

Meeting of the Malta Ornis Committee

**Wednesday, 26th January 2022
1600 – 1845**

Minutes

Participants:

Dr Joseph Grech – Chairman
Mr Richard Lia – Secretary
Mr Nicholas Barbara – BirdLife Malta
Mr Victor Dimech – Member nominated by Government
Mr Lino Farrugia – FKNK
Mr Mark Gauci – Avifauna expert
Mr Horace Micallef – Member nominated by Government
Mr Lucas Micallef – Hunting and live-capturing expert
Mr Joe Perici Calascione – FKNK
Dr Gaynor Saliba – Member nominated by Government
Mr Darrin Stevens – Representative of the Environment and Resources Authority
Mr Mark Sultana – BirdLife Malta

Other contributors:

Mr Stanley Gatt – former MEPA employee
Mr Gilbert Haber – former MEPA employee

1. Approval of the agenda.

1.1 The agenda was approved.

2. Approval of the minutes of the previous meetings held on 01/12/2021.

2.1 The minutes of the meeting held on 1 December were approved, as amended by BirdLife Malta.

3. Matters arising and matters to report.

3.1 None.

4. Taxidermy Collections: way forward.

4.1 The Secretary informed the Committee that, as agreed during the previous meeting, former MEPA employees were invited to join the meeting so that the Committee can understand what the procedure related to the 1997/98 and 2003 amnesties was (including transfers/certificates to keep and related matters), the issues officials met whilst on duty and how a solution can be found to move ahead. The Committee will also request an update on the current state of play regarding decided Court cases involving disposal of registered stuffed birds and associated data referral to the Wild Birds Regulation Unit (WBRU) for the Stuffed Birds Registration System (SBRIS).

- 4.2 The Secretary invited Stanley Gatt and Gilbert Haber to the meeting at 1645 hrs. Following a brief introduction, Stanley Gatt delivered a presentation to the members outlining the history of declarations and the registration process. Prior to the Stuffed Birds Registration System (SBRs), the two amnesties were implemented by the Avifauna Section, then carried forward by WBRU in 2013. During the first amnesty in 1997/98 a total of 4,597 declarations were submitted, which collectively comprised of 237,807 specimens. During the 2003 amnesty, 2,589 declarations were submitted comprising a total of 282,359 specimens. The number of declarations of both amnesties combined (1997/98 and 2003) amounts to 7,186 with a total of 520,166 specimens.
- 4.3 Regarding transfer requests, Stanley Gatt explained that between June 2000 and June 2015 a total of 808 applications were submitted of which 118 were pre-2003. During the same period, 270 applications were processed fully, namely: taxonomic identification, cross-verification with the 1997/98 / 2003 registrations, tagging with a uniquely marked identification device, and issuance of written authorisations (authorisations to transfer and certificates to keep). Stanley Gatt also explained that 103 applications were processed to identification and tagging stage and hence pending issuance of the written authorisations. Stanley Gatt stated that the verification process was initiated in 2011, adding that no legal action is taken for the possession of stuffed birds that were registered during the two amnesties.
- 4.4 Mark Gauci asked whether a certificate is issued for each specimen or whether the authorities issue a single certificate incorporating all specimens. Stanley Gatt replied that a certificate listing all specimens and their respective tag numbers is issued.
- 4.5 Between June 2011 and April 2015, 13,252 declared specimens were processed, of which approximately 9,100 specimens were tagged, the rest of the specimens (c. 4,152 or 31.3%) were not found in the collections. Stanley Gatt explained that holders of collections with missing specimens generally state that they were damaged and thus thrown away. Stanley Gatt further explained that in some cases, the owner had declared huntable species. The latter were not processed since it is not unlawful to keep specimens pertaining to huntable species, adding that the two amnesties specifically targeted species that could not be hunted or trapped.
- 4.6 Stanley Gatt also explained that between June 2011 and 2104, 38 disposal permits, 191 transfer permits and 205 certificates of ownership were issued, adding that whenever an owner of a collection is found to have disposed of a number of specimens, a disposal form is filled in and a disposal permit issued. When undeclared specimens were found in collections, these were donated to the National Museum of Natural History and no legal action was taken. Mark Sultana requested a clarification whether the 38 disposals were issued on owners of collections or individual specimens. Stanley Gatt replied that the absolute majority of disposal permits were issued to individuals with multiple specimens listed in each permit.
- 4.7 Stanley Gatt clarified that the procedure whereby an owner is requested to fill in a disposal form or whenever specimens were donated to the Natural History Museum only applied in case of voluntary inspections, not when a collection is sealed by the Police. Stanley Gatt reiterated that whilst this process ensured that abuse is kept to a minimum, the process was never considered a fishing expedition for illegalities, reiterating that action was only taken when initiated by the Executive Police following sealing of collections. Voluntary tagging exercises were never intended to refer case to the law courts. Stanley Gatt further explained that in all cases where a collection is sealed by the Executive Police, all undeclared specimens and those not covered by a transfer permit were seized, and in the case of missing specimens, these were processed as illegal disposal, in line with applicable regulations.
- 4.8 Lino Farrugia questioned why an individual has to seek authorisation to dispose of a personal possession. The Secretary informed the Committee that this requirement stems from Regulation 21(10) of the Conservation of Wild Birds Regulations (S.L.549.42), which states that:

