

## Meeting of the Malta Ornis Committee

Wednesday, 13<sup>th</sup> February 2019, WBRU, MESDC, Sta Venera  
1630 - 1830

### 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 Marco Falzon – Member nominated by Government  
Mr Lino Farrugia – FKNK  
Mr Horace Micallef – Member nominated by Government  
Mr Joe Perici Calascione – FKNK  
Mr Mark Sultana – BirdLife (Malta)  
Mr Joseph Tabone – Member nominated by Government  
Mr Frank Vassallo – Hunting and live-capturing expert

#### Excused:

Mr Mark Gauci – Avifauna Expert

#### 1. Approval of the agenda

1.1 The agenda was approved.

#### 2. Matters arising and matters to report

- 2.1 Lino Farrugia requested the Secretary to explain the rationale behind the inclusion of a questionnaire on Golden Plovers and Song Thrushes in the spring hunting application form. The Secretary informed members that the administrative procedure for eligible hunters to apply for a spring hunting special licence is first and foremost without prejudice to Government's decision on whether or not a spring hunting derogation will be applied and this was clearly spelled out in the covering letter that accompanied the application form. Regarding the questionnaire on the number of live specimens of Golden Plovers and Song Thrushes currently kept by hunters, the Secretary explained that the information on the number of live Golden Plovers and Song Thrushes kept by hunters was requested by the European Commission during the bilateral meetings in 2018 in relation to the live-capturing derogation for the two species in question, and was specifically requested to be available to the Commission during the follow-up bilateral meeting in May. The Secretary further explained that the rationale for including this questionnaire in the spring hunting special licence application form was also due to logistics, administrative and financial reasons when procuring postal services, also taking into account that application for a spring hunting special licences, and hence also the return of the questionnaire contained therein, were free of charge. Moreover, as a regulatory authority, the Wild Birds Regulation Unit can request its clients for any information that is deemed necessary and relevant to its functions.
- 2.2 Lino Farrugia lamented that FKNK should have been informed about this questionnaire before the spring hunting application form and covering letter were sent to all hunters so that at least FKNK would be prepared in advance of the barrage of calls they received. The

Secretary took note, confirming that the hunting organisations were not informed about this questionnaire *a priori*. Lino Farrugia questioned whether those hunters, who may opt not to apply for a spring hunting special licence, will also be required to submit the application form. The Secretary clarified that hunters who will not apply for a spring hunting licence are not required to return the application form, adding that notwithstanding the fact that only those application forms with all sections duly filled in will be accepted by MaltaPost, completion of the questionnaire is only mandatory for those who will apply for a spring hunting licence. Lino Farrugia added that those who will not apply for a spring hunting licence will be automatically excluded from the survey and hence the survey will not be accurate. The Secretary explained that the number of application forms that are expected to be submitted following closure of the application period would still render the survey as statistically significant.

### **3. Approval of the minutes of the meeting held on 16/01/2019**

- 3.1 Lino Farrugia and Joe Perici Calascione submitted amendments to the minutes of the previous meeting for the Committee's consideration. The minutes of the previous meeting were approved as amended.

### **4. Outcome of the 2018 live-capturing season for Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*)**

- 4.1 The Secretary provided a summary of the previously-circulated report on the 2018 live-capturing season for Golden Plover and Song Thrush, including a detailed breakdown of the number of special licences issued, registered clap-net pairs, the number of birds caught, peak migration periods and comparison with game reporting data, enforcement deployment and spot-checks on individual licensees, illegalities detected and court actions taken. The Secretary informed the Committee that the report was already forwarded to the European Commission and is available on the website of the Wild Birds Regulation Unit (WBRU) under the sub-heading 'Reports and Statistics'.
- 4.2 The Secretary explained that a total of 1,542 special licences were issued, out of which 1,191 were issued to live-capturers residing in Malta and 351 residing in Gozo, registered on a total of 1,849 clap-net pairs (*mnasab*), out of which 1,408 clap-net pairs were registered in Malta and 441 in Gozo. Regarding the number of birds caught, the Secretary stated that a total of 233 Golden Plovers and 511 Song Thrushes were caught during the 2018 live-capturing season and provided a comparison with the totals caught in previous years, namely 167, 297, 321 and 418 Golden Plovers during the 2017, 2016, 2015 and 2014 seasons respectively and 183, 230, 248 and 292 Song Thrushes during the 2017, 2016, 2015 and 2014 seasons respectively. The Secretary also explained that according to the independent migration study carried out by Ecoserv Ltd between 20 October and 31 December 2018, the peak migration for Golden Plover was on 25 November, with the highest daily counts between mid-November and late-December, whereas the peak migration for Song Thrush was on 25 October and 3 November, with the highest daily counts between late-October and mid-November. The Secretary remarked that when one compares the results of the migration study with the game reporting data, there is an almost perfect correlation, as also pointed out in the migration study report.
- 4.3 The Secretary further added that within one week following closure of the live-capturing season, licensed trappers were requested to submit to WBRU the calendar that was included with the 2018 special licence, listing the dates when the licensee was practicing trapping and for which species. A total of 382 calendars were returned to WBRU within the deadline, which constitutes nearly 25% of the total 1,542 licences issued, corresponding to a margin of

