

**Meeting of the Malta Ornis Committee
(Video Conference)**

**Wednesday, 12th May 2021
1600 – 1930**

Minutes

Participants:

Dr Joseph Grech – Chairman
Mr Richard Lia – Secretary
Mr Nicholas Barbara – BirdLife (Malta)
Mr Joseph D’Emanuele – 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
Mr Darrin Stevens – Representative of the Environment and Resources Authority
Mr Mark Sultana – BirdLife (Malta)

Absent:

Mr George Borg – Member nominated by Government

1. Approval of the agenda.

1.1 The agenda was approved.

2. Matters arising and matters to report.

2.1 There were no additional matters to report.

3. Approval of the minutes of the meetings held on 17/03/2021 and 29/03/2021.

3.1 The minutes of the meeting held on 17 March 2021 were approved on 12 April, as amended by ERA. The minutes of the previous meeting held on 29 March were approved during this meeting, as amended by BirdLife Malta and ERA.

4. Article 9(1)(b) research derogation: satellite-tagging of ten harriers. Proposed derogation period: March–May, August–December 2021. Request submitted by Dr. Natalino Fenech on 03 March 2021.

Proposal circulated in advance of the meeting together with biography of foreign researcher. Item subject to a vote.

4.1 In view that there was not enough time to discuss this item during the previous Committee meetings held on the 17th and 29th March, this item was placed on the agenda of this meeting. Mark Sultana requested an update on the legal amendments on research projects and the legal obligation on bird-ringing of non-Schedule II species. The Secretary explained that since the

legal amendments entail a number of changes to the first draft that was launched for public consultation in January 2021, the final draft is subject to another four-week public consultation period prior to Cabinet's approval and publication. Mark Sultana pointed out that since the legal amendment will set a mandatory ringing requirement to all non-Schedule II species, this proposal should also be aligned according to the spirit of the proposed law. The Committee took note.

- 4.2 Dr. Natalino Fenech was invited to present his proposal to the Committee and joined the meeting at 16:23 hrs. Dr. Fenech requested confirmation whether representatives from BirdLife Malta and FKNK are present at the meeting. The Secretary confirmed, at which point Dr. Fenech remarked that he will not be delivering the presentation and will discuss matter with the Ombudsman instead. Dr. Fenech left the meeting at 16:25 hrs.
- 4.3 At this point, Lino Farrugia openly expressed his opinion on Dr. Fenech's behaviour. Lino Farrugia remarked that Dr. Fenech was well aware that both BirdLife and FKNK representatives would be present for this meeting, as Ornis Committee members duly appointed by virtue of regulation 10(2)(d) and (e) of S.L.549.42. Lino Farrugia also remarked that besides only having a blank paper in front of him, it was evidently clear that Dr. Fenech never intended to deliver any presentation. Moreover, this further confirmed that whatever anyone may say or do, the FKNK were correct when they stated that what is referred to as KSU's project was Dr. Fenech's.
- 4.4 Joe Perici Calascione commented that Dr. Fenech's abrupt refraining from presenting the project, who left for reasons cited above, must have been pre-meditated and not impromptu. Joe Perici Calascione explained that should Dr. Fenech have had the intention to proceed with his presentation, he should have explicitly requested BirdLife Malta and FKNK representatives to be excused from the meeting beforehand rather than wait to attend when he knew perfectly well the legal composition of the Committee.
- 4.5 When the Secretary explained that the Ombudsman requested a meeting with Dr. Fenech and the Chairman, Lino Farrugia commented that in his opinion the rest of the Ornis Committee members should have at least been informed. The Secretary clarified that the Ombudsman requested a meeting specifically with the Chairman but nonetheless offered to attend, at which point the Chairman pointed out that the request for a meeting was made in-between the two Committee meetings.
- 4.6 The Committee proceeded to discuss the next item.

5. Article 9(1)(b) research derogation: satellite-tagging of European Turtle-doves. Project co-financed by WBRU through the Conservation of Wild Birds Fund (2019). Proposed commencement period: May 2021.

Revised proposal and methodology submitted on 02 May 2021. Proposal circulated in advance of the meeting. Item subject to a vote.

Related documents:

- *Item 10 of Ornis Committee minutes of meeting held on [17 March 2021](#).*

- 5.1 Mr. Mark Mifsud Bonnici was invited to present his item to the Committee and joined the meeting at 17:05hrs. He informed the Committee that following a meeting with the Minister and the Wild Birds Regulation Unit, Kaċċaturi San Ubertu (KSU) amended certain parameters of their original proposal. The number of sites has been reduced from 12 to four, all of which

have been vetted and approved by the Wild Birds Regulations Unit¹. This will cater for the capture of specimens in different winds and meteorological conditions in line with the scope of the project. At any given time only **one** of the four approved sites will be operational during the project duration. The study under derogation will be licensed to and under the direction and coordination of eight KSU Committee members as the licensed project purposely-trained site officials.

- 5.2 Mr. Mifsud Bonnici remarked that KSU committee members will be assisted by four knowledgeable and experienced persons trained to fit satellite-tags and versed in the capture and handling of birds, adding that such persons are all in possession of a live-capturing licence. KSU also invited a WBRU representative to oversee the procedure and compliance.
- 5.3 Mr. Mifsud Bonnici explained that the project is a scientific study on the Turtle-dove (*Streptopelia turtur*) and falls under Derogation 9(1)(b) of the Birds Directive, adding that the tags have been purchased through the Conservation of Wild Bird Fund (2019) and are in hand. Fifty percent of the funds for the implementation of the tagging and monitoring software have already been distributed to KSU. Mr. Mifsud Bonnici further explained that according to the letter of acceptance issued by the Permanent Secretary of the Ministry for Gozo and the contract signed with the Wild Birds Regulations Unit, before facing unexpected issues, the project was meant to be completed by the end of May 2021. Due to unforeseen circumstances, KSU have asked for the reconsideration of the amended methodology with the aim to start the project this year and to utilise any unused tags during spring 2022.

