imposition of bird-ringing.*
2. *Discriminatory treatment by the Committee.*
3. *Conflict of interest by BirdLife Malta sitting on the Committee.*

4. *Conflict of interest by FKNK sitting on the Committee.*
5. *Ornis meetings held in private, even when they discuss an application by a society or an individual.*

2.4 Regarding the last four issues, the Ombudsman attached the submissions made by Dr Fenech for the Committee's feedback. With regards to the first issue on bird-ringing, the Ombudsman made reference to the Final Opinion issued by the Office of the Ombudsman on 24 April 2017 (copy attached with the email), stating that:

“Subsidiary Legislation 549.42 defines scientific bird ringing as involving the *“attachment of an individually marked scientific ring on a wild bird to enable individual identification and/or the attachment of a geo-tag to record its precise movements”*. The *“and/or”* underlined by this Office is also confirmed in paragraph 23 of S.L. 549.42. Nonetheless, the same legislation imposes EURING's approval as a requirement to obtain the necessary licence notwithstanding that EURING publicly states that *“satellite tracking will never replace bird ringing.”*

2.5 The Ombudsman further remarked that regarding bird-ringing, *one has to keep in mind the Attorney General's legal advice dated February 2019*. The Ombudsman requested the Committee *to submit its comments and copy the same to the Ministry for Gozo, in particular with reference to point 1 regarding the inclusion of EURING in the mentioned legislation*.

2.6 On that same day when Ombudsman's email was received, the Secretary had informed the Committee about Case No. CEP-21-1932 and requested the members to submit their comments by 17 June so that a consolidated reply will be submitted. Lino Farrugia wrote to the Chairman and the Secretary that this case should be included on the agenda of the next Committee meeting and that on his personal behalf, in his position of CEO of the FKNK and also as one of the FKNK representatives on the Ornis Committee, in which three capacities he was addressed by Dr Natalino Fenech, he is requesting to address all issues in person to the Ombudsman, in whoever's presence the Ombudsman deems fit, including Dr Natalino Fenech himself. Following the meeting, Lino Farrugia stated that he will submit his comments as CEO of the FKNK and Ornis Committee member, including those that the FKNK Council may decide to add, in writing for the Committee's consolidated reply. On 9 June, the Secretary informed the Ombudsman that a meeting has been requested by Lino Farrugia but no further communications were received by the Secretary since.

2.7 Lino Farrugia informed the Committee that a meeting with the Ombudsman was held on 2nd July and provided a summary of the main issues that were discussed, in particular, the reasons why they objected to and can never accept Dr Fenech's involvement in KSU's tagging of Turtle-doves, as follows:

1. The damage caused by Dr Fenech's publication of Fatal Flight in 1992, which the European Commission considers as gospel notwithstanding the fact that the amount of specimens mentioned in his publication do not even migrate over Malta given that the statistical method used was incorrect. This had also been confirmed in a report of the NSO in 2003. Mr. Richard Cachia Caruana, Malta's chief EU Membership negotiator then, had commissioned the NSO to analyse Fenech's publication. Mr. Alfred Camilleri, the then NSO Director had presented his report in person to Lino Farrugia, stating that it was impossible that 3,000,000 to 6,000,000 birds are harvested annually on the Maltese islands as stated in Fenech's publication. When the report was presented to the Negotiator, his only remark was that, unfortunately, the then Parliamentary Secretary Dr. Stanley Zammit, had presented Fenech with the 'Golden Pen' for his publication!