No person may transfer or otherwise dispose of any bird or Non-European territory bird that was declared by virtue of an application to the Environment and Resources Authority or its predecessor by the 31st May 2003 unless authorised in writing by the Wild Birds Regulation Unit.

- 4.9 Mark Sultana stated that individuals in possession of protected species had flouted the law and where given an opportunity to regularise their position through an amnesty. Lino Farrugia replied that some species were not protected before certain laws came into force.
- 4.10 Lino Farrugia remarked that—as specified by the Secretary during previous Committee meetings—all the declarations have been inputted by WBRU in the SBRS database and that ERA had to submit the data related to court cases pertaining to illegal disposals. The Secretary confirmed. Replying to Mark Sultana’s question on the number of court cases, Stanley Gatt stated that he can confirm a total of 190 cases related to illegal disposal and illegal possession of registered stuffed birds.
- 4.11 Stanley Gatt pointed out that the data related to all inspections that were carried out by former MEPA officials, which amount to 190, were handed over to WBRU. When asked by the Secretary whether the data handed over to WBRU also includes the outcome of the associated court cases, Stanley Gatt confirmed that the data on the court’s final decision is not available and hence not included with the data handed over to WBRU, adding that nonetheless, the data of each individual and inspection can be used to extract the requested information to obtain a snapshot of what was found in the collection at the time of inspection, and hence what was missing from the collection at the time of the inspection. Specimens not found in these 190 collections that were subject to court sentencing can thus be extracted from the corresponding reports.
- 4.12 Mark Sultana remarked that the probability of an individual having his collection already inspected is rather low and hence for the absolute majority of cases, if MEPA officials found say 80 specimens, the owner of the collection should have 80 specimens. Stanley Gatt clarified that the owner has to have the same species composition.
- 4.13 Mark Gauci asked whether there could be cases of incorrect species identification by the owners of collections when they submitted their declarations in 1997/98 and 2003. Stanley Gatt replied that it was often the case that misidentification of species was encountered, adding that when it was found to be a genuine mistake, that is, when numbers declared tallied but a couple of species did not, these were amended accordingly. Stanley Gatt further explained that this procedure was only applied in those cases whereby it was obvious that the declarant could have reasonably committed a genuine mistake due to the phenomenon of “look-alike” species, such as, for example, when declaring a Ringed Plover instead of a Little Ringed Plover.
- 4.14 Mark Sultana asked what the procedure entails if an owner declares a specimen using a generic name such as “Eagle” and upon inspection it transpires that it is a Short-toed Eagle. Stanley Gatt replied that during the inspection, the specimen would be updated accordingly based on taxonomic identification and no legal action is taken, but only in those cases whereby the species involved would clearly fall under the nomenclature inputted by the declarant in the declaration. Stanley Gatt stated that, in other words, if the species was a Short-toed Eagle and the declarant had declared “Eagle”, the proper taxonomical identification would be recorded and the specimen registered as per identification carried out.
- 4.15 Mark Gauci asked whether generic names were accepted during registration and the procedure adopted when gross mistakes in species identification [‘declared as’] were encountered. Stanley Gatt replied that in 2003 the declarations contained more generic names than those submitted in 1998 and that in those cases whereby the specimen presented for identification turned out to

be completely different from the one declared, the holder of that collection would be advised to donate it to the National Museum of Natural History.