error of 4.35 at a 95% confidence level. The Secretary further stated that according to this survey, the maximum number of trappers targeting only Golden Plover was in mid-November, with a total of 500 individuals, whereas the maximum number of trappers targeting Song Thrush only was at the end of October, with a total of 550 individuals. Licence holders targeting both Golden Plovers and Song Thrushes was in mid-November, with a total of 700 individuals. Lino Farrugia explained that contrary to what the Secretary had stated earlier, the idea of the calendar had not been a FKNK idea or suggestion, in fact far from it. The FKNK does not agree with such a survey which result could eventually be used by someone one day to shorten the hunting/trapping open season/s. The Secretary further clarified that any information requested by WBRU from hunters and trappers is in accordance with the provisions of the Conservation of Wild Birds Regulations (SL 549.42).

- 4.4 In terms of enforcement effort, the Secretary explained that the Police (ALE and District) and Officers from the Armed Forces of Malta maintained a daily field deployment that ranged between a minimum of 37 and a maximum of 41 officers at any point in time from 5am to 9pm. A total of 3,726 spot-checks on individual licence holders were carried out, 2,651 in Malta and 1,075 in Gozo. The Secretary also explained that this enforcement effort was a requirement of the European Commission during the bilateral meetings *in lieu* of the former enforcement ratio of 7 officers per 1,000 licences issued, and follows from ECJ judgment on the finches case (C-557/15), which *inter alia* declared that 23% of all licensees being inspected during the open season was deemed insufficient. At this point, Joe Perici Calascione remarked that such enforcement effort (40 officers), is unprecedented elsewhere in Europe, and that if this requirement had to also be imposed on other Member States who also apply Article 9(1)(c) derogations, countries like France would require thousands of officers to oversee the derogation, maintaining that such requirement is unlikely to have ever been imposed or will be imposed on other Member States. The Secretary further explained that when compared with the total number of licences issued (1,542), each licensee was inspected at least twice throughout the season, specifying the exact percentage as being 241.6% of all licence holders. The Committee took note.
- 4.5 Regarding illegalities detected during the season, the Secretary provided a breakdown by type of illegality, namely 31 cases of trapping for non-target species, four cases of illegal means (three bird-callers and a cage-trap), 26 cases of trapping on unregistered sites (23 of which in Gozo) and two cases of unattended nets. Out of a total of 63 illegalities detected, 24 where in Malta and 39 in Gozo. The Secretary further explained that 22 persons were apprehended (17 in Malta and 5 in Gozo) and that charges were already pressed against them and are awaiting Court referral. By comparison, the Secretary informed members that during the 2017 live-capturing season, only eight individuals were apprehended in Malta and none in Gozo.
- 4.6 Mark Sultana questioned why only five Gozitans were apprehended given that a total of 39 illegalities were detected in Gozo. The Secretary explained that the majority of cases in Gozo were related to unregistered sites and, since no person was on site when the spot-checks were carried out, the perpetrators could not be traced precisely because the trapping sites were not registered. The Secretary further explained that since offences are listed according to gravity factors, if an unregistered (and unattended) site contained decoys of non-target species, the corresponding case would be listed under trapping for protected species as explained in the derogation report.

## **5. Update on the conservation status of the European Turtle-dove (*Streptopelia turtur*) and Common Quail (*Coturnix coturnix*)**

- 5.1 The Secretary provided an update on the conservation status of the European Turtle-dove and Common Quail based on the most recent report compiled by the European Bird Census Council (EBCC), and informed members that EBCC is the only scientific body that compiles

updates on the conservation status of European birds on an annual basis. The Secretary pointed out that since the Common Quail is not included in the list of 168 or so bird species monitored by EBCC, the report on Common Quail is identical to last year's update, noting that the next major update at EU level is due this year following submission of the Birds Directive Article 12 reports by Member States for the 2013–2018 reporting period, and subsequently published online by the European Environment Agency.