2. FKNK always objected to the selection of just a few individuals to participate in such projects. Lino Farrugia himself had refused to participate when requested by Dr Fenech.
 3. Dr Fenech is adamantly against spring hunting.
 4. Although Dr Fenech used to endorse Ecoserv's migration studies¹, he stopped doing so ever since he published his 2016 paper in which he stated that in Malta 500,000 Turtle-doves are killed annually in spring. Lino Farrugia added that Ecoserv's reports show that the number of Turtle-doves that migrate over Malta is significantly much lower.
 5. Lino Farrugia also informed the Ombudsman with Dr Fenech's recent arrogant and unprofessional action when after having been invited to address the Ornithology Committee, he refused and left the meeting because FKNK and BirdLife Malta representatives' presence, stating that he will proceed through the Ombudsman! The Ombudsman said that Dr Fenech has to bear personal responsibility for such actions which are of no concern of the Ombudsman office.
- 2.8 Lino Farrugia informed the Ombudsman that whilst it was not the first time that FKNK praised Dr Fenech's work, FKNK had also used and paid for his services in other projects. Lino Farrugia added that on the one hand Dr Fenech is stating that he prefers to work on his own yet worked with KSU. During the meeting, Lino Farrugia informed the Ombudsman that Dr Fenech's statement that "*his submissions*" (resume of his past projects and minutes of Ornithology Committee meeting held on 10 July 2019 regarding AG's advice on EURING) "*can strengthen your hand in this argument*" are tantamount to collusion. Regarding Ombudsman's observation that FKNK were already against KSU's project (press release issued by FKNK), Lino Farrugia replied that FKNK will continue to do their utmost to defend against discrimination between trappers. The Chairman remarked that whilst there were other instances where the position of some representatives of the Committee was already made public before Ornithology Committee deliberations, he would only be concerned if he had somehow compromised the position of BirdLife Malta or FKNK.
- 2.9 Darrin Stevens stated that the alleged conflict of interest is of concern, at which point Mark Sultana remarked that there would only be a conflict of interest if two identical research projects are submitted, one by BirdLife Malta and the other by Dr Fenech, and the Committee votes in favour of the former but not the latter. Lino Farrugia reiterated that FKNK has absolutely nothing against research but to discriminate between trappers is unacceptable.
- 2.10 The Chairman pointed out that the Committee should request Dr Fenech to submit a final report on the Blue Rock Thrush study. The Secretary replied that WBRU had already requested Dr Fenech to submit a final report².

¹ Available at: <https://mgoz.gov.mt/en/Pages/WBRU/Reports%20and%20Statistics/Autumn-Live-Capturing-Derogations%E2%80%8B-.aspx> and <https://mgoz.gov.mt/en/Pages/WBRU/Spring-Hunting-Derogation.aspx>

² On 5 October 2020, the Wild Birds Regulation Unit requested Dr Fenech to submit a final report on the outcome of the Blue Rock Thrush study. Condition 7 of the licence specifies that: "*The authorised person is to supply a final report on the outcome of the derogation (recapture) to the Wild Birds Regulation Unit within two (2) months from validity period of the licence, that is, by 13th September 2020. The report shall include photos of the specimens fitted with the geo-tag taken prior to removal of the tag and immediate release*". On 8 October, Dr Fenech replied that due to Covid-19, the person in charge of data analysis from the Swiss Institute has not been going to work at all and cannot work on the only dataset we have recovered from the logger. Dr Fenech stated that he can send the report about the activity but he is still waiting for some conclusions from the data and for a suggested way forward (*you do a pilot project to see what to do following initial results*). WBRU replied that it would be best to submit all the information available to date, in compliance with the deadlines stipulated in the special licence conditions and asked Dr Fenech to provide preliminary conclusions until the final conclusions are available. No further communications were received by Dr Fenech.

C. *Environment Fund BELLUS Call. Closing date: 30 September.*

2.11 Darrin Stevens presented this item. He informed the Committee that the aim of the Fund is to provide financial assistance for projects related to biodiversity as well as green and blue infrastructure. Darrin Stevens pointed out that €500,000 have been allocated for this fund and that beneficiaries include Government Departments, NGOs, educational institutions and Local Councils. Projects are eligible for €100,000 in financial assistance with a minimum capping of €50,000. Standard procurement procedures will be followed. Land acquisition and research for the purpose of research per se are not eligible. Queries related to this environment fund can be submitted to funding.era@era.org.mt.

3. Approval of the minutes of the previous meeting.

3.1 The minutes of the previous meeting held on 12 May 2021 were approved, as amended by FKNK, ERA and BirdLife Malta.

4. Information Point.

A. *Enhancements to the Game Reporting System.*

- Mobile app (already launched)
- Freephone
- Hunting and trapping effort (all licence categories)

4.1 The Secretary informed the Committee that the game reporting app has already been launched and that a Freephone service will shortly be introduced for all calls made to the game reporting system. The Secretary added that the game reporting system will also include a component to gauge hunting/trapping effort for all licence categories. This module will also be free of charge. The Secretary added that the former *Carnet de Chasse* booklet was designed in a form of a calendar and the licensee was required to specify the dates during which he practiced hunting and/or trapping and the amount of birds hunted/caught, adding that such data collection has since been discontinued following the change over to a plastic general licence card, with the exception of the Golden Plover and Song Thrush live-capturing derogations and finch research derogations since licensees were requested to submit a calendar included with the special licence following closure of the live-capturing season/finch research period.