- 4.16 Nicholas Barbara requested information on the procedure related to the declarations of 1997/8 and 2003. Stanley Gatt explained that an application was submitted to the Environment Department at the time, rubber stamped with the date of receipt and the total number of specimens that were included in the declaration, including details of the owner, inputted in a database.
- 4.17 Mark Sultana pointed out that the application form for the transfer of registered birds clearly specifies that it is an application, not a written authorisation. Whoever gave the go-ahead to proceed with transfers without written authorisation broke the law, adding that since the law governing transfers and disposals remained the same, owners of collections know that a written authorisation is required before a transfer can be effected.
- 4.18 Stanley Gatt remarked that a transfer without a written authorisation was always illegal, adding that even owners who had their collection cross-checked and tagged have to seek written authorisation for tagged specimens to be transferred to other individuals. In such cases, the transfer is issued inclusive of tag number of each specimen authorised to be transferred.
- 4.19 Lino Farrugia stated that individuals who did not submit a registration during the two amnesties are in breach of the regulations. Stanley Gatt pointed out that between June 2000 and June 2015, 808 applications for transfer were submitted, 118 of which were pre-2003 and hence they had the opportunity to register them again until end of May 2003.
- 4.20 Horace Micallef asked how long a transfer takes to be processed. Stanley Gatt replied that between 2011 and 2014 a total of 270 applications for transfer of ownership were processed fully and an additional 103 applications are pending issuance of the transfer permit.
- 4.21 Lino Farrugia asked how many owners of collections have been issued with a certificate to keep, adding that his take on the matter is that very few individuals seem to be in line with the legal requirements, adding, that at the rate things were being processed, through no fault of anyone, final certification of all held collections will take hundreds of years! Stanley Gatt replied that for as long as an owner submitted a declaration during one or both amnesties, all registered specimens in his possession are in full compliance with the law. Replying to Lino Farrugia's remark that an owner is in line following an inspection post-submission of his declaration, Stanley Gatt reiterated that no legal action is taken for the possession of specimens that were declared during the two amnesties.
- 4.22 Regarding the issue of transfers, Stanley Gatt explained that individuals who were in the process of selling their house and requests based on medical grounds were given priority, provided the necessary evidence was submitted.
- 4.23 Mark Gauci asked for information regarding the physical process involved. Stanley Gatt explained that each specimen is tagged with a uniquely marked security seal consisting of a plastic tag with a uniquely marked identification code that is affixed to the tarsus of the specimen in such a way that it is clearly visible. Stanley Gatt reiterated that tagged specimens are also subject to disposal / transfer permits. The Secretary pointed out that any person who has been issued with a tag is legally required to return such identification device to the Wild Birds Regulation Unit before a disposal permit is issued, as specified in Regulation 21(11) of S.L.549.42.
- 4.24 Chairman requested a copy of the presentation. The Committee thanked Stanley Gatt and Gilbert Haber, handed a copy of the presentation to the Secretary and left the meeting at 18:10.

- 4.25 Joe Perici Calascione remarked that WBRU is now responsible for these declarations and asked the Secretary how we are to proceed. Lino Farrugia stated that these amnesties, and the respective local regulations are not linked to any EU Directive, and that Malta is the only Member State to have introduced such complex restrictions on taxidermy. Darrin Stevens pointed out that apart from the Birds Directive, there are a number of applicable international treaties, including Bern and Bonn Conventions. Lino Farrugia informed the Committee that FKNK collated, through FACE and its Affiliate, the Malta Taxidermy Federation (MTF), information from 16 countries and generally speaking, only when a specimen is listed under CITES regulations is registration legally required. Mark Gauci questioned whether, based on the information collated through FACE, an Italian hunter who comes across a dead protected bird can seek authorisation to have that specimen processed for the purpose of taxidermy. Lino Farrugia replied in the affirmative to Mark Gauci's question.
- 4.26 Replying to Joe Perici Calascione's question, the Secretary stated that, on average, the tagging rate is that of 25 specimens per hour, which is more or less the same tagging effort when collections were previously tagged by the former MEPA employees. The Secretary added that apart from taxonomic identification and the actual affixing of tags, this is inclusive of photographic evidence of each specimen fitted with a tag from three different angles: both sides and front.
- 4.27 Lino Farrugia remarked that the legislator needs to enact laws that are practical, adding that FKNK can attest that the Malta Taxidermy Federation wants to ensure that everyone is in line with the legal requirements, and added that the FKNK will prepare a working document with its proposals for a pragmatic way forward, that is to deal with things sensibly and realistically in a way that is based on practical rather than theoretical considerations, for the Committee's perusal. Lino Farrugia also remarked that here we are dealing with personal possession of dead specimens, that no control, fine or legislation can bring back to life, not to mention the huge expenses and related costs in the regulations at present in force that can run into millions of euro. The Secretary explained the procedure regarding inspections, stating that legal action is only taken (illegal disposal or illegal possession) when a collection is sealed by the Executive Police following investigations of an alleged breach of the regulations. Mark Sultana remarked that if registered birds are not tagged, owners of collections would still transfer specimens amongst themselves notwithstanding the fact that such transfers require prior written authorisation. Lucas Micallef remarked that undeclared birds should be handed over to the Natural History Museum and specimens not found in collections should be processed through a disposal permit.
- 4.28 Mark Gauci suggested that, since the data is now digitised, the Committee could issue a statement on tagging of registered stuffed birds clarifying that any declared specimens missing from collections will be subject to a disposal permit. Joe Perici Calascione remarked that WBRU can issue a notification requesting owners of collections to regularise their position. Chairman pointed out that one of the main problems related to stuffed birds is in the case of inheritance. The Secretary informed the Committee that stuffed birds registered during the two amnesties that are subsequently subject to an inheritance are processed the same way as a request for written authorisation to transfer them, in line with regulation 21(10).
- 4.29 Chairman stated that the Committee needs to establish current state of play to determine way forward and recommend solutions.
- 4.30 Nicholas Barbara requested information on the how many requests for transfers have been submitted to WBRU, divided into quarterly by year. The Secretary took note and stated that he will provide the requested data to the Committee as soon as it is compiled by WBRU.
- 4.31 The Committee agreed that this item merits further discussion and hence should be carried forward to another meeting.

