

Meeting of the Malta Ornis Committee

Wednesday, 5th October 2022

(includes minutes taken during the Ornis Committee meeting held on
Wednesday, **16th November 2022**)

Minutes

Participants:

Dr. Joseph Grech – Chairman
Mr. Jean Paul Portelli – Secretary
Mr. Nicholas Barbara – BirdLife Malta
Mr Anthony Caruana – Member nominated by Government
Mr Mark Gauci – Avifauna expert
Mr. Joseph Grech – Member nominated by Government
Mr Joe Perici Calascione – FKNK
Perit Andrew Psaila – FKNK
Dr. Gaynor Saliba – Member nominated by Government
Mr.Darrin Stevens – Representative of the Environment and Resources Authority
Mr. Mark Sultana – BirdLife Malta

Excused: for 5th October 2022

Dr. Gaynor Saliba – Member nominated by Government
Mr. Lucas Micallef – Hunting and live-capturing expert

Absent for 5th October 2022

Nil

Excused for 16th November 2022

Nil

Absent for 16th November 2022

Nil

1. Approval of the agenda.

- 1.1 The Chairman suggested that this agenda should be divided across two meetings in order to properly deal with all the agenda topics. Noting the extensive agenda, it was agreed to address the most time-pressing topics first, focusing on items 7...(2,3,4,5)
- 1.2 It was also agreed that selected aspects under item 7 might need further discussion before the next Ornithology Committee sittings. Darrin Stevens suggested that hunting at sea (item 7 sub-item 2) salvage permit for road kill (item- 7, sub-item 3) and internal ring sizes (item 7 sub-article 4 and 5) may be dealt with in a working group first so a better understanding of the issues can be considered. This was agreed upon, subject to the involvement of interested parties.
- 1.3 It was also agreed that with regard to specific proposals made by the Malta Taxidermy Federation, a representative of the association should be invited to share their proposals.
- 1.4 Chairman suggested that after the meeting, an email is sent to the Ornithology Committee members regarding the working groups so that whoever would like to join in these discussions will be able to do so. The Chairman also suggested that whoever is going to make any suggestions for the agenda should be present at the working group so the Committee members can have a better background on the topics.
- 1.5 Darrin Stevens suggested that the Wild Birds Regulation Unit, as the main regulatory body, should have a representative invited to the working group. A discussion ensued as to whether to open the working groups to other representatives in this respect.
- 1.6 Joe Perici Calascione pointed out that the working group should not complicate the way the Ornithology committee operates.
- 1.7 Mark Sultana inquired about the hunting at sea proposal on the last agenda. However, since it was agreed that it would be postponed until after the working group discussed the topic, Mark Sultana was asked to inquire later.

2. Approval of the minutes of the previous meeting held on 11/05/2022.

- 2.1 The Chairman mentioned that whoever was not previously on the Ornithology Committee could not approve any minutes.
- 2.2 Joe Perici Calascione stated that there were very few members present at this session that were at the previous meeting. He brought up the point that currently, Richard Lia has a court case against Lino Farrugia. He remarked that this may lead to a conflict of interest. He suggested that the approval should be postponed until the end of the court case. Joe Perici Calascione suggested postponing the approval of the minutes until legal advice is sought.
- 2.3 Mark Sultana stated that the minutes could be approved by the current members that were in the last meeting. This is what happened every time there was a change in committee members.
- 2.4 Darrin Stevens said in order to avoid any legal issues, the approval should be postponed until the committee gets the necessary legal advice on the matter since there is a case in court related to the incident between Lino Farrugia CEO of FKNK, and the Head of WBRU, Richard Lia.

3. Matters arising and matters to report.

- 3.1 Darrin Stevens updated the Committee on the public consultation for the Strategy for the Environment, which was open now. He indicated that the Committee or its constituent members might make recommendations and suggestions; relevant details were available on the ERA and MEEE websites.
- 3.2 Darrin Stevens also suggested having the meetings alternate between Malta and Gozo to accommodate all members.
- 3.3 Mark Sultana suggested that the meetings be held within three to four weeks prior notice.
- 3.4 Nicholas Barbara asked about the number of Turtle-doves being declared by the end of September 2022.