Project summary

- 5.4 The project involves fitting 20 Turtle-doves captured from the wild with satellite trackers to monitor and study their migration routes and patterns. As explained further under the section “Methodology” below, birds would be captured under strictly supervised conditions from pre-established WBRU-approved locations. The satellite trackers would be fitted and the birds subsequently released in the presence of one of the licensed KSU Committee members who will be present at the site used on the day during all hours of the study.
- 5.5 Each approved site is registered and has been inspected by KSU representatives prior to the commencement of the study to ensure full compliance with the project requirements. The four chosen sites have all been approved by the WBRU out of a list of 30 sites sent for their vetting and guidance.

Objectives of the project

- 5.6 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 sufficient real-time and concrete information about Turtle-doves which migrate over Malta, where they 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. Though these are very encouraging they are too few in number to give any substantial results.
- 5.7 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.

¹ No new sites were submitted or approved. All vetted sites were registered with the authorities in 2014.

- 5.8 The use of satellite trackers is not new to Malta and there are studies currently ongoing on Harriers and Turtle-doves by different entities and individuals. The benefit of such study on Turtle-doves has already been acknowledged by BirdLife Malta who are monitoring a small number of birds. KSU's project will complement the studies already ongoing on this species but involves a larger number of birds subsequently providing more comprehensive and adequate data for our islands.

Scope

- 5.9 The scope of the project is to satellite tag 20 wild captured Turtle-doves spread during the best part of the spring migration season. Through this substantial 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, wind directions and weather conditions of the spring bird migration season will also be achieved.
- 5.10 Through the study, one can also begin to unequivocally establish which European populations migrate through Malta, under different periods of spring migration and under different weather conditions. It would help establish which breeding populations migrate through Malta hence one would be able to identify reference populations of the European Turtle-dove in relation to Malta. 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.
- 5.11 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 being conducted on a considerable number of wild specimens, apart being an indispensable tool for Government, is to provide tangible data from Malta as a means to assist in the European Union's Plans to help this species recuperate.
- 5.12 Once concluded a Study paper of the entire project based on WBRU guidelines and requirements will be compiled by an MQF level 7 Statistical Officer and presented to the WBRU for its perusal and subsequently published internationally as a contribution from Malta's hunting community towards much needed scientific research.

Methodology and reporting

- 5.13 The Turtle-doves will be captured using clap nets on the four WBRU-approved sites using traditional techniques. Only **one** of the four trapping sites will be used at any given time throughout the project. This procedure will be constantly monitored and coordinated by a KSU licensed official who will be present at the site throughout the study period. Captured birds will be checked for their condition of plumage and general health. Unsuitable birds will be recorded and immediately released whilst those birds chosen for tagging will be fitted with a satellite-tag by the purposely trained capturer and subsequently released in the shortest time possible. Each release will be documented on video. Each capture, release and all relevant data will be recorded on the purposely dedicated project report data sheets which will be kept by the KSU site officials and periodically forwarded to the WBRU. Such daily data sheets will form the basis of periodic bi-annual reports which ultimately will be compiled in a comprehensive report at the end of the project once all tags have been exhausted.
- 5.14 Clap-nets, over any other means of capture, have been proven over time to be the most reliable means of safely capturing Turtle-dove unharmed. The chosen capturers have extensive experience in this field. This method of capture also strengthens the argument that Maltese traditional capturing methods can be a useful tool for conservation and scientific study purposes.

- 5.15 The mesh size of the net used to capture the required Turtle-dove is 35x35mm in order to prevent any accidental by-catch and nets will be dismantled after every capturing session. Live decoys used to attract the targeted birds are all captive-bred specimens.
- 5.16 The four capturing sites have been vetted for compliance and approved by WBRU from a list of 30 optional sites. This selection is based on their location during different wind directions thus retaining the original scope of the project, namely a better selection on the captured individuals under different weather conditions which results in better scientific data. Only **one** site will be used at any one time, depending on the wind speed and direction. Since existing approved and registered capturing sites will be used, there will not be any disturbance to the environment. On the day prior to any capture **one** of the four sites will be identified for use depending on the weather conditions. The chosen site will be made known by KSU officials, as the project coordinators, by phone and electronically to the WBRU and the Enforcement Authorities prior to being used. This procedure will occur throughout the period of the scientific study to ensure that any form of control is possible in order to ensure full compliance with the derogation requirements.
- 5.17 The study is planned to take place **from sunrise till the early hours of the afternoon** depending on the day's noted migration or immediately after a suitable specimen is captured, tagged and released. Due to the aforementioned delay in commencing the project, the study, which was intended to start on April 1 to coincide with a full migratory period, is now planned to start immediately after Ministerial approval and will end on 30th May 2021 and will continue in the 2022 spring season by utilizing any unused tags in order for the data to cover a full period of migration. The study will eventually end once all 20 tags have been utilized.
- 5.18 KSU's project proposal includes a map of the Maltese islands showing the location of the chosen sites, as well as a site plan of every site indicating the location of the clap-nets, including their coordinates, to facilitate enforcement.

Satellite-tag specifications and training

- 5.19 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 per manufacturer's instructions, 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. The tag specifications was attached with KSU's project proposal.
- 5.20 All four persons assisting KSU on the chosen sites are conversant with handling and harnessing birds as part of their extensive bird capture experience. These persons will be given further training by KSU on captive-bred Turtle-doves prior to the commencement of the study to ensure compliance with the manufacturer's instructions and procedure.

