

## Meeting of the Malta Ornis Committee

Wednesday, 20<sup>th</sup> November 2019, WBRU, MESDC, Sta Venera  
1630 - 1830

### Minutes

#### Participants:

Dr Joseph Grech – Chairman  
Mr Richard Lia – Secretary  
Mr Nicholas Barbara – BirdLife (Malta)  
Mr Marco Falzon – Member nominated by Government  
Mr Lino Farrugia – FKNK  
Mr Mark Gauci – Avifauna expert  
Mr Horace Micallef – Member nominated by Government  
Mr Joe Perici Calascione – FKNK  
Mr Darrin Stevens – Representative of the Environment and Resources Authority  
Mr Mark Sultana – BirdLife (Malta)  
Mr Joseph Tabone – Member nominated by Government  
Mr Frank Vassallo – Hunting and live-capturing expert

#### 1. Approval of the agenda

1.1 Agenda approved.

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

2.1 There were no matters to report.

#### 3. Approval of the minutes of the meeting held on 16/10/2019

3.1 Lino Farrugia, Mark Sultana and Nicholas Barbara submitted minor revisions to the draft minutes, which were circulated to all members on 17 October. In addition to these revisions, the Secretary requested the inclusion of a summary on the existing stock of live specimens of Golden Plover and Song Thrush kept by hunters as at March 2019, as a follow-up comment to Lino Farrugia's addition to section 2.4, cross-referenced to the minutes of the meeting held on 20 March 2019. The minutes were approved as amended.

#### 4. Adoption of the previously-circulated document: *Voting guidelines*. Item carried forward (as amended) from previous agenda.

4.1 During the previous meeting, the Committee agreed to set aside the draft *procedural* guidelines and to limit discussions on the *voting component* with a view to its adoption as voting guidelines during this meeting. As also agreed during the previous meeting, the voting guidelines were circulated by the Secretary to all members on 16 October.

4.2 Joe Perici Calascione requested the Committee to suspend the Meeting's Regulations until an update on the state of affairs regarding publication of the amendments to SL 549.42, as recommended to the Minister by the Committee last July, and which include *inter alia* training of dogs during closed seasons, the use of equipment such as rotating decoys, and Bird-ringing

licences is provided. The Secretary remarked that the legal amendments have not yet been published but the reason why is not known. Joe Perici Calascione remarked that since the Minister is not taking into consideration these legal amendments and since the FKNK has not received any information from the Minister on the state of play of the Legal Notice, the FKNK see no point in discussing any other item before this situation is settled. Lino Farrugia further explained that as previously explained by the Secretary of the Committee, these FKNK proposed amendments, including another proposal to remove EURING from the respective legislation, were discussed amongst the WBRU, the ERA and the Attorney General's Office in late 2018 and early 2019, when they were then issued for public consultation, including the EURING proposal, to which no objections were raised from any quarter. When eventually the proposals were tabled for voting at the Ornis Committee Meetings in July, on Government's recommendation, transmitted by the Committee Secretary, the FKNK accepted to 'drop' the EURING proposal. The resultant votes were on average 86% in favour of the proposals and so the relative recommendations were made to the Minister over four months ago. Thus, the FKNK has decided to suspend their work within the Ornis Committee until the Minister decides whether to legislate according to the Committee recommendations or otherwise. At this stage Joe Perici Calascione and Lino Farrugia left the meeting. Mark Sultana remarked that over a year has passed since Ornis unanimously agreed to send a recommendation to the Minister to set up a wildlife crime unit but despite the fact that there has been no progress on this issue, no member has ever left the committee.

- 4.3 The Chairman requested the remaining members to proceed on the voting guidelines. Each section was discussed separately. Regarding the need for an informed decision before a vote is taken, Mark Gauci suggested that a presentation on the technicality of the subject is given by the experts on avifauna and on hunting and live-capturing matters. Frank Vassallo remarked that such presentations will provide a better background before members cast their vote. The Chairman agreed, pointing out that it is important that experts on the Committee should have the opportunity to deliver a presentation on items that are subject to a vote or sub-vote. However, the Chairman did not agree with the suggestion that an item subject to a vote is postponed to the next meeting following presentations by the experts, maintaining that if the Committee is bound by such terms, the process may be stalled. Mark Gauci remarked that allowance for sufficient research should be made if, for example, a request to protect or to hunt a particular species is made. The Chairman added that pre-notified agenda items should be voted during that meeting rather than postponed, further adding that if, for example, the Ornis Committee is expected to meet to discuss closure of a season it is equally important that a recommendation is made at that meeting. Darrin Stevens pointed out that as a general rule of thumb, documents are circulated three weeks prior to a meeting.
- 4.4 Members approved the voting guidelines as amended (Annex I).