4. Outcome of spring hunting season 2022. *The summary document was circulated in advance of the meeting (Doc Item 4). The item brought forward from the previous meeting.*

- 4.1 The outcome of the spring hunting season 2022 will be discussed during the next meeting.

5. Article 9(1)(b) research derogation: satellite-tagging of European Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*). The outcome of the 2021 satellite-tagging project and proposed renewal.

Proposed derogation period: 20 October 2022 – 31 March 2023. Proposal circulated in advance of the meeting (Doc Item 5). Item brought forward from previous meeting. Item subject to a vote.

Related documents:

- *Doc Item 5: Outcome of the 2021 tagging project and proposed renewal.*
- *Item 5 (Q3) of Ornis Committee minutes of meeting held on 31 July 2019.*
- *Item 7 of Ornis Committee minutes of meeting held on 29 July 2020.*
- *Item 2 of Ornis Committee minutes of meeting held on 26 August 2020.*
- *Item 5 of Ornis Committee minutes of meeting held on 29 March 2021.*

- 5.1 This item was postponed to the next meeting (16th November 2022).
- 5.2 **Article 9(1)(b) research derogation: satellite-tagging of European Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*). The outcome of the 2021 satellite-tagging project and proposed renewal. *Item subject to a vote.***
- 5.3 The Committee invited the Head of the Wild Bird Regulation Unit to present the item.
- 5.4 The objective of this research is to improve the knowledge base of Malta's reference population of Golden Plover *Pluvialis apricaria* and Song Thrush *Turdus philomelos* by means of satellite tracking, as requested by the European Commission during a bilateral meeting with the Maltese authorities in November 2019. The key objective is to determine the geographical locations of the breeding grounds of the tagged specimens. The proposed research will also analyse temporal migratory trends both during pre-nuptial and post-nuptial periods throughout the lifespan of the tags and will also help determine whether there are noticeable shifts in the geographical location of the breeding grounds or whether there is high site fidelity.

- 5.5 During its meeting held on 29 July 2021, Ornis Committee unanimously approved the application of this Article 9(1)(b) derogation to study the migratory routes of Golden Plovers and Song Thrushes through satellite tracking, subject to the approval of the proposed methodology. The in-principle approval was subsequently published as G.N. No. 1415/2020. The proposed methodology was approved by Ornis Committee on 29 March 2021 but was limited to the pre-nuptial migration period from 1st February until 31st March 2022, inclusive of both days. Although FKNK had initially offered their assistance, they subsequently decided to leave site selection and list of participants at the discretion of the Wild Birds Regulation Unit.

Outcome of the research period February – March 2022

Song Thrush

- 5.6 All Song Thrush tags, except one that failed to charge, were handed over to BirdLife Malta together with the .10” tubular Teflon ‘tape’ for harnessing purposes, a DLC-2 Interface/Charger, and PinPoint Host Application, against a signed receipt dated 26 January 2022. The DLC-2 charger, any unused satellite tags, unused Teflon tape, and the pen drive containing the software application were requested to be handed over to the Head of the Wild Birds Regulation Unit by not later than 14th April 2022. BirdLife Malta was also requested to ensure that unused tags were deactivated using the Lotek software interface (PinPoint Host application) before being handed over to the Wild Birds Regulation Unit since, as explained in the previous section, active tags must be kept at least one meter apart. The 29 tags were programmed such that a GPS fix is taken weekly until June and then monthly until the battery life runs out.
- 5.7 The estimated battery life of the Song Thrush tags programmed with the above schedule ranged from 269 to 389 GPS days, with an average of 329 GPS days. The schedule was thus expected to provide weekly GPS locations of the routes taken by tagged Song Thrushes towards their breeding grounds, followed by the location of their breeding grounds (weekly) followed by monthly GPS locations (starting from 2 July 2022) to track the trailing end of the breeding period and post-nuptial migration, with a repeat monthly cycle until the battery runs out.
- 5.8 BirdLife Malta’s licensed bird-ringers tagged three Song Thrushes, two from Buskett and one from Girdgħ. Most of the specimens observed were overwintering and were thus very difficult to capture. During the tagging period, a few other Song Thrushes were also ringed from other sites by licensed bird-ringers but since only one DLC-2 charger/interface was provided to BirdLife Malta, these specimens could not be fitted with a satellite-tag due to logistical and technical issues.
- 5.9 The Song Thrush that was fitted with tag no. 208582 remained in Romania throughout the breeding season (05 April – 14 June 2022), whereas the specimen fitted with tag no. 208583 appears to have remained in Belarus. However, since the last confirmed data was transmitted on 26 April 2022, it cannot be ascertained whether the specimen remained in Belarus throughout the breeding season (a most likely scenario) or whether it migrated further north in May. Although the sample size is by far too small to draw any meaningful conclusions, the flightpath taken by both specimens (20852 and 20853) is indeed indicative of Spina and Volponi’s (2008) observation of *a general framework of NE–SW Song Thrush movements across Europe*. Since the schedule is programmed weekly over a number of weeks (and then monthly from July onwards), should a GPS fix fail repetitively (as clearly the case for tag no. 20856), a number of weeks would have to pass before the successful fix is recorded and mapped. However, considering that tag no. 208586 was deployed on 8 March 2022; it is unlikely that any additional GPS data will be transmitted.