Control of activities

- 5.21 As part of the approved derogation methodology, we propose that the WBRU issues a dedicated license to the designated KSU committee members as project coordinators overseeing the purpose, methods and duration of the study. On each site and on every day of the study a KSU appointed official will be assisted by one of the four assistants who are all in possession of a live-capturing licence. The WBRU as promoters of this study are to inform the EPU detailing the study objective, the location of the sites and any other relevant details. KSU is also planning to promote the project to raise awareness and importance of the study taking place and avoid any misunderstanding.

Compilation of results

- 5.22 All satellite-tagged specimens will start being monitored immediately upon release on the purchased software and the data stored immediately both electronically and on daily data sheets. At regular intervals such data will be made available to the WBRU in the form of bi-annual

reports. Once all the tags would have been drained or would have stopped transmitting the data, a final report of the entire study based on WBRU requirements and guidance detailing all relevant elements will be prepared by an MQF 7 statistician and submitted to the WBRU and a paper published internationally.

- 5.23 The Secretary thanked Mr. Mifsud Bonnici and gave the floor to the Committee members. Lino Farrugia made the following intervention on behalf of the FKNC, which was subsequently forwarded to the Secretary for inclusion in these minutes:

“Hija haġa tal-iskantament kif l-għaqda tal-kaċċaturi KSU jibdlu l-opinjoni u l-attitudi tagħhom lejn il-Federazzjoni Kaċċaturi Nassaba Konservazzjonisti (FKNC) minn lejl għal nhar permezz ta’ żewġ stqarrijiet opposti li ħarġu fit-13 u l-14 ta’ April 2021. Apparti dan, l-istqarrija tal-14 ta’ April hija mimlija ineżatezzi u żbalji peress li:

1. *Il-proġett tal-FKNC fuq ir-rilaxx / tagging tal-gamie imfaqqas fil-magħluq qatt ma ġie propost lill-Kumitat Ornis, għas-sempliċi raġuni li ma kellux għalfejn. Filwaqt li l-proġett tal-KSU qatt ma suppost kien approvat qabel dan ma jkun approvat u rakkomandat lill-Ministru mill-Kumitat Ornis, peress li dan huwa sottomess għal applikazzjoni ta’ deroga li trid tkun rakkomandata lill-Ministru mill-Kumitat Ornis;*
2. *Il-Bord tal-WBCF (Wild Birds Conservation Fund)² huwa responsabbli mill-approvazzjoni u l-finanzjament tal-applikazzjonijiet li jkunu mressqa quddiemu minn diversi entitajiet;*
3. *Ir-rappreżentanti tal-FKNC fuq il-Kumitat Ornis qatt ma setgħu japprovaw il-proġett tal-KSU, jew aħjar ta’ Dr. Natalino Fenech, meta tressaq l-ewwel darba, peress li dan johloq diskriminazzjoni qalb in-nassaba. Hawn kienet ser issir diskriminazzjoni, mhux bejn l-għaqdiet mill-Onorevoli Ministru Camilleri kif insinwaw il-KSU fl-istqarrija tagħhom;*
4. *Il-proġett tal-FKNC seta’ jitnieda fl-2017 u jkompli miexi ’l quddiem minn din is-sena 2021, dejjem grazzi għall-interess u l-intervent tal-Onorevoli Ministru Silvio Schembri mall-RGF (Responsible Gaming Foundation) li fiż-żewġ okkażjonijiet ipprovdew sponsorships finanzjarji lill-FKNC;*
5. *Għall-kuntrarju ta’ dak li qalu l-KSU fl-istqarrija tagħhom li għaqdiet tal-kaċċa fl-Ingilterra u l-Germanja qegħdin jagħmlu proġetti simili, dan mhux minnu għas-sempliċi raġuni li kemm fl-Ingilterra kif ukoll fil-Germanja il-gamiema hija protetta u ma jsirx kaċċa għaliha!*
6. *Fl-aħħarnett, meta, u meta biss, xi hadd jista’ jikkonvinċi b’mod affidabbli lill-FKNC, li l-involviment ta’ Dr. Natalino Fenech (persuna awto-proklamata anti-kaċċa, speċjalment anti-kaċċa fir-rebbiegħa) f’dan il-proġett (il-proġett tiegħu), ukoll billi qiegħed juża l-għaqda tal-kaċċaturi KSU, huwa l-istabbiliment mill-ġdid tal-kaċċa tradizzjonali tal-gamiema fir-rebbiegħa, tista’ l-FKNC tibda tikkunsidra l-intenzjonijiet ġenwini tal-proġett b’mod differenti. Mhux qabel dakinhar. Le, Dr. Natalino Fenech irid jagħmel dan il-proġett għall-benefiċċju personali tiegħu sabieħ*

² The Conservation of Wild Birds Fund is administered by the Wild Birds Regulation Unit and managed by the Conservation of Wild Birds Committee, appointed by the Permanent Secretary and composed of:

- i. Director General (Operations) within the office of the Permanent Secretary PS – Chairperson
- ii. Representative of the Wild Birds Regulation Unit (WBRU)
- iii. Representative of the Veterinary and Phytosanitary Regulation Department (VPRD), and
- iv. Representative of the Malta Council for the Voluntary Sector (MCVS)

ikun jista' jzid ismu f'xi Studju iehor jew f'xi Pubblikazzjoni tal-Karta ohra simili għall-Karta tiegħu ppubblikata f'Gurnal tal-BirdLife International fl-2016, fejn il-kalkoli, l-istimi u s-suppożizzjonijiet tiegħu dwar il-kaċċa fir-rebbiegħa tal-gamiam f'Malta huma diskutibbli, inkorretti u esagerati bil-kbir (biżżejjed wieħed jara li f'din il-Paper kien qal li f'Malta jinqabdu 500,000 gamiema kull rebbiegħa). Ahna nistgħu nagħtukom ukoll video tal-CABS fejn jidher Dr. Natalino Fenech jgħinjom fil-kampanja tagħhom kontra l-kaċċa tal-gamiam fir-rebbiegħa. Il-ħsara li għamlet din il-persuna, speċjalment dwar il-kaċċa tal-gamiam fir-rebbiegħa, mhux biss mitmeninijiet iżda sal-lum il-ġurnata, qatt ma tista' tintesa jew tkun reparata.