- 5.2 The Secretary further clarified that as was the case in previous years, the Wild Birds Regulation Unit reviewed all the latest available scientific sources to determine the status of Common Quail at reference population, EU and pan-European levels, as well as the corresponding population trends. He then proceeded to outline the main findings of the assessment. Based on the Article 12 report for the 2008–2012 reporting cycle, the European Environment Agency categorised the breeding population trend of the Common Quail at EU27 level as “Decreasing” in the short-term and “Unknown” in the long-term. The EU population status for Common Quail remained “Unknown”, as the data reported were not sufficient to assess the population status of the species. The Common Quail has continued to enjoy an IUCN “Least Concern” classification at both the EU27 and European scales, whilst the population of Common Quail within EU27 is estimated by Birdlife International to constitute 41% of the total European population. The assessment shows that at EU28 level (EU27 Article 12 reports + Croatian data for 2004), the Common Quail is “Increasing” in the long-term trend (Min. Pairs: +23.49%; Max. Pairs: +27.40%). However, the Secretary stated that, as clearly pointed out in the previously-circulated report<sup>1</sup> to the members, this percentage increase should be interpreted with caution given that it is based on data pertaining to only 74% of Common Quail population within EU28—the remaining 26% have an “Unknown” long-term trend.
- 5.3 The Secretary further informed members that 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, Malta's reference population of the Common Quail has a short-term trend classification of “Stable” in the maximum number of 7 calling males (+6%) but “Decreasing” in the minimum number of calling males (-11.73%). The long-term trend of the reference population is “Unknown”.
- 2.1 Regarding the European Turtle-dove (*Streptopelia turtur*), the latest (2018) European Bird Census Council update has shown that at Pan-European level, this species declined by 80% when compared with the 1980 baseline data and by 15% during the 10-year trend (2007–2016). The Secretary remarked that when compared with the previous (2017) EBCC update, the Turtle-dove population at pan-European level decreased by an additional 2% in the long-term trend and decreased by 14% in the short-term (10-year) trend. He also pointed out that at EU level on the basis of Article 12 reports for the 2008–2012 reporting period, the European Turtle-dove is decreasing in both the short-term and long-term trends. The Secretary informed members that Malta's reference population of the Turtle-dove is decreasing in the short-term trend but appears to have remained stable in the long-term trend (minimum and maximum pairs). However, the Secretary also informed members that given both the short-term and long-term trend categories for the major source population in Italy (half the total reference population of Malta) is ‘Unknown’, such trend classification should be interpreted with caution, taking into account the overall decline of this species at EU (Near Threatened), European (Vulnerable) and Global (Vulnerable) scales.
- 2.2 The Chairman stated that reports on the conservation status provide a general idea of the species and cannot be challenged. Lino Farrugia remarked that conservation status reports can

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<sup>1</sup> The report on the conservation status of Common Quail and European Turtle-dove is available online through the following link:  
<https://msdec.gov.mt/en/Document%20Repository/WBRU/2019/otherReports/statusTdAndCq2019.pdf>

be challenged if there are data that demonstrate otherwise. Lino Farrugia requested further details on the periods covered by the EBCC updates. The Secretary explained that EBCC provides updates on the population trends of European birds on an annual basis, with each update linked to a reporting period that is two years preceding the publication. As an example, the Secretary explained that for the current (2018) update, the reporting period is 1980–2016 for species' long-term trends and 2007–2016 for species' short-term trends. Lino Farrugia requested the Secretary to confirm that the current EBCC update does not, therefore, gauge the effect of the moratorium on spring hunting of Turtle-dove. The Secretary confirmed, since the moratorium was published in May 2016 following closure of the spring 2016 season that had opened for both Turtle-dove and Quail.

- 2.3 Joe Perici Calascione pointed out that FKNK has more recent data that varies substantially when compared to what was presented during today's meeting, noting also that FKNK are working on the finalisation of the report which will be presented as deemed appropriate. When Mark Sultana asked whether FKNK would consider presenting the report to the Ornis Committee, Joe Perici Calascione replied that it may be the case that the report is presented to the Committee.

## **6. St Hubert's Hunters (KSU) proposal on spring hunting 2019**

- 6.1 The Secretary read a letter (see Annex A) dated 29 January 2019 submitted by St Hubert's Hunters (KSU), which contained four *parameters for the 2019 Quail spring hunting licence* for Ornis Committee's consideration, as follows:

- 1) *The opening dates shall be set between Friday 5<sup>th</sup> April and Friday 26<sup>th</sup> April, both days included.*
- 2) *Hunting will be permitted 2 hours before sunrise until noon on all days of the open season.*
- 3) *The overall bag limit for the spring hunting season at 5,000 Quail as the total number of birds which may be hunted under the authority of all issued licences taken together.*
- 4) *The Spring Hunting Licence shall set the daily bag limit to five (5) Quail and the spring hunting season's bag limit to ten (10) Quail per Spring Hunting Licence or however many below this number might have been hunted before the season closed.*

- 6.2 KSU emphasized that dates extending towards the end of April could coincide with the peak of Turtle-dove migration, temporarily a protected species, and as such stressed on the importance of the increasing enforcement especially during the open season and extended into May to curb any abuse. Towards this aim, KSU support the setting up of a Wildlife Crime Unit as an additional separate police entity to assist the Administrative Law Enforcement (ALE).