European Golden Plover

- 5.10 During Ornis Committee meeting held on 29 July 2020, FKNK had stated that they are willing to participate in satellite tagging but subsequently decided to leave site selection and participants (licensees) at the discretion of WBRU. Although initially, the number of licenses issued for the clap-net system was proposed to be capped at 15, whereby each license will be pegged to two tags, various logistical reasons and the procedures involved for charging and activating the tags, meant that only one site was selected. The number of licenses associated with this site was limited to four, but only one licensee could commit to the geo-tagging project over a sustained period.
- 5.11 Although Golden Plover tags (PP-ARG-SOL-40) and Song Thrush tags (PP-ARG-40 light) have the same type of battery, the ones procured for Golden Plovers are solar powered, thus manufactured to last much longer and are capable of having a much more frequent GPS fix schedule. The PP-ARG-SOL-40 continued to transmit data with a schedule that recorded GPS fixes every two hours for twelve consecutive days, even during prolonged cloudy weather, followed by a very brief ‘stand-by’ period on the 12th day during which the batteries were recharged through solar power. GPS fixes continued thereafter. Solar-powered tags are not included in Lotek’s operating life estimator program, but a ‘worst case’ estimate can still be generated using the PP-ARG-40 product type. During the study period, only two Golden Plovers were heard or observed within the immediate vicinity of the licensed site. During their pre-nuptial migration, Golden Plovers are known to follow a much narrower flight path (possibly Tunisia–Sicily flyway) compared to their broad-front post-nuptial migration in autumn and winter.
- 5.12 Upon suggestion by the expert on avifauna during the previous presentation, on 7 March 2022 (at 18:30), a Golden Plover caught during the previous autumn live-capturing season was tagged and released during the study period. After its biometrics were recorded, the specimen, a first-year male (age code 5), was tagged and released at 18:40.
- 5.13 It must be taken into account that the shelf life of these tags is by no means indefinite and considering the dearth of Golden Plovers during pre-nuptial migration, the proposed study period from 20 October 2022 – 31 March 2023 is deemed crucial if there is indeed a will to fulfil the request made by the European Commission on 26 November 2019 *to improve the knowledge base on the reference population of Golden Plover and Song Thrush, including through the use of satellite tracking*.
- 5.14 Mark Gauci asked what happened to the tagged Golden Plover. Richard Lia replied it was tagged and released on the 7th of March 2022, and it sent its last data on the 11th of March. Mark Gauci asked whether the proposed renewal includes tagging of Golden Plover that were caught during previous trapping seasons. Richard Lia pointed out that although there is very limited data on the release of specimens that were caught during the previous trapping season (n=1), the benefit of releasing such specimens does not seem to outweigh the risks that the birds fail to migrate. Richard Lia confirmed that the proposed renewal is limited solely to tagging of Golden Plovers that are captured from the proposed site.
- 5.15 Mark Sultana asked if the release of specimens caught during previous trapping seasons is considered a derogation and if using captive plovers is not in the derogation. He asked if this caused a problem in the report or if there was no need for a report. He also asked if the site plan used in the report is also used for routine trapping and if the trapper will declare that he will not keep any birds that have been caught.
- 5.16 Richard Lia pointed out that none of the licensed trappers will keep any birds, reiterating that the proposal is limited to the capture, fitting of satellite-tags and immediate release of specimens that are caught from the site that is included with the application submitted to Ornis Committee.