4.2 Lino Farrugia stated that FKNK objects to gauging hunting effort since the statistics provided by licensees may be used in future to shorten the seasons and permitted time-periods. Data provided by hunters has, through the former *Carnet de Chasse* system, already been used against them. The Secretary pointed out that the perception that gauging hunting/trapping effort is somehow related to shortening of the seasons is incorrect. Lino Farrugia replied that while he respects the Secretary's opinion, the FKNK objection stands³.

4.3 Lucas Micallef remarked that there were some technical issues with the mobile app when accessed via iOS (iPhone OS) and asked who manages and has access to the data submitted through the game reporting system. The Secretary replied that whilst the contractors ensure that all systems are fully functional prior to their launch, any technical issues are to be addressed directly to the WBRU, and in turn communicated to the contractors to ensure they are resolved

³ During a subsequent meeting held between the FKNK and the WBRU, it was agreed that reporting of hunting effort should be limited to derogation periods (spring hunting and autumn live-capturing) and during the month of September for all huntable species (not solely in relation to Turtle Dove).

in a timely manner. The Secretary informed the Committee that the game reporting data is stored, analysed and processed solely by WBRU's Data Protection Officer.

B. Conservation of Wild Birds Funding Scheme 2021 – Closing date: 24 September 2021 (noon).

4.4 The Secretary informed the Committee that a new call for projects open to all NGOs registered with the Commissioner for Voluntary Organisations that work in all fields related to the conservation and management of wild birds has just been launched, together with the 2021 guidelines.

5. Article 9(1)(b) research derogation: satellite-tagging of eight (8) European Turtle-doves. Proposed commencement period: **16 August 2021 – 30 September 2021**. *Proposal submitted by KSU on 16 June 2021 and circulated in advance of the meeting (Doc Item 5). Item subject to a vote.*

5.1 Mark Mifsud Bonnici was invited to deliver KSU's proposal to the Committee and joined the meeting via online link at 17:26. Mark Mifsud Bonnici informed the Committee that KSU would like to undertake a project to fix satellite tracking devices on eight Turtle-doves during the upcoming Autumn migration. The project is a scientific study on the Turtle-dove (*Streptopelia turtur*) and falls under Derogation 9(1)(b) of the Birds Directive. The tags will be purchased by KSU with the help of its members.

Summary of the project

5.2 The project supplements the spring migration tagging project and involves trapping eight Turtle-doves on which satellite trackers would be fixed to monitor their Autumn migration routes and patterns. Birds would be trapped under strictly supervised conditions from the pre-established WBRU approved locations used for the spring 2021 study. The satellite trackers would be fixed by an experienced trapper under the supervision of KSU officials. The project is planned to start on 16 August and ends on 30 September, to cover the entire Autumn migration.

Objectives of the Project

5.3 Primarily this study addresses the need for data collection from stakeholders as repeatedly mentioned in the EU Action Plan for Turtle-dove. The Turtle-dove has been classified as a Vulnerable species by the IUCN and the EU is encouraging studies and management of such species. Malta lacks concrete information about Turtle-doves which migrate over Malta originate from in autumn and where they migrate to breed in spring. The very sparse data from ringing gives a very partial and incomplete picture of Turtle-dove migration through Malta. Some recent studies using satellite trackers have already been carried out and the results, although surprising, are very encouraging. Bird ringing gives a very limited amount of data, since a bird ringed in Point A may eventually be found in Point B, sometimes even after a number of years. Unless this happens within the same season when the bird is ringed, this information is almost worthless because there would be no information on the bird's real-time movement. Satellite tracking is the latest technology used by ornithologists and enables the monitoring of the bird's movements in real time. The use of satellite trackers is not new to Malta and has already been acknowledged by BirdLife Malta who are monitoring a small number of birds. KSU's project will subsequently provide more comprehensive and adequate data for our Islands.

Scope

5.4 The scope of the project is to satellite tag eight birds spread during an entire Autumn migration season. Through this small sample of birds, taken over a defined span of time, much-needed data will be gathered. A better representation of the different populations of Turtle-doves that migrate through the Maltese Islands as well as the migrating patterns of the birds during

different periods and weather conditions of the Autumn season will also be achieved. Through the study, one can also begin to unequivocally establish which European populations migrate through Malta, at which time and under which weather conditions. It would help establish which breeding populations migrate through Malta hence one would be able to identify reference and wintering populations of the European Turtle-dove in relation to Malta.

