

Meeting of the Malta Ornis Committee

**Wednesday, 3rd April 2019, WBRU, MESDC, Sta Venera
1630 - 1715**

Minutes

Participants:

Dr Joseph Grech – Chairman
Mr Richard Lia – Secretary
Ms Maria Attard – Representative of the Environment and Resources Authority
Mr Nicholas Barbara – BirdLife (Malta)
Mr Joe Perici Calascione – FKNK
Mr Mark Sultana – BirdLife (Malta)
Mr Mark Gauci – Avifauna Expert
Mr Frank Vassallo – Hunting and live-capturing expert

Excused:

Mr Lino Farrugia – FKNK
Mr Marco Falzon – Member nominated by Government
Mr Horace Micallef – Member nominated by Government
Mr Joseph Tabone – Member nominated by Government

1. Approval of the agenda

1.1 The agenda was approved.

2. Matters arising and matters to report

2.1 The Secretary informed the Committee that the 2018 report on game reporting data was recently published by the Wild Birds Regulation Unit and is available on WBRU's website. The Committee took note.

3. Approval of the minutes of the meeting held on 26/03/2019

3.1 The Secretary informed the Committee that no requests for amendments were submitted. The minutes were approved.

4. Enforcement during the 2019 spring hunting season

4.1 The Secretary informed the Committee that the Superintendent of Gozo Police and the Inspector of the Administrative Law Enforcement (ALE) could not attend the meeting in view of other work-related matters and that a representative of ALE will be attending instead. Mark Sultana stated that BirdLife would have preferred if the Inspector of ALE and Gozo Police were present at the meeting and that the meeting should have been postponed. The Secretary explained that when ALE Inspector informed him that he was unable to attend it was the Secretary himself who requested another senior ALE representative to attend the meeting in his stead, further pointing out that the Secretary was only informed shortly before the meeting that the Superintendent was unable to attend.

- 4.2 The Secretary informed the Committee that the Wild Birds Regulation Unit had already carried out two presentations on enforcement in relation to spring hunting derogation to the Administrative Law Enforcement (ALE), Gozo Police and representatives of the Armed Forces of Malta (AFM) and that an additional two presentations in Malta and Gozo will be carried out on the 5th and 8th April to the remaining enforcement officers (ALE, Gozo Police and AFM). The Chairman invited ALE representative to the meeting and the Secretary tabled a copy of one of the presentation slides on minimum enforcement deployment (Annex A).
- 4.3 ALE representative informed the Committee that as part of a routine enforcement procedure, the police carry out road blocks in addition to spot-checks and verification of hunting bags. Mark Sultana stated that BirdLife has always insisted to have ALE presence in Gozo, noting that in 2011 there was a Ministerial decision to stop ALE from carrying out enforcement duties in Gozo. Mark Sultana asked ALE representative whether the Police are informed whenever Maltese hunters travel to Gozo, given that a lot of Maltese people opt to spend Easter holidays in Gozo, which happens to coincide with the spring hunting season. In this regard, Mark Sultana pointed out that the ratio for enforcement deployment is likely to be skewed. ALE stated that Weapons Office are informed only if the weapon will be kept overnight in a different address than the one registered with the Police and that any day-visits to Gozo by Maltese hunters (or vice-versa) would not be known.
- 4.4 Joe Perici Calascione remarked that Weapons Office are informed of the serial number of the weapon which will be kept overnight at a different address to the one registered with the police and asked the Secretary to explain how the ratio for enforcement deployment in Malta and Gozo is calculated. The Secretary explained that as was the case in previous years, the ratio is based on the permanent addresses of applicants, noting that out of a total of 7,647 applicants, 83.63% have a permanent residence in Malta and the remaining 13.37% have a permanent address in Gozo. The Secretary added that this is equivalent to a minimum statutory enforcement deployment of 45 officers in Malta and 9 in Gozo during permitted hunting hours, two officers outside hunting hours, and 19 officers in Malta and 4 in Gozo for at least a week following closure of the spring hunting season, as specified in the spring hunting framework regulations (S.L. 549.57).
- 4.5 Mark Sultana pointed out that there should be an emphasis on enforcement in areas, like Mizieb, that are known to be unsuitable for quail hunting. Mark Sultana also asked ALE to explain why the six persons filmed shooting at Turtle-doves have still not been referred to the Law Courts and that consequently they were eligible to apply for another spring hunting licence this year. ALE pointed out that it is a matter of backlog. Mark Sultana asked whether the Police refer cases to the Law Courts on the basis of supporting evidence to which ALE replied that this is not necessarily the case. Mark Sultana made reference to the storks case, which was deliberated by the Courts in an expedited manner. ALE replied that this was because the person in question was referred to the Law Courts under arrest. Mark Sultana pointed out that the fact that no person has yet been referred to the Law Courts for illegally shooting at Turtle-doves in spring 2018 will not bode well with the European Commission.
- 4.6 The Secretary provided an overview of the parameters of derogations and explained that in the absence of strict supervision, amongst other equally important Article 9 pillars, such derogation is bound to be deemed non-compliant with the Birds Directive, reiterating the need for effective enforcement on the ground to ensure that such derogations are implemented correctly and that the onus rests on the Member State applying the derogation to show that it was indeed applied correctly.
- 4.7 Mark Sultana questioned why in recent cases related to illegal trapping only a sample of the net was presented to the Law Courts as opposed to the confiscation of all trapping paraphernalia, that is, confiscation of the *corpus delicti*. ALE replied that this procedure is in line with a decision taken by the Law Courts.