- 5.17 Mark Sultana pointed out a change in the law’s wording. The wording says that any trapper can use any registered trap. Richard Lia replied that the only site that will be used is the one annexed to the application form.
- 5.18 Mark Sultana asked who would get the blame if the police were called to a trap and the trap was not covered. Joe Perici Calascione argued that the capping is controlled by the number of trappers, not the number of traps. Mark Sultana pointed out a problem if the trap is uncovered and unattended, there is nothing the police can do to find and fine the trapper. The Chairman pointed out that the person responsible for the trap is the owner of the trap. If this situation is taken to court, the trap owner is responsible for what happens to the trapping site. Mark Sultana pointed out that if anyone can use a clap-net that is not registered on them and the individual breaks the law and flees the scene, it will be impossible to track the person, rendering enforcement useless.
- 5.19 Mark Sultana asked if more Golden Plovers were observed during the February-March research period other than the tagged one. Richard Lia stated that he had heard a Golden Plover on the 13th of March, adding that on the 28th of March at around 7:45am, he received a call that there was a Golden Plover at the research site, but there was no way to confirm this.
- 5.20 Joe Perici Calascione asked Richard Lia when the satellite tagging project would occur. Richard Lia replied that it is proposed until the end of March, but it depends on the Ornithology Committee’s recommendation.
- 5.21 Joe Perici Calascione asked if BirdLife is catching Song Thrushes with traps or mist nets. Mark Sultan replied that BirdLife will use mist nets.
- 5.22 FKNK believes that denying individuals from catching birds for research will lead to unfair selection practices. Richard Lia remarked that the logistical and technical issues related to the satellite-tags must be kept in mind, as already explained.
- 5.23 The proposal was put to the vote. Six members voted in favour of satellite-tagging of European Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*) FKNK abstained.

Item 5: Tagging of Golden Plover/Song Thrushes (20 October 2022-31 March 2023)			
	In Favour	Against	Abstention
FKNK			1
Bird life	1		
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	1		
ERA	1		
Chairman	1		
Total	6	0	1

6. **Taxidermy collections.** *FKNK’s proposal was submitted in conjunction with the Malta Taxidermy Federation (Doc Item 6). The item brought forward from the previous meeting is subject to a vote.*
- 6.1 Discussions on Taxidermy collections were postponed for the next meeting.

7. **Proposed amendments to the Conservation of Wild Birds Regulations (S.L.549.42).**
Documents circulated in advance of the meeting (Doc Items 7.2, 7.3, 7.4 and 7.5A – 7.5C).
Item 7.1A submitted by BirdLife Malta on 18 August 2022. Items 7.1B – 7.5 brought forward
from previous meeting. All items are subject to a vote.

1(A) Proposed amendment to regulation 23(2)(f):

Current wording: “(f) without prejudice to regulation 9 and notwithstanding the provisions of regulation 7(1)(d) and (e), a bird-ringer who takes a bird exclusively for scientific bird ringing may, for this purpose, use nets and pre-recorded bird calls;”

Proposed wording: “(f) without prejudice to regulation 9 and notwithstanding the provisions of regulation 7(1)(d) and (e), a bird-ringer who takes a bird exclusively for scientific bird ringing may, for this purpose, use pre-recorded bird calls, nets or any other traps which do not use live-decoys;”