- 5.5 Since the study will also gather data for the subsequent Spring migration, the study would establish whether Turtle-doves have fixed migration routes or whether they use different routes to migrate both in spring and in autumn. It would also establish the wintering areas of the Turtle-dove populations that migrate over Malta and also give a lot of other information such as flying altitudes, bird movements and timing of migration. Information on migration can help establish whether Turtle-doves use migration corridors or loop migration and will also help identify areas where birds stop for prolonged periods. The ultimate aim of this study, apart being an indispensable tool for Government, is to provide tangible data as a means to assist in the European Union's Plans to help this species recuperate.

Methodology

- 5.6 Turtle-dove trappers are the best suited individuals to aid in the capture of this species. Their techniques developed over centuries of experience ensure the safe and correct handling of trapped specimens. Birds would be trapped using clap-nets on existing trapping sites using traditional trapping techniques that go back to the late middle ages, with the difference that these birds would be recorded, tagged and released. This methodology strengthens the argument that Maltese trapping methods can be a useful tool for conservation and scientific study purposes. The mesh size of the net used to capture the required Turtle-dove is 35x35mm in order to prevent any accidental by-catch and will be dismantled after every trapping session. Live-decoys used to attract the targeted birds are all captive-bred specimens. The trapping sites which shall be used shall only be three. For logistical reasons, Gozo shall not be used. The three sites are already vetted and approved by WBRU and used on the identical project which started last May. The selection is based on their location and the availability of the trapper. The location of the sites is also important to have a better selection on the captured individuals, which results in better scientific data. Since existing trapping sites will be used, there will not be any disturbance to the environment. On the day of trapping, the project coordinator will inform, by phone and electronically to the WBRU and the EPU of the sites being used. This ensures that any form of control is possible in order to ensure full compliance with the derogation requirements. All three sites might be used simultaneously, but this depends on the availability of the trapper and the KSU officials. Each capture and all relevant data are to be recorded on the purposely dedicated project data sheets held by each participant and KSU. Trapping is planned to take place from sunrise till 18.00hrs A KSU official will be on each location with every trapper.

- 5.7 Once a Turtle-dove is captured, biometrics will be recorded, then the suitability of the bird for tagging is determined. Unsuitable birds are released immediately while a chosen bird is fitted with a tag shortly after it is captured. The releasing of tagged birds will take place as soon as the tag is confirmed to be functioning correctly. Each release will be documented on photo or video. In their proposal, KSU submitted a map of the Maltese Islands showing the location of the chosen sites, as well as a site plan of every site indicating the extents of the traps. The list of the three sites includes their coordinates in order to facilitate enforcement.

Specifications

- 5.8 The satellite tags are manufactured by Druid Technologies and are recommended for Turtle-doves since they only weigh 5 grams. They will be fitted as backpacks on the birds, as is normal practice in such scientific studies. These tags are state-of-the-art and are being used by ornithologists on several species of small birds. Identical tags have been tested and used successfully by KSU already.

Control of activities

- 5.9 The study under derogation will be licensed to and under the direction and coordination of the Kaċċaturi San Uberty (KSU) Committee members, who will be the licensed project officials (the list of officials was included in KSU's proposal). Licenses are also to cover the trappers participating. The WBRU will be informing the EPU detailing the study objective, the location of the sites and the participant details. KSU is also planning to promote the project to raise awareness of the study taking place and avoid any misunderstanding.

Compilation of results

- 5.10 All satellite tagged specimens will start being monitored immediately upon release using the dedicated website via laptops and a purposely made mobile phone app. The data collected is stored automatically and retrievable at any moment. The rate of the data being gathered and the frequency of the data being transmitted shall depend on the parameters set for each tag. Once all the tags would have been drained or would have stopped transmitting the data, a final report of the entire study will be prepared by a statistical officer and submitted to the WBRU.