- 6.3 KSU also referred to the conditions of strict control accompanying derogation and pledged their support by appointing observers, who apart from conducting the annual KSU Spring Hunting Migration Survey, will also be reporting any observed illegalities to the authorities.

- 6.4 After KSU's letter was read, a doubt was raised on whether such request should be discussed by the Committee. Joe Perici Calascione remarked that the law also states that the Ornis Committee can make recommendations to the Minister. The Secretary pointed out that the law does not prohibit anyone from submitting a request for Ornis Committee's consideration and that the regulations specifically assign the implementation of the Committee's recommendations and the Minister's decisions to the Wild Birds Regulation Unit, as well as delegating specific functions of the Committee to WBRU.

- 6.5 Lino Farrugia remarked that FKNK cannot ignore KSU's letter or simply minute the fact that KSU submitted a letter for the Committee's consideration on spring hunting, at which point he requested members to discuss the contents of the letter.
- 6.6 Joe Perici Calascione remarked that he could have sent a letter to the Committee requesting the opening of a Turtle-dove season from 1<sup>st</sup> April until end of May, adding that a request to the Ornithology Committee should be based on a concrete proposal that is of sufficient rigour to convince the Committee. Joe Perici Calascione added that the letter is unfounded.
- 6.7 Lino Farrugia remarked that if someone wants to make a concrete proposal, the proposer would not send a letter that is not corroborated with data, adding that KSU's letter is not corroborated at all. Lino Farrugia stated that as a Federation he disagrees with this proposal, adding that in his opinion, it was done so that KSU can attract the sympathy of a certain sector. Lino Farrugia further stated that this type of proposal/'paper' was penned by a hunting group that is supposed to defend the rights of Maltese hunters, further noting that he was under the impression that at the least there was agreement between hunting groups on spring hunting. Lino Farrugia also questioned the basis on which the dates of the season were set and further stated that not only the season is not being requested to open for Turtle-dove that in a similar fashion to the Committee Against Bird Slaughter (CABS) and BirdLife Malta Camps, KSU will be out in the field to monitor illegalities.
- 6.8 Mark Sultana remarked that BirdLife's position as far as KSU's letter is concerned is that one cannot possibly negate the fact that KSU are proposing the application of a derogation for a spring hunting season, but such proposal is lacking in detail. Lino Farrugia pointed out that whilst a proposal by an independent researcher would be limited to his own research, KSU's proposal will affect all hunters. Mark Sultana added that KSU seem to be under the impression that a season will open and further stated that it seems that the process leading to such a decision on whether a season should open was not understood by KSU. Regarding the contents of the letter, Mark Sultana remarked that the specific details are of little significance since in principle BirdLife is against spring hunting. Mark added that while BLM is not agreeing with the request to open a season, it still appreciated the fact that KSU highlighted the concern of opening a season during the Turtle Dove migration.
- 6.9 The Committee agreed that all correspondence to the Committee except those received from the Minister should be discussed under 'other matters' rather than listed as a specific item on the agenda. The Committee also agreed that a reply should be sent to KSU, specifying that whilst their letter was discussed and noted, any recommendations on spring hunting will be sent by the Committee directly to the Minister.

## **7. Any other business**

- 7.1 The Committee agreed to reconvene on 11<sup>th</sup> March. The meeting was adjourned at 1830 hrs.

## Annex A: KSU's proposal on spring hunting



The Secretary ORNIS Committee

January 29, 2019

Kaccaturi San Ubertu KSU are forwarding the following proposals for the consideration of the ORNIS Committee:

### **Parameters for the 2019 Quail Spring Hunting License:**

- 1) The opening dates shall be set between Friday, April 5 and Friday, April 26 both days included.
- 2) Hunting will be permitted 2 hours before sunrise until noon on all days of the open season.
- 3) The overall bag limit for the spring hunting season at 5,000 Quail as the total number of birds which may be hunted under the authority of all issued licenses taken together.
- 4) The Spring Hunting License shall set the daily bag limit to five (5) Quail and the spring hunting season's bag limit to ten (10) Quail per Spring Hunting License or however many below this number might have been hunted before the season closed.

KSU would like to emphasize that dates extending towards the end of April could coincide with the peak of Turtle Dove migration, temporarily a protected species, and as such stress on the importance of the increasing enforcement especially during the open season and extended into May to curb any abuse. Towards this aim KSU support the setting up of a Wildlife Crime Unit as an additional separate police entity to assist the ALE.

KSU note the conditions of strict control accompanying derogation and pledge their support by appointing observers, who apart from conducting the annual KSU Spring Hunting Migration Survey, will also be reporting any observed illegalities to the authorities.

Nyal Xuereb Secretary  
Kaccaturi San Ubertu