Niġu issa għall-mistoqsijiet li għandna rigward il-Proġett li għadu kif spjega is-Sur Mifsud Bonnici.

- a. Min huma l-erba' esperti, nassumu nassaba liċenzjati, li se jittrenjaw lill-Kumitat tal-KSU sabiex dawn jingħataw liċenzja (x'tip ta' liċenzja?) għal dan il-proġett? Sa fejn nafu ahna hadd mill-Kumitat tal-KSU m'għandu liċenzja tal-insib;*
- b. Min hu l-MQF Level 7 Statistician?*
- c. Min ha jikteb il-Paper Finali u f'liema Gurnal huwa maħsub li tiġi ppubblikata?*
- d. L-ghoxrin Tag huma diġa mixtrija u mħallsa mill-flus, madwar €20K, li diġa tagħkom il-WBCF. Minhabba din il-problema tal-flus qegħdin tergħu tressqu l-proġett?*

Qabel nisimgħu it-twegibiet ta' dawn l-erba' mistoqsijiet, nixtiequ ukoll ninfurmawkom li:

- i. Xorta narawha diskriminatorja li erba' nassaba se jonsbu għall-gamiam mentri l-ohrajn joqgħodu jħarsu lejhom;*
- ii. Ir-riċerka dwar il-gamiam intalbet mill-Kummissjoni dawn l-aħħar xhur, bhala skuża ohra tal-Kummissjoni għax s'issa dejjem qagħdu fuq ir-ring recoveries rigward ir-reference populations. Għaldaqstant, ma tantx huwa korrett li dan il-Proġett qiegħed isir għax talbitu l-Kummissjoni issa, meta l-applikazzjoni għall-proġett saret fil-bidu tas-sena l-ohra;*
- iii. Mill-ftit esperjenza li għandi dwar l-insib tal-gamiam, l-innasab tar-Rabat u tal-Kunċizzjoni ma tantx huma adattati għal dan iż-żmien għal qbid tal-gamiam, u kien ikun aħjar kieku intużaw ohrajn fuq il-kosta l-ohra, minn fejn minn dejjem jinqabad il-gamiam, speċjalment f'Mejju bir-riħ fuq;*
- iv. Qed nitolbu formalment li dan id-dokument jiffirma parti mill-Minuti ta' din il-Laqqgħa tal-Ornis, biex jekk ikunu jridu, l-KSU jippubblikawhom faċilment kif għamli xi drabi ohra meta hasbu li b'hekk se jigwadanjaw xi vantaġġ;*
- v. Ma nahsbux li huwa ekwu u sew li l-proposta simili li dahhalna ahna għall-kunsiderazzjoni ta' dan il-Kumitat ma ngħatatx aktar minn hames minuti kunsiderazzjoni mill-Kumitat biex giet irrifjutata, mentri wara li dan il-proġett tal-KSU kien ukoll irrifjutat waqt l-istess laqqgħa tal-Kumitat, issa qiegħed jingħata ċans iehor biex jiġi aċċettat. Dan huwa trattament diskriminatorju bejn żewġ entitajiet mill-Kumitat Ornis;*
- vi. Għal kuntraju ta' kull proġett, rapport u attività li thejji l-FKNK biex nerggħu ingawdu l-kaċċa u l-insib tal-gamiema fir-rebbiegħa, dan il-proġett tal-KSU imkien ma jindika li qiegħed isir versu dan l-iskop;*
- vii. Fl-aħħar, u jekk il-WBRU riedu jagħmlu dan il-proġett biex jaqdu lill-Kummissjoni, misshom għamlihu huma, kif beħsiebhom jagħmlu fil-każ tal-pluvieri, u mhux offrewh lill-KSU b' diskriminazzjoni mall-FKNK li ilha taħdem fuq proġett simili erba snin."*