Conclusion

- 5.11 KSU emphasized the significance of this study in terms of much needed data and as a contribution to the call for stakeholder's input from the European Commission.
- 5.12 The Secretary thanked Mark Mifsud Bonnici for his presentation, asked him to remain available to answer any questions and gave the floor to the Committee members. Nicholas Barbara noted that GSM tracking devices will be used during a period when Turtle-doves will be migrating south to Africa, adding that there will be a problem on data transmission. Mark Mifsud Bonnici replied that the stored data will be transmitted when network coverage is available.
- 5.13 Further to Nicholas Barbara's comment, Mark Sultana added that there is a significant difference between satellite and GSM transmission, noting that Turtle-doves will winter in areas where there are no networks and that most Turtle-doves migrating over Malta during their southern migration are juveniles with a high mortality rate. Mark Sultana also pointed out that when KSU were asked whether they would consider tagging in autumn they had replied that such tagging should be best carried out during pre-nuptial migration. Mark Sultana also asked KSU representative whether they are aware of anyone else who made use of GSM tags. Mark Mifsud Bonnici reiterated that the tag would still store the data in areas where there are no networks and that such data is transmitted as soon as there is network coverage. Mark Sultana replied that whilst this is indeed true, in the event that the specimen dies before it reaches an area where there is a network coverage, all the data would be lost.
- 5.14 Mark Mifsud Bonnici remarked that if we had to take into account all these factors no research projects will be carried out. Mark Sultana replied that the Committee is being requested to consider a research derogation and has to take into account whether it is justifiable to allow the capturing of Turtle-doves for a month and a half with the risk of losing all the data, adding that if Malta is seeking to establish the reference population of Turtle-doves, it would make more sense that it is carried out in April. Mark Mifsud Bonnici remarked that the current data on Turtle-dove may not be sufficient and that the research is not solely related to hunting but to improve the conservation status of this species.
- 5.15 Mark Sultana reiterated that there is a high probability that the proposed research on specimens migrating south is not viable and that it would make more sense if it is carried out during their return migration to Europe. Mark Mifsud Bonnici stated that KSU are fully aware of the risks involved, pointing out that the costs of these tags will be borne by KSU, adding that data transmission should not be an issue.

- 5.16 Mark Gauci asked who will be fitting the tags if all three locations are used concurrently. Mark Mifsud Bonnici replied that the same person that catches a Turtle-dove will be fitting the tag, adding that there will be two individuals that were specifically trained on how to fit such tags.
- 5.17 Lino Farrugia asked who trained these individuals. Mark Mifsud Bonnici replied that training was carried out online with the tags' supplier and the trainees practiced on domestic doves. The Secretary informed the Committee that during the spring 2021 research project, KSU managed to capture a Turtle-dove, tagged it and released it back into the wild. Lino Farrugia asked whether tags are Druid technology. Mark Mifsud Bonnici confirmed.
- 5.18 Darrin Stevens and Mark Sultana pointed out that KSU has once again failed to include the names of the project participants in their proposal, including the statistician who will be analysing the tags' data. Mark Mifsud Bonnici replied that inclusion of the project participants in the proposal is not necessary given that these were submitted to, vetted and approved by the Wild Birds Regulation Unit. Nonetheless, Mark Mifsud Bonnici remarked that KSU would not find any objections if the names of the participants are forwarded to the Committee. The Secretary pointed out that the project participants were vetted against previous convictions that are still in force (suspension/revocation of general licence) as well as against any pending Court cases related to the Conservation of Wild Birds Regulations. Mark Sultana remarked that when the list of participants was vetted it transpired that one of the participants had a pending Court case, adding that when such list is not included in the project proposal it could be construed that the proponent is hiding something.
- 5.19 Chairman remarked that this is a request to apply a derogation. For it to be approved, the Committee needs to be sure of the methodology and the objectives it seeks to achieve as well as the list of participants. The Chairman added that this is necessary to ensure that when asked for information from the authorities, the Committee will be in a position to confirm that an informed decision was taken. Mark Mifsud Bonnici reiterated that KSU does not have any objection if the list of project participants had to be submitted to the Committee, adding that the individual with a pending Court case was not allowed to participate during the previous research carried out in May despite that, in legal terms, he is innocent before proven guilty. The Secretary pointed out that the issue is solely related to the project's integrity and credibility.
- 5.20 Mark Mifsud Bonnici remarked that whilst this seems to be an overscrupulous procedure, KSU will comply accordingly, noting that this project is for research purposes and not related to spring hunting. Mark Mifsud Bonnici further added that KSU does not agree that an individual should be blacklisted. Darrin Stevens pointed out that, as explained by the Secretary, the individual was not blacklisted, adding that whilst ERA is in favour of research, we need to establish rules of procedure so that the *modus operandi* is not questioned. Chairman remarked that it is not acceptable for anyone to question requests for information from a legally constituted Committee.
- 5.21 The Secretary thanked Mark Mifsud Bonnici and was requested to leave the meeting so that the Committee can conclude its deliberation.
- 5.22 The Committee took cognisance of KSU's written submission and presentation and expressed reservations regarding training on geo-tagging by the individuals involved in this study. The Committee also noted the lack of information in certain aspects of the project and decided that since the project would be using GSM tracking devices at a time when Turtle-doves will be migrating south to their wintering grounds in Africa, many of which are first-years, the possibility of collecting data using the proposed methodology is remote. Since the Committee members were unanimously in agreement regarding the shortcomings above, it was agreed that this project would not be approved for recommendation to apply a derogation.