- 7.1 Mark Sultana explained that the proposed wording was to include the use of “traps and any other methods” and gave the example of how sea birds are not caught with nets. He also mentioned that there are scientific studies where traps are being used.
- 7.2 Joe Perici Calascione expressed concerns regarding the rewording in item 7.1 (A), stating that he feels that such amendments us being proposed to prohibit a trapper or hunter who wishes to become a bird ringer from using live decoys.
- 7.3 Mark Sultana Stated that live decoys were never a part of the proposal in the past.
- 7.4 Chairman Inquired about which traps can be used. Mark Sultana responded by saying that various traps can be used.
- 7.5 Mark Gauci stated there are certain birds that must be caught in traps, like the moorhen (gallozz) and that is why the introduction of traps is in the proposed wording.
- 7.6 Darrin suggested that point 7(f) should be included in the wording as this has to do with traps as well.
- 7.7 Mark Gauci insisted that the wording ” live decoys” was there to make sure that live decoys are not used in traps, and he also went on to say that nets are not considered traps nor are trap nets considered clap-nets and that live decoys can be used for nets.
- 7.8 Darrin emphasized that live decoys are already illegal according to regulation 7 (1). He also pointed out that using live decoys in traps is punishable according to Regulation 22.

The item was put to the Vote.

- 7.9 Below are the voting results for the proposed amendment.

Proposed wording: “(f) without prejudice to regulation 9 and notwithstanding the provisions of regulation 7(1)(d) and (e), a bird-ringer who takes a bird exclusively for scientific bird ringing may, for this purpose, use pre-recorded bird calls, nets, or any other traps. Permissible under the same derogation.

- 7.10 The vote was taken regarding the Rewording of Reg.23(2)(f)[S.L.549.42] 6 in favour and one was excused.

Item 7.1A: Rewording of Reg.23(2)(f) [S.L.549.42]			
	In Favour	Against	Abstention
FKNK	1		
BirdLife Malta	1		
Mr Anthony Caruana	1		
Mr. Joseph Grech (not the chairman)	1		
Dr. Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	6	0	0

1(B) Proposed amendment to regulation 23(2)(i):

Current wording: “(i) no nets, including mist-nets, or any other equipment used for bird ringing and/or geo-tagging shall be left unattended.”

Proposed wording: “(i) before the scientific bird-ringer leaves the bird ringing and/or geo-tagging site, all nets, including mist-nets, shall either be removed, furled or completely covered in such a way that no bird or other fauna can get caught.”

The item was put to the vote. Six members voted in favour of the proposed wording, and one member was excused.

Item 7.1B: Rewording of Reg.23(2)(i) [S.L.549.42]			
	In Favour	Against	Abstention
FKNK	1		
Bird life	1		
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	6	0	

1(C) Removal of ‘end -July 2014’ from the definition of protected area (regulation 2)

Proposed amendment: In the definition ‘protected area’ or ‘protected areas’ ‘thereof, the words “prior to the end of July 2014” shall be deleted.

This amendment will render all existing trapping sites on land registered as arable with the Department of Agriculture as eligible to operate in areas outside of bird sanctuaries and protected beaches, approved during a live-capturing derogation period, irrespective when such land was registered by the Department of Agriculture.

- 7.11 Darrin Stevens stated the ERA already has its concerns on this topic. He clarified that the intent of the July 2014 date was included as a safeguard against illegal land reclamation of garigue and other habitats covered under the Flora, Fauna and Natural Habitats Protection Regulations (S.L.549.44), which may be converted to agricultural land for use for trapping. He claimed that July 2014 established a threshold for recognizing such sites. Its removal may lead to illegal dumping and land conversion of such key habitats.