- 5.24 Joe Perici Calascione asked for the names of the persons who would be involved in this project but none were forthcoming. In particular, whilst the project stated that there would be a qualified statistician, Joe Perici Calascione requested information about the scientist who would eventually be writing the scientific paper. Still there was no reply to this question/request.
- 5.25 With reference to FKNK's statement, the Secretary clarified that the WBRU did not handpick KSU to carry out the project on satellite-tagging of Turtle-doves, adding that the project was submitted by KSU as part of the 2019 Conservation of Wild Birds Fund call for projects. The Secretary further remarked that FKNK's claim that the WBRU acted in a discriminatory manner against FKNK is thus incorrect. Regarding the project on satellite-tagging of Golden Plovers and Song-thrushes, the Secretary remarked that, as clearly explained during previous Committee meetings, the study was requested by the European Commission so that Malta improves the knowledge base of the reference population of both species. The Secretary further added that the study is thus directly linked to the application of Article 9(1)(c) live-capturing derogations for both species as agreed with the services of the European Commission on 26 November 2019. The Secretary pointed out that whilst the Song-thrush component was entrusted to BirdLife Malta and the Golden Plovers component entrusted to FKNK, the WBRU was later informed by FKNK that the project participants should be selected directly by the WBRU.
- 5.26 Mark Sultana asked whether live-decoys will be used to which Mr. Mifsud Bonnici confirmed. Mark Sultana also requested the names of the people involved and showed surprise at the fact that it seems they were being kept a secret. He also asked whether this project will spill over Autumn 2021 and Spring 2022 should not all tags are used this spring due to time limitations. Mr. Mifsud Bonnici replied that they would like to tag Turtle-doves in Spring and not in Autumn as the interest is seeing where they head up during the breeding season, although the tags should still give data once they migrate south again. He confirmed that most likely unused tags will be used in Spring 2022. Mark Sultana asked whether they would still be tagging during an open hunting season due to the risk of them being shot, to which Mr. Mifsud Bonnici replied that they do not see a hunting season as an issue to tag Turtle-doves. Mr. Mifsud Bonnici did not answer or give any names of those participating in this project.
- 5.27 Darrin Stevens remarked that as part of its assessment, ERA also assesses details of the experts to ensure *bona fide* studies noting the legal requirements for a derogation and questioned whether there are any reasons why specific names were withheld or not included in the proposal. Darrin Stevens added that, for the sake of transparency and effective assessment by the Committee, also considering that other Committee members have asked for such information, details should be shared with the Committee. Darrin Stevens further remarked that it is important to ensure that the statistician in question is to be confirmed as well-versed on the issue to ensure effective scientific data processing and assessment.
- 5.28 Mr. Mifsud Bonnici replied that it is up to the competent authority to vet these aspects to ascertain that they meet the eligibility criteria, adding that when the proposal included twelve live-capturers, half were FKNK members and the other half were KSU members to retain an element of proportionality, adding that the revised proposal has also retained such proportionality in terms of membership. The Secretary explained that the WBRU already requested KSU to submit the details of the four individuals who will be participating in this project, confirming that none have any suspended or revoked licences nor, according to Police checks carried out, any pending court cases (see footnote 3). The Secretary clarified that the WBRU did not carry out vetting of membership with hunters' associations.
- 5.29 The Secretary asked Mr. Mifsud Bonnici whether the software data will be managed and analysed by the statistician and whether he is familiar with the software, whether he knows how to activate the tags and how to compile the associated geographical information. Mr. Mifsud

Bonnici replied that there will be continuous liaison with the supplier of the satellite tags especially during the first part of the project, adding that the KSU committee members will be responsible for the collection and monitoring of the data whilst the statistician will be responsible for compiling the report. The daily sheets listing all information during each day of the project, including details of specimens tagged and tag numbers, will feed into the bi-annual report and submitted to the WBRU. Once all the data is collated - as soon as the last tag stops transmitting - it will be compiled into a final report, with information on the migratory routes of the tagged specimens. The Secretary stressed the importance that the report should include maps showing the migration routes of the tagged specimens. Mr. Mifsud Bonnici confirmed, adding that the report will include a map showing the flight paths of all tagged specimens as well as individual maps for each specimen. The Secretary remarked that the licence conditions form part of the geo-tagging project, including reporting obligations and subsequent referral of the outcome of the research to the Ornis Committee.

- 5.30 The Secretary thanked Mr. Mifsud Bonnici for his presentation and asked him to leave the meeting so that the Committee deliberates and proceeds with a vote. Mr. Mifsud Bonnici left the meeting at 18:19 hrs.
- 5.31 Mark Sultana remarked that the fact KSU did not divulge the names of the four participants with the Committee is quite worrying, adding that it is a matter of principle on how such matters should be carried out. He stated that the project, if approved, should not be tarnished if there is an individual who has a pending court case on illegal trapping of Turtle-doves. Mark Gauci added that when the Committee received the proposal on geo-tagging of Blue Rock Thrush, the names of the participants were initially blurred out and that the Committee had requested resubmission of the proposal with the names of the participants clearly listed. Mark Gauci further pointed out that the proponent of the study had complied and that the Committee should proceed along the same lines even for this project.
- 5.32 Lino Farrugia stated that whilst FKNK are ready to vote in favour of the project which should be completed by the end of May 2021, they cannot agree with an automatic continuation of this project in spring of 2022. This is because it is an indisputable fact that in order for this type of project to take place next year, a derogation must be applied again. The Secretary explained that the WBRU cannot issue research permits with a duration of more than 12 calendar months from the date of validity. The Secretary further stated that in the event that Ministerial approval and publication in the Government Gazette is not processed in time, it means that it would not be feasible to issue the research permits this year, and that the WBRU does not see any material reasons for not issuing them for 2022.
- 5.33 Following a lengthy discussion on the application of derogations and reporting obligations to the European Commission, the Committee agreed that a request for renewal should be submitted by KSU in early 2022 in the event that the project either does not materialise this year or if not all tags are used.
- 5.34 Nicholas Barbara left the meeting at 18:50 in view of other commitments.
- 5.35 Darrin Stevens remarked that ERA will be voting in favour but asked the Secretary to consider issuing standard criteria on derogation proposals submitted to the Ornis Committee and a template to assist the Committee further in its deliberations, reiterating that, unless duly justified, non-disclosure of the applicants is of concern. Darrin Stevens pointed out that **when derogations to the Conservation of Wild Birds Regulations (S.L. 549.42) and the EU Birds Directive are being put to the vote, there should also be a clear indication of the start and end dates in the form of a template.** The Secretary took note and the Chairman requested members to proceed to take a vote. Mark Sultana provided the surname (and later the name) of the individual who was caught illegally trapping Turtle-doves in May 2019 and asked the Secretary whether he is included in the list submitted by KSU. The Secretary confirmed that

the name and surname tally with the details of one of the persons included in the list provided by KSU that have already been vetted by the Police for any pending court cases and that he will be requesting Police to re-vet the list³.