- 6. Article 9(1)(a) derogation:** Culling of pigeons. Proposed commencement period: twelve calendar months from date of publication in the Government Gazette. *Proposal submitted by Gżira Local Council on 21 June 2021. Item subject to a vote.*
- 6.1 The Secretary informed the Committee that on 15 June, Gżira Local Council submitted a request to the Veterinary Regulation Directorate (VRD) to cull pigeons. Case was subsequently referred to the Wild Birds Regulation Unit since the VRD does not issue such permits.
- 6.2 WBRU informed the Local Council that culling of pigeons using any method during the period 1 February – 31 August and culling by means of firearms within an inhabited area are subject to the application of a derogation in terms of regulations 9(1)(a), 18(1)(a) and 18(2)(a) of the Conservation of Wild Birds Regulations (S.L.549.42), provided there is no other satisfactory solution.
- 6.3 The Wild Birds Regulation Unit can only issue a culling permit in relation to such derogation if the proposal has been discussed at, and recommended by, the Ornithology Committee and after such recommendation is endorsed by the Minister, in line with regulations 9(2) and 10(6)(c) of S.L.549.42 and published in the Government Gazette. S.L.549.42 prohibits the Wild Birds Regulation Unit from issuing such permits directly. Such requests have to be submitted to the Secretary of the Ornithology Committee, placed on the next available Ornithology Committee agenda, deliberated upon by the Committee and, if approved, referred for Ministerial endorsement and published in the Government Gazette. Once the notice of derogation is published in the Government Gazette, WBRU can then proceed with issuing the associated culling permit. WBRU also forwarded the relevant extracts from S.L.549.42 to Gżira Local Council, as follows:

9(1)(a)

9.(1) Derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 may be authorized where there is no other satisfactory solution, for the following reasons:

(a) in the interests of public health and safety

...

9(2)

(2) The Ornithology Committee established under regulation 10 shall make recommendations to the Minister on the authorization of such derogations where it determines that the required conditions for authorizing any such derogations [are in place]

10(6)(c)

make recommendations to the Minister on the authorization of derogations from the provisions of regulations 4, 5, 6, 7, 18 and 21 where necessary in accordance with the provisions of regulation 9 and subject to the conditions specified therein: Provided that following any such decisions the Ornithology Committee shall verify at regular intervals that the conditions governing the granting of such authorisation or authorisations continue to be fulfilled;

18(1)(a)

18.(1) Without prejudice to regulation 9, no person shall: (a) during the closed season for the hunting of birds on land, hunt or attempt to hunt any bird, or carry ammunition or a fire-arm outside its case

18(2)

(2) (a) No person shall carry a fire-arm, whether loaded or not, that is not in its case, or discharge any fire-arm, while within 200 meters from any town or village, or other inhabited area, or any of the beaches listed in Schedule VII and within 50 metres from their delineation, or within a distance of 50 meters from main or arterial roads: Provided that this distance of 50 meters shall not apply in the case of secondary roads and country lanes:

Provided further that the fire-arm is not aimed in the direction of the road, whether main, arterial, secondary or a country lane.