5. Amendments to the Conservation of Wild Birds Regulations (S.L.549.42).

- 1. Proposed new Schedule XI (Docs Item 5.1)** – internal ring sizes. *Documents circulated in advance of the meeting. Item brought forward from previous meeting and is subject to a vote. Item pending finalisation of review of internal ring sizes by CITES Office.*

5.1 The Secretary informed the Committee that this item should be deferred given that ERA requested to reschedule a meeting with WBRU from 19 January to 17 February. The Committee agreed.

- 6. Article 9(1)(b) research derogation:** sampling of blood and feathers from Yelkouan Shearwater *Puffinus yelkouan*, Scopoli's Shearwater *Calonectris diomedea* and Yellow-legged gull *Larus michahellis* in Malta for laboratory analysis abroad. Life stage: adult and chick, live birds.

Proposed derogation period: February – November 2022. Locations of sampling: Cliffs of Malta, Gozo, Comino, Cominotto, St. Paul's Island, Filfla. *Proposal circulated in advance of the meeting (Doc Item 6). Item subject to a vote.*

6.1 Secretary invited BirdLife to present this item. Nicholas Barbara explained that the study entails sampling, by licensed bird ringers, of feathers from up to 150 Yelkouan shearwaters, up to 80 Scopoli's shearwaters and up to 50 Yellow-legged gulls. Blood samples will be taken from up to 30 Yelkouan shearwaters and up to 20 Yellow-legged gulls for isotope analyses adhering to standard sampling protocols. Nicholas Barbara also explained that molecular sexing from undertail feathers will allow for calibration of biometric measurements within the Maltese population of Yelkouan shearwaters as well assigning gender with certainty to tracked (GPS, Geolocators) individuals.

6.2 The item was put to the vote and approved unanimously.

- 7. Article 9(1)(b) research derogation:** satellite-tagging of European Turtle-doves (proposed renewal). Project co-financed by WBRU through the Conservation of Wild Birds Fund (2019).

Proposed derogation period: 1 April 2022 – 30 May 2022. Proposed renewal follows same methodology submitted by KSU on 02 May 2021, as approved by the Committee on 12 May 2021. Proposal circulated in advance of the meeting (Docs Item 7). Item subject to a vote.

Related documents:

- *Item 10 of Ornis Committee minutes of meeting held on 17 March 2021.*
- *Item 5 of Ornis Committee minutes of meeting held on 12 May 2021.*
- *Doc Item 7A: Outcome of the 2021 tagging project.*
- *Doc Item 7B: Proposed renewal.*

7.1 In view of time constraints, the Committee agreed to defer this item to the next meeting and placed as the first item on the agenda.

8. Any other business.

8.1 The Committee agreed to reconvene on 23 February at 1600 hrs. Meeting was adjourned at 1845 hrs.