- 7.12 Nicholas Barbara’s concern was that if “the end of July 2014” is removed, it will be easier for people to illegally turn garigue land or Natura 2000 sites into farmland. Farmland can then be registered as a trapping site if it was visible from the aerial photographs in December 2012. He also asked who was responsible for this proposal.
- 7.13 Joe Perici Calascione pointed out that if there is arable land on a Natura 2000 site, then it will be possible to have a trap on it. He also felt that, as often occurs, the law is being drafted for those who are breaking the law and insisted that this was not the solution. If there are such concerns, there should be more enforcement on what land is arable and what land is not.
- 7.14 Andrew Psaila stated that the issue regarding the “end of July 2014” statement stems from a miscommunication between ARPA and the WBRU. He also stated that ARPA mistakenly put around 450 traps outside the category of arable land. He also pointed out that if the land is going to be considered to have a trap (mansab) inspectors are sent out to analyze the land.
- 7.15 Both Andrew Psaila and Darrin Stevens stated that aerial photos could be easily employed to confirm if the land has been illegally converted into agricultural land.
- 7.16 Noting the discussion and relevant concerns, Darrin Stevens suggested that this issue should be discussed in a working group to have a better understanding of the topic, possibly checking with ARPA on this matter to ensure that the legislation is adequately implemented with the necessary safeguards in place. He further reiterated the importance of the “end of July 2014” phrase as a safeguard against the illegal conversion of protected land into mnasab. Should the 2014 safeguard be removed, another safeguard should be included in its place.
- 7.17 Mark Gauci suggested that instead of changing anything, an exercise should be carried out to assess how to remedy the mistakes made in the areas of imnasab which ARPA removed from the registered farmland list so as to remedy this mechanism.
- 7.18 The Chairman said there could not be any backdated correction because the information has already been submitted to the European Union for the budgeting period 2014-2020.
- 7.19 Chairman suggested a vote be taken to remove the 2014 phrase; however it was agreed that if this is passed, there should be a workshop to come up with alternatives to safeguard protected land.
- 7.20 The Ornis Committee voted, with four votes in favour, to remove the “end July 2014” phrase, with two abstentions. One member was excused.

Item 7.1C: Removal of "end-July 2014" from the definition of Protected Area (regulation 2 of S.L.549.42)			
	In Favour	Against	Abstention
FKNK	1		
Bird life			1
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA			1
Chairman	1		
Total	4	0	2

- 7.21 Chairman suggested that Darrin Stevens should coordinate the working group’s discussion on this matter to find alternatives to safeguard protective land.
- 7.22 Nicholas Barbara pointed out that he abstained and disagreed that a vote should be taken at this point.

1(D) Introduction of a €250 late application fee plus the original amount if due (Schedule X).

"Submission of documents or applications, or compliance with a payment obligation after the deadline stipulated in writing by the Wild Birds Regulation Unit: Provided that this shall not apply to administrative fines that are not paid within the stipulated deadline.	€250 for each late submission or late payment in addition to the original amount if due".
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- 7.23 Joe Perici Calascione noted that this was a very hefty fine, and FKNK was not prolonging this issue further since at least licenses would not be withheld simply because of administrative issues such as a late application.
- 7.24 The vote regarding the late application fee plus the original amount due was five in favour, two abstentions, and one excused.

Item 7.1D: Late application fee plus the original amount due (Schedule X of S.L.549.42)			
	In Favour	Against	Abstention
FKNK	1		
Bird life			1
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	5	0	1

1(E) Hunting at sea. Proposal submitted by FKNK (Doc Item 7.2).

- 7.25 Hunting at sea will be postponed for the next meeting.

1(F) Salvage permit/road kill. Proposal submitted by MTF (Doc Item 7.3).

- 7.26 Salvage permit/road kill will be postponed for the next meeting.

1. EURING - BirdLife Malta Monopoly. Proposal submitted by FKNK (Doc Item 7.4).

- 7.27 As specified under section 1.1(c) of the minutes of the meeting held on 16 March 2022, following the submission of FKNK’s proposal, the proposed legal amendment (Doc Item 7.4) was drafted by the Secretary and circulated to the Committee as a basis for discussion.

- 7.28 Discussions on EURING will be postponed for the next meeting.

2. Proposed new Schedule XI – internal ring sizes (Doc Items 7.5A – 7.5C). Item pending finalization of review of internal ring sizes by CITES Office and feedback from ERA.

7.29 Proposed new schedule XI **internal ring sizes** (*Doc Items 7.5A – 7.5C*) will be postponed for the next meeting.

8. Update on the conservation status of Golden Plover and Song Thrush. Includes latest updates from Member States' Article 12 reports for the latest (2013–2018) reporting period and satellite-tracking data (2022). Report circulated in advance of the meeting (Doc Item 8).

European Golden Plover (*Pluvialis apricaria*)

8.1 The European (Eurasian) Golden Plover has an IUCN Least Concern classification at the global level with an increasing population trend. At European Level, its IUCN classification is also considered Least Concern, with a stable population. According to the Article 12 report for reporting period 2013–2018, the EU breeding population status of Golden Plover is Stable in both the short-term and long-term trends (EEA, 2020).