- 6.4 WBRU requested the Council to submit the dates of the proposed culling, location(s), proposed culling method(s), risk assessment, alternatives considered and details of who will carry out culling (name, surname, ID card number). The Council was informed that the latter is required to ensure that only those who have a valid general licence to hunt birds on land and a valid police permit will take part in the culling exercise, as well as to ensure that none have any pending Court cases related to S.L.549.42 or related subsidiary legislation.
- 6.5 The Local Council submitted their proposal on 21 June, stating that culling will be carried out by three individuals using silenced airguns who will be escorted by police officers. The Council stated that multiple interventions over a period of time are required due to single pellet shots and that both culling and cleaning will be carried out in the early hours of the morning before sunrise. Carcasses will be incinerated. WBRU informed the Council that one of the individuals is not in possession of a general hunting licence and requested submission of a replacement. However, the Council decided to retain only the two participants in possession of a general hunting licence. The Secretary informed the Committee that the two individuals taking part in this culling exercise have a valid general hunting licence and neither of the two have any pending Court cases.
- 6.6 The Secretary also informed the Committee that the Local Council considers culling as the most effective method for controlling the local population of feral pigeons within their boundary. Regarding risk assessment, the Council informed WBRU that all culling activities will be carried out during early hours of the morning before sunrise to mitigate disturbance on the local residents. The culling exercise is solely limited to *Columba livia domestica*.
- 6.7 Lino Farrugia pointed out that proper clean-up should be ensured. The Committee proceeded to a vote. The proposal was approved with three votes in favour (FKNK, ERA and Chairman) and a vote against (BirdLife Malta). ERA voted in favour in view of the issue related to hunting prohibition within 200 metres from an inhabited area.

7. Update on the conservation status of Golden Plover and Song Thrush. *Includes latest updates from Member States' Article 12 reports for the 2013–2018 reporting period. Report circulated in advance of the meeting.*

- 7.1 The Secretary informed the Committee that the latest update on Golden Plover and Song Thrush population status includes Member States' Article 12 reports for the latest reporting period (2013–2018)⁴, adding that according to the PECBMS (European Bird Census Council) 2020 Indicators Update, the indicator values for the year 2018 are estimated. The Secretary proceeded with a summary of the previously circulated report⁵ on the conservation status of Golden Plover and Song Thrush.

Golden Plover (*Pluvialis apricaria*)

- 7.2 The Secretary informed the Committee that according to the latest EBCC dataset (EBCC, 2020)⁶ at the time the conservation status of the Golden Plover (*Pluvialis apricaria*) was

⁴ European Environment Agency (2019) Article 12 reports for the 2013-2018 reporting period (EU28). Available at: <http://bd.eionet.europa.eu/article12/summary?period=1&subject=A140>

⁵ Available at: <https://mgoz.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/consStaRepMay21GpSt.pdf>

⁶ Trends of common birds in Europe, 2020 update. Available at: <https://pecbms.info/european-wild-bird-indicators-2020-update/>. Note that in the 2020 Indicators Update, the indicator values for the year 2018 are estimated.

updated (May 2021), there was an increase in the Northeast European (West Continental) population (Norway, Sweden and Finland) both in the short-term and long-term trends, when compared with the previous (2019) EBCC update. In the short-term trend (2009–2018) the increase was from -18% to 0% (18% increase) and from -16% to -13% (3% increase) in the long-term trend (1980–2018). The current EBCC assessment considers *Pluvialis apricaria* as **Stable** (1980–2018). The Secretary also pointed out that the countries contributing to this update are Norway, Sweden and Finland, which collectively represent the Northeast European population of *Pluvialis apricaria altifrons* (Malta's reference population, excluding Norway [50%] and Russia [9%]).

Article 12 report (2013–2018)

7.3 Within the territory of the European Union (EU28), the European Golden Plover has a breeding population size of 207,000–338,000 pairs (previously reported at 244,000–355,000 pairs during the 2008–2012 reporting cycle) and a breeding range size of 533,000km² (previously reported at 661,000km² during the 2008–2012 reporting cycle). The **breeding population** trend in the EU28 is **Stable in both the short-term and long-term** (EEA, 2019).

7.4 The species has a wintering population size of 746,000–1,220,000 individuals (previously reported at 1,350,000–2,430,000 individuals during the 2008–2012 reporting cycle). The **wintering population** trends at EU level were reported as **declining in the short-term and increasing in the long-term**. The EU population status of *Pluvialis apricaria* was assessed as **Secure**.

Song Thrush (*Turdus philomelos*)

7.5 The Secretary remarked that the latest EBCC dataset lists the trend classification of Song Thrush as **Moderate Increase**. The short-term trend (2008–2018) remained the same as reported during the previous EBCC (2019) update [n=+20%], whereas in the long-term trend (1980–2018), the population increased from 2% to 15% (13% increase).