## **5. Any other business**

- 5.1 Mark Sultana requested the Secretary to confirm whether the Wild Birds Regulation Unit is involved in the investigations related to the eagles' case of Mosta. The Secretary confirmed, adding that WBRU provided all the required input in relation to the ongoing investigations.
- 5.2 The Committee agreed to reconvene on 22 January 2020. The meeting was adjourned at 1750 hrs.

## **Annex I: Voting guidelines as set out and adopted by the Malta Ornithological Committee on 20 November 2019**

### **1. Legal background and scope**

- 1.2 The Malta Ornithological Committee is established by virtue of regulation 10 of the Conservation of Wild Birds Regulations (S.L. 549.42<sup>1</sup>) for the purpose of advising the Minister on a range of matters concerning conservation of wild birds, parameters of bird hunting seasons, authorization of derogations and monitoring of their implementation, scientific studies and similar matters. The precise functions of the Committee are described in detail in regulation 10(6) of the Conservation of Wild Birds Regulations.
- 1.3 The Ornithological Committee is composed of eleven members appointed by the Minister for a period of one year. Appointments may be renewed for an additional twelve-month period at the discretion of the Minister. The Committee consists of the following members:
1. a Chairman,
  2. the Director, or his representative, of the Environment and Resources Authority,
  3. three members independent from any organisation related to bird conservation and/or hunting/trapping,
  4. two members of an organisation representing hunters and trappers,
  5. two members representing an organisation representing persons knowledgeable in or working for the protection of avifauna,
  6. a person with knowledge of and experience in avifauna, and
  7. a person with knowledge of and experience in hunting and trapping.
- 1.4 All members have one vote each, except the Secretary, the expert on the conservation of wild birds and the expert on hunting and trapping. The organisations referred to in paragraphs **1.2(4)** and **1.2(5)** hold one vote per organisation. The Chairman has an original vote and, where the votes are equally divided, a second or casting vote.
- 1.5 The Secretary is also appointed by the Minister to provide the necessary support for the functioning of the Committee. For the purpose of these guidelines, 'all Committee members' shall be understood to also include the Secretary. Regulation 11 of S.L. 549.42 specifies that the Wild Birds Regulation Unit shall be charged with implementing the recommendations of the Ornithological Committee and Minister's decisions concerning implementation of the Conservation of Wild Birds Regulations. S.L. 549.42 also specifies that the Wild Birds Regulation Unit shall act as a Secretariat to the Committee.
- 1.6 The aim of these guidelines is to establish a *modus operandi* in relation to voting procedures. These guidelines have been adopted following approval by the Committee and shall be attached as an Annex to the minutes of the meeting during which they were endorsed and shall also be published on the website of the Wild Birds Regulation Unit<sup>2</sup>. These guidelines may be amended at the discretion of the Committee by a majority vote.

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<sup>1</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

<sup>2</sup> <https://msdec.gov.mt/en/Pages/WBRU/ornithologicalCommittee.aspx>

## **2. Recommendations of the Committee and the voting procedure**

- 2.1 Items on the agenda may be subject to a vote. Other items, such as a proposal to enact or amend a Subsidiary Legislation, may also be subject to distinct votes on specific sub-items (sub-votes), in which case an in-principle vote shall first be taken. The previously-circulated agenda shall specify whether an item or specific sub-items are subject to a vote. However, items not pre-notified as subject to a vote may still be subject to a vote if, during the meeting, the majority of members agree to proceed with a vote and/or sub-vote/s, provided that prior to any voting, the expert on hunting and the expert on avifauna are given a specific equal time to give a presentation on the technical aspects being discussed. The Committee may, after such presentations, also opt to postpone the vote accordingly.
- 2.2 There may be instances where an item may be subject to a vote on two or more options or variants. The Committee is to vote on each variant during that meeting and every effort should be made by the Committee to vote on the preferred option during that same meeting.
- 2.3 Agenda items or sub-items not discussed during a Committee meeting shall be carried forward to the next available meeting. In exceptional circumstances, in the event that time constraints prohibit deferral to another meeting, the Committee may agree to proceed to an online vote, provided that the agenda item has been discussed in line with section 2.1 during that same meeting. No member shall propose additional options or variants for inclusion in the online vote.
- 2.4 The Secretary, in consultation with the Chairman, shall coordinate the voting system in case of an online vote, including the wording of the vote to be taken.