- 5.36 The item was put to the vote whether or not KSU's project should be approved for this year. Five members voted in favour (FKNK, two Government representatives, ERA and Chairman) and a vote against (BirdLife Malta).
- 5.37 At this point, at the request of FKNK, the Committee also agreed that in principle FKNK's research project, which gives every Turtle-dove trapper the opportunity to participate, should be given the same level of consideration by the Committee when proposed for another spring, with some necessary modifications to the proposals presented on 24 February, 2021. Lino Farrugia stated that KSU will thus be able to continue this project, maybe under a new name, as long as they do not manage to catch the 20 Turtle-doves this year with the aim of moving towards re-establishing hunting and trapping of Turtle-doves in spring.
- 5.38 Prior to casting BirdLife Malta's vote, Mark Sultana asked whether the Committee will be allowing the individual with a pending court case on illegal trapping of Turtle-doves to take part in the project. The Secretary reconfirmed that the list provided by KSU will be resent to the Police for re-vetting in order to confirm whether any of the individuals have a pending court case.
- 5.39 Mark Sultana remarked that if the Committee allows this individual to take part in the project it will be construed that the problem is Dr. Natalino Fenech since it will be argued that when this individual worked with KSU only (without Dr. Fenech), the derogation was accepted, yet when he worked with Dr. Fenech, the derogation was refused hence the problem would be construed as being Dr. Fenech, which is not the case. Mark Sultana further remarked that Dr. Fenech will use this against Ornithology Committee. Mark Sultana also stated that nondisclosure of the names of the project participants was done on purpose and that this should not be taken lightly. Lino Farrugia said that he fully agrees with Mark Sultana's line of thought in this case since this could be used by Dr. Fenech to discredit the Ornithology Committee. Mark Sultana added that while BirdLife Malta was in favour of scientific studies, the fact that this study is aimed, as stated by Mr. Mifsud Bonnici, to help Malta acquire spring hunting derogations on Turtle-dove left them no other option but to vote against.
- 5.40 Chairman voted in favour on condition that all project participants are re-vetted by the authorities (WBRU and Police) and that BirdLife Malta's valid concerns are duly minuted not because of this particular individual but to ensure that what is objectively correct remains so.
- 5.41 ERA also clarified that it voted in favour on condition that the necessary scrutiny by the competent authorities is in place.
- 5.42 Mark Sultana added that when the information requested - in this case the name of the participants - is not forthcoming it surely cannot be considered a coincidence that something is not in order. Mark Sultana remarked that BirdLife Malta would be very disappointed if this derogation is published in the Government Gazette before publication of their research derogations on Shearwaters.

³ Following re-vetting by the Police on 13 May, the WBRU were informed that two individuals have a pending court case and were thus struck off the list of eligible applicants to be replaced by two individuals who do not have any pending court cases. The Committee was informed accordingly.

6. Conservation of Wild Birds (Amendment) Regulations, 2021: Revisions to Schedule VIII and the Penalty Points System.

Draft Legal Notice circulated in advance of the meeting. Item subject to a vote, followed by an additional 4-week public consultation period.

- 6.1 The Secretary presented this item to the Committee, outlining the revisions carried out following the Committee's approval of the legal amendments during the previous meeting. The Secretary explained that the revisions being proposed ensued following a meeting between the Minister, FKNK and the WBRU, whereby it was agreed that Schedule VIII of the Conservation of Wild Birds Regulations (S.L.549.42) should be reviewed holistically to include minor offences that are currently subject to automatic court referral, and that the legal mechanism for court referral kicks in when a person accumulates in aggregate of twelve penalty points or more, instead of ten points. The Secretary explained that the corresponding penalty points for each administrative fine were revised proportionally to tally with the 12-point system, ranging from two to four points each. The Secretary also explained that the fines pegged to each administrative fine will not be increased and that they will be reset to zero after two years from the date of last offence, the latter already approved by the Committee during the previous meeting. The Secretary explained that three new administrative fines have been added to Schedule VIII, namely:
- Live-decoys in excess of the limit permitted by virtue of a live-capturing special licence.
 - Failure to comply with the minimum cage dimensions as specified in the special licence for the relevant species.
 - Failure to report Golden Plovers and Song-thrushes that are fitted with a scientific ring to the Wild Birds Regulation Unit and/or failure to immediately release them back into the wild after the details of the scientific ring have been recorded.
- 6.2 Mark Gauci remarked that when the revisions to the administrative fines were first presented to the Committee, it was argued that the increase from €250 to €495 related to bird-callers was justified on grounds that it will serve as an effective deterrent, yet now the Committee is being informed that the fine for bird-callers will remain the same.
- 6.3 Darrin Stevens noted that the fine pegged to non-reporting of a Golden Plover or a Song-thrush with a scientific ring is higher than non-reporting of specimens caught by virtue of an Article 9(1)(c) derogation, albeit they both carry four points. Joe Perici Calascione agreed that the penalty points system should be standardised and that minor fine-tuning should be considered. The Secretary took note and informed the Committee that the fine for both offences will be amended so that both will tally, bearing in mind the direction that administrative fines should not be increased.
- 6.4 Lino Farrugia stated that the Committee should take into account the fact that the law currently allows for repeat offences and that individuals thus continue to pay the same fine without a tier system in place, adding that upon the third offence the case is referred to Court. The Secretary clarified that court referral kicks in once an individual accumulates an aggregate of twelve points. Referring to the traffic management penalty points system, Joe Perici Calascione stated that the psyche of individuals is already geared towards such deterrent and that this penalty points system will definitely serve as a better deterrent against illegalities since repeat offenders will be referred to court.