5. Conservation of Wild Birds Regulations (Amendment) Regulations, 2019

- 5.1 The Secretary outlined the draft proposed amendments to the Conservation of Wild Birds Regulations (S.L. 549.42) and informed the Committee that these amendments were drafted following consultations with AG's Office and the Environment and Resources Authority before they were issued for a four-week public consultation until 22 April. BirdLife Malta requested clarification on EURING and to table the legal advice of AG's Office.
- 5.2 Mark Gauci pointed out that there is only one ringing scheme in Malta as with the majority of other countries whereas Mark Sultana asked for a clarification on what the term 'recognised ringing scheme' means. The Chairman stated that the issue of EURING seems to be a highly-contested issue by BirdLife, who in turn maintained that this is an issue related to science and that ringing requires all data to be channelled through EURING.
- 5.3 Joe Perici Calascione reiterated that the issue was twofold: firstly, that there was the discriminatory manner by which a person in possession of a hunting or live-capturing licence was legally impeded from applying for a bird ringing licence and secondly, and equally discriminatory, was the mention of a specific ringing scheme thereby eliminating any other. Joe Perici Calascione added that other entities could wish to associate themselves with an alternative ringing scheme run by some other organisation, even if this latter organisation eventually reported its findings to EURING or any other scheme and maintained that the fact that one ringing scheme is actually mentioned in local legislation is in itself discriminatory and excludes any competition or alternative scientific organs.
- 5.4 At this point the Chairman requested to be excused so as to attend an urgent work-related matter and left the meeting.
- 5.5 The Committee agreed that the draft amendments will be discussed in more detail during a follow-up Committee meeting.

6. Any other business

- 6.1 The Committee agreed to reconvene on 29th May. The meeting was adjourned at 1715 hrs.

Annex A: Minimum enforcement deployment for spring hunting 2019

Enforcement Deployment

Spring Hunting 2019 7,647 licensees (MT: 6,395 GZ: 1,252)	Time period	Minimum enforcement deployment
OPEN SEASON Wednesday 10 th April 2019 ↓ Tuesday 30 th April 2019	2hrs before sunrise until noon	7 officers / 1,000 licensees = <u>min.</u> 54 officers (45 in Malta; 9 in Gozo) during hunting hours
CLOSED SEASON Wednesday 10 th April 2019 ↓ Tuesday 30 th April 2019	12pm onwards	2 officers
Wednesday 1 st May 2019 until at least 8 th May 2019 <i>(SL 549.57: spot-checks shall continue until at least four weeks from start of season)</i>		3 officers / 1,000 licensees = <u>min.</u> 23 officers (19 in Malta; 4 in Gozo)