Article 12 report (2013–2018)

7.6 Within the territory of the European Union (EU28), the Song Thrush has a breeding population size of 12,200,000–20,500,000 pairs (previously reported at 12,700,000–21,900,000 pairs during the 2008–2012 reporting cycle) and a breeding range size of 3,100,000km² (previously reported at 3,520,000km² during the 2008–2012 reporting cycle). The **breeding population** trend in the EU28 is **Increasing in the short-term and Stable in the long-term** (EEA, 2019)⁷. The EU population status of the Song Thrush was assessed as **Secure**.

7.7 The Secretary added that the current update shows that both *Pluvialis apricaria altifrons* and *Turdus philomelos* continue to have a Favourable Conservation Status at the European, the EU28 and the reference population levels.

7.8 Horace Micallef joined the meeting at 18:30.

8. Recommendations on the application of autumn 2021 live-capturing derogations [Article 9(1)(c)] for Golden Plover and Song Thrush. Item subject to a vote.

Proposed derogation period:

Song Thrush: 20 October 2021 – 31 December 2021

Golden Plover: 01 November 2021 – 10 January 2022

⁷ The wintering data for *Turdus philomelos* was not available.

- 8.1 The Secretary introduced this item and informed the Committee that the same legal parameters and provisions as set out last year will be in place and that the Police had confirmed that the minimum enforcement deployment as set out in S.L.549.74 will be maintained. Mark Sultana asked for an update regarding the ongoing infringement procedures related to the Golden Plover and Song Thrush live-capturing derogations. The Secretary informed the Committee that Malta's reply to the Letter of Formal Notice 2020/2345 was submitted to the European Commission within the deadline and that no further communications have been submitted by the Commission since.
- 8.2 Nicholas Barbara asked whether it would be possible for the Committee to know the main concerns that were raised by the European Commission in its Letter of Formal Notice. The Secretary replied that amongst a number of issues raised by the Commission, one of the main concerns revolves around the reference population of both species (and thus issues related to the conservation status of the main contingents and the 'small numbers' criterion). The Secretary explained that this issue was presumed to have been settled following Malta's commitment to carry out a satellite-tracking project so that the Maltese authorities can *improve the knowledge base on the reference population of Golden Plover and Song Thrush, including satellite tracking* by studying their migratory routes and breeding grounds, as requested by the Commission during a bilateral meeting held in November 2019⁸.
- 8.3 Mark Sultana stated that since the objective of the satellite-tagging project is to monitor the species, as opposed to keeping them in captivity, such tagging should be carried out in autumn. The Secretary replied that WBRU's proposal initially included satellite-tagging during post-nuptial migration but the Committee had subsequently requested WBRU to revise the proposal so that satellite-tagging is carried out in February and March so that the project does not coincide with the autumn hunting and live-capturing seasons⁹.
- 8.4 The application of an Article 9(1)(c) derogation for Golden Plover and for Song Thrush in 2021 was approved by the Committee with three votes in favour (FKNK, member nominated by Government and Chairman), a vote against (BirdLife Malta) and an abstention (ERA). ERA abstained since the Authority was unsure whether there would be any implications in view of the current infringement procedure.

9. Recommendations on the application of autumn 2021 finches research derogations [Article 9(1)(b)]. *Item subject to a vote.*

Proposed derogation period: 20 October 2021 – 20 December 2021

- 9.1 The Secretary informed the Committee that the finches research derogation regime is now at Reasoned Opinion stage following submission of Malta's reply to the Letter of Formal Notice 2020/2346. The Secretary also informed the Committee that Malta's reply to the Reasoned Opinion was still being drafted.
- 9.2 The Chairman remarked that this item should be deferred to ensure that the Committee makes an informed decision once Malta's position in response to the Reasoned Opinion is known. Lino Farrugia agreed that this item is deferred to ensure that this derogation is studied in more detail.
- 9.3 Item deferred to the next meeting.

⁸ See Item 7 of Ornis Committee minutes of meeting held on 29 July, 2020, available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committiee/oMinTweNinJul20.pdf>

⁹ See Item 5 of Ornis Committee minutes of meeting held on 29 March 2021, available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committiee/Minutes%202021/oMinTweNinMar21.pdf>

10. Any other business.

- 10.1 The Committee agreed to reconvene on 1 September at 1600 hrs. The meeting was adjourned at 1900 hrs.