- 6.5 Mark Sultana remarked that when a driver reaches twelve points he loses his driving licence, adding that in this case he is referred to court. Whilst in understanding that the Law Courts administration is pushing towards the administrative fines system, in view of the delays for court cases to be decided, Mark Sultana pointed out that if we want to use a penalty point system we need to ensure that it is not abused, adding that a proper system should lead to suspension of a licence. Mark Sultana also asked what happens when during the period in which an individual is awaiting trial is issued with another administrative fine. Joe Perici Calascione replied that the two-year period for reverting points to zero would be extended accordingly. Mark Sultana further added that this revised decision goes against the mentioned effort to clamp down on the illegal use of bird-callers in view of the present infringements from the European Commission.
- 6.6 The Secretary pointed out that during deliberations on same subject during previous meetings, BirdLife Malta had stated that even if the fines are increased exponentially, they would still not serve as a deterrent without a proper enforcement mechanism in place. Mark Sultana reiterated that it is now on record that in view to show that Malta wants to avoid infringements on Golden Plover derogation, Ornis had originally agreed with WBRU's suggestion to increase fines but that after all the Government is reverting back to no increase in fines following pressure by hunting lobbies. This will show the EU Commission the state of play we are in where the Government gives in to those who break the law since with this reversed decision only those who use electronic callers will benefit. Joe Perici Calascione remarked that the penalty points system has to be viewed both from a practical and political point of view at which point Mark Sultana replied that it must also be viewed from a European Commission's point of view.
- 6.7 The Secretary pointed out that the WBRU has always advocated the proper implementation of the Birds Directive and reminded the Committee that the amendments were put forward following a meeting between the Minister and FKNK following pressures from the hunting community not to increase the fine on bird-callers. Joe Perici Calascione clarified that the backlash was both from their members and the politicians, adding that this is why a decision was taken to seek a balance whilst maintaining the ultimate objective of clamping down on bird-callers. Lino Farrugia added that KSU had published a link to Ornis Committee minutes stating that FKNK were in favour of increasing the fines on bird-callers in a failed attempt to entice members within their ranks.
- 6.8 The Secretary requested members to proceed with a vote. The proposed legal amendments were approved with five votes in favour (FKNK, two Government representatives, ERA and Chairman) and an abstention (BirdLife Malta). The Secretary informed the members that the legal notice will be launched for a four-week public consultation period prior to referral to Cabinet and subsequent publication.

7. Preliminary data on the outcome of the 2021 spring hunting season.

Related document: Annex A - Summary report to Ornis Committee (circulated in advance of the meeting).

- 7.1 The Secretary asked members whether they have any questions related to the summary report on the outcome of the Spring hunting 2021 derogation. Mark Sultana requested a clarification on the case related to Godwits. The Secretary confirmed that it refers to two separate cases: namely, illegal killing and illegal trapping. The Secretary informed the Committee that the summary report will be included as annex to these minutes (Annex A) and that a full report on this derogation, prepared by the WBRU, will be reviewed by PREU prior to submission to the European Commission, and subsequently made available on WBRU's website. The Committee took note.

8. Any other business.

- 8.1 The Committee agreed to reconvene on 9 June at 1600 hrs. The meeting was adjourned at 1930 hrs.

Annex A: Summary report to the Ornis Committee

Prepared by the Wild Birds Regulation Unit for agenda item 7

Summary report on the outcome of the 2021 Spring Hunting season for Quail (*Coturnix coturnix*)

1.1 Introduction

This summary includes an overview of the number of special licences issued, the number of Quail caught, number of Quail observed on migration, enforcement deployment and spot-checks on individual licensees, illegalities detected, and court action taken. The full report will be forwarded to the European Commission and will be made available on the website of the Wild Birds Regulation Unit (WBRU) under the sub-heading ‘Reports and Statistics’.

1.2 Parameters of the Spring Hunting Season

The Wild Birds Regulation Unit received 8,230 applications for a spring hunting special licence. Upon verification, one of these applications was considered invalid and thus rejected. A total of 8,229 licences were subsequently issued, 6,878 to applicants resident in Malta and 1,351 to applicants resident in Gozo. A total of 73 licences (70 in Malta and three in Gozo) remained unclaimed throughout the season leaving a total of 8,156 active licences.

During the season, hunters were legally required to carry their spring hunting licence and general licence at all times whilst hunting. They were also required to immediately report Quail caught via SMS to a specific reporting number, or by using the Game Reporting MT app which was launched this year. Hunters were also required to abide by the time restrictions of the season and respect the national bag limit of 2,400 Quail, which was monitored in real-time by WBRU.

1.3 Migration Study

During the period 15 March to 30 April 2021, a total of 166 Quail were recorded by Ecoserv Ltd. The highest influx was recorded on 22 April (8 birds observed) with other peaks observed on other dates as shown in the table below.

Date	Common Quail actual daily counts
15-Mar-21	3
16-Mar-21	0
17-Mar-21	1
18-Mar-21	4
19-Mar-21	6
21-Mar-21	4
21-Mar-21	6
22-Mar-21	4
23-Mar-21	1
24-Mar-21	7
25-Mar-21	2
26-Mar-21	7
27-Mar-21	4
28-Mar-21	5

29-Mar-21	6
30-Mar-21	2
31-Mar-21	4
01-Apr-21	5
02-Apr-21	3
03-Apr-21	0
04-Apr-21	5
05-Apr-21	5
06-Apr-21	4
07-Apr-21	6
08-Apr-21	5
09-Apr-21	1
10-Apr-21	7
11-Apr-21	2
12-Apr-21	6
13-Apr-21	3
14-Apr-21	2
15-Apr-21	1
16-Apr-21	5
17-Apr-21	3
18-Apr-21	0
19-Apr-21	1
21-Apr-21	7
21-Apr-21	5
22-Apr-21	8
23-Apr-21	6
24-Apr-21	1
25-Apr-21	1
26-Apr-21	1
27-Apr-21	2
28-Apr-21	4
29-Apr-21	0
30-Apr-21	1
Total counts	166

During the period 15 March to 30 April 2021, a total of 595 Turtle-doves were recorded by Ecoserv Ltd. The highest influx was recorded on 19 April (75 birds observed) with other peaks as shown in the table below.

Date	Turtle Dove actual Daily Counts
15-Mar-21	1
16-Mar-21	0
17-Mar-21	0
18-Mar-21	0
19-Mar-21	4

21-Mar-21	1
21-Mar-21	0
22-Mar-21	6
23-Mar-21	1
24-Mar-21	3
25-Mar-21	4
26-Mar-21	1
27-Mar-21	1
28-Mar-21	2
29-Mar-21	3
30-Mar-21	0
31-Mar-21	1
01-Apr-21	0
02-Apr-21	0
03-Apr-21	2
04-Apr-21	3
05-Apr-21	1
06-Apr-21	1
07-Apr-21	5
08-Apr-21	4
09-Apr-21	1
10-Apr-21	18
11-Apr-21	8
12-Apr-21	19
13-Apr-21	40
14-Apr-21	9
15-Apr-21	36
16-Apr-21	27
17-Apr-21	22
18-Apr-21	23
19-Apr-21	75
21-Apr-21	40
21-Apr-21	18
22-Apr-21	55
23-Apr-21	29
24-Apr-21	15
25-Apr-21	19
26-Apr-21	21
27-Apr-21	25
28-Apr-21	24
29-Apr-21	17
30-Apr-21	10
Total counts	595

1.4 Game reporting

During the 2021 Spring hunting season, a total of 894 Quail were reported by 402 separate hunters through the game reporting system (586 reports through SMS and 156 reports through the mobile app). The daily reports are listed in the table below.

Date	Quail reported
10-Apr	25
11-Apr	37
12-Apr	20
13-Apr	24
14-Apr	27
15-Apr	23
16-Apr	19
17-Apr	35
18-Apr	24
19-Apr	16
20-Apr	36
21-Apr	39
22-Apr	75
23-Apr	54
24-Apr	58
25-Apr	57
26-Apr	57
27-Apr	49
28-Apr	43
29-Apr	70
30-Apr	106
Total	894

1.5 Enforcement deployed and Illegalities detected

During the derogation period, between 10 April and 30 April 2021, field officers from the Environmental Protection Unit (EPU) and Gozo police carried out a total of 1,769 field inspections / patrols (1,357 in Malta and 412 in Gozo) and 1,316 spot-checks on individual hunters (1,099 in Malta and 217 in Gozo). The Compliance Team of the Wild Birds Regulation Unit also carried out 60 joint inspections with EPU and six independent patrols and covert observations at 66 locations during the season—all illegalities detected were reported directly to the police. Out of the total spot-checks carried out by EPU in Malta, 39 consisted of road checks, during which vehicles were stopped and checked to ensure that all legal obligations of the spring hunting special licence (including game reporting obligations) and other regulations concerning the carrying of firearms were being respected. This enforcement effort cumulatively amounts to 3,151 inspections, spot-checks and road checks. In the course of these inspections and spot-checks, the officers disclosed a total of 41 offences (40 in Malta and 1 in Gozo), which led to legal action being taken against 33 persons (22 court action and 11 administrative fines).

The offences detected during the spring hunting season subject to legal action (court or administrative fine) are listed below.

Admin fines issued	Hunting Illegalities
8	Magazine capable of holding more than two cartridges
1	Failure to report quail caught
2	Use/possession of bird-caller
Court Action	Hunting Illegalities / illegally-targeted species
4	Turtle-doves (<i>Streptopelia turtur</i>)
1	Godwits (<i>Limosa</i> spp.) ⁴
2	Hunting without a special licence
4	Breaching Firearms Act
1	Eurasian Collared Doves (<i>Streptopelia decaocto</i>), Black-winged Stilt (<i>Himantopus himantopus</i>), Common Redshank (<i>Tringa totanus</i>) and Common Woodpigeon (<i>Columba palumbus</i>)
1	European Honey-buzzard (<i>Pernis apivorus</i>)
1	Permitted minor to use a firearm
1	Hunting or attempting to hunt during prohibited hours
Court Action	Trapping Illegalities / species
1	Godwits (<i>Limosa</i> spp.) ⁴
3	Finches
3	Ortolan Bunting (<i>Emberiza hortulana</i>)
1	Waders and finches
Unknown Culprit	Trapping Illegalities
1	Active and unattended trapping site targeting Common Quail (<i>Coturnix coturnix</i>)
4	Active and unattended trapping sites (Target species not identified since no birds were found on site)
1	Unattended/ abandoned bird caller
1	Unattended/ abandoned cage trap targeting Quail

Table 1 offences detected during the 2021 Spring Hunting Season

1.6 Illegally shot birds

During the spring hunting season (10–30 April), 49 protected birds were confirmed illegally shot by the Government-appointed veterinarian, as listed below.

Species	Count per Species
Barn Swallow	1
Bee-eater	1
Black Kite	1
Black-winged Stilt	1
Collared Dove	2
Common Kestrel	14

⁴ Case refers to an individual found in possession of a modified firearm, a mist net, a bird caller, decoys of Godwits (*Limosa* spp.) and a dead Wood Warbler (*Phylloscopus sibilatrix*). The police seized the special licence and all hunting and trapping paraphernalia and issued charges against the individual for both illegal hunting and illegal trapping, the case is awaiting court hearing.

Common Redshank	1
Common Woodpigeon	1
Cuckoo	1
Honey Buzzard	1
Lesser Kestrel	1
Marsh Harrier	10
Montagu's Harrier	1
Pallid Harrier	1
Short-eared Owl	1
Squacco Heron	2
European Turtle-dove	7
Yellow-legged Gull	2
Total	49

1.7 Malta's reporting obligations

As agreed with the European Commission, the full report on the outcome of the 2021 spring hunting season will be submitted within one month from termination of the migration study period, that is, by mid-June 2021. The 2021 report will also be made available online on the website of the Wild Birds Regulation Unit.