8.2 It should be noted that the “List of Countries” contributing to the latest European Bird Census Council (EBCC / PECBMS) update includes Estonia for the first time (EBCC 2021 update), apart from Norway, Sweden, and Finland (the latter two constituting Malta’s reference population).

8.3 According to the EU Management Plan for this species, Estonia, which has a breeding population of 2,500–3,400 pairs (EEA, 2020) does not form part of the Northeast European population of *Pluvialis apricaria altifrons*. Estonia does not form part of Malta’s reference population.

8.4 According to the latest dataset available from the European Bird Census Council²⁸ (EBCC, 2021), **there was a decrease in the combined breeding population of the contributing countries** (Norway, Sweden, Finland and Estonia) both in the short-term and long-term trends, when compared with the previous EBCC update (Norway, Sweden and Finland only).

8.5 Due to the inclusion of Estonia in the latest EBCC update, a direct comparison between the current and previous updates should be treated with caution. In the short-term trend [ten-year slope] (2010–2019), the decrease was from 0% to -12% (**12% decrease**) and from -13% to -27% (**14% decrease**) in the long-term trend (1980–2019). The current EBCC assessment considers *Pluvialis apricaria* as **Stable** (1981–2019).

8.6 Malta’s reference population of *Pluvialis apricaria altifrons* (Finland and Sweden) remained stable in both the short-term and long-term trends.

Song Thrush (*Turdus philomelos*)

8.7 The Song Thrush has an IUCN Least Concern classification at the global level with an increasing population trend. At European Level, its IUCN classification is also Least Concern with a stable population. According to the Article 12 report for the reporting period 2013–2018, the EU breeding population status of Song Thrush is increasing in the short-term trend and Stable in the long-term trend (EEA, 2020).

8.8 The latest dataset available from the European Bird Census Council (EBCC, 2021) lists this species trend classification as Moderate Increase. When compared with the previous EBCC (2020) update, the short-term [ten-year (2010–2019)] trend decreased by 4% [from 20% to 16%], whereas in the long-term trend (1980–2019) the population decreased from 15% to 3% (12% decrease).

8.9 Malta's reference population of *Turdus philomelos* (Bulgaria, Hungary and Romania) remained stable in both the short-term and long-term trends, with an increasing short-term (10-year) trend in the maximum number of breeding pairs.

9. Recommendations on the application of autumn 2022 live-capturing derogations [Article 9(1)(c)] for Golden Plover and Song Thrush. Proposed derogation period:

Song Thrush: 20 October 2022 – 31 December 2022

Golden Plover: 01 November 2022 – 10 January 2023

Police confirmed that the legal requirements regarding minimum enforcement deployment (Regulation 8 of S.L.549.74) would be met. (Item subject to a vote.)

9.1 Joe Perici Calascione agreed that the dates should stay the same as proposed in article 9, which is song thrush from 20 October 2022 to 31 December 2022 and golden plover from 1 November 2022 to 10 January 2023. The FKNK also stated that the minimum enforcement deployment would be enforced by the police.

9.2 Mark Gauci Stated that the tagging of the golden plover was unsuccessful and suggested that the season for the golden plover should be discussed about the lack of data. He also stated that it is counterproductive to the research. He also stated that there should be a small group of trappers who call in to give information. Ideally, the research should be conducted two days before and two days after the season.

9.3 Joe Perici Calascione clarified that it is not against any research. He emphasized that the research would take part when the season was over for a small group of people. Joe Perici Calascione said that FKNK is ready to consider the research to be carried out when the season is over.

9.4 Nicolas Barbara stated that he understood that the last few days of trapping be canceled so that the research could be carried out. He also asked for information from the WBRU on any updates on the derogation from the European Council.

9.5 The Secretary said that he would provide that information for him in the next meeting.

9.6 Nicolas Barbara insisted that he wanted to postpone the vote until an update on the derogation from the European Commission was given.

9.7 Joe Perici Calascione made a point that Nicolas Barbara had a chance to ask the Head of the WBRU about the derogation but chose not to.

9.8 Chairman insisted that the vote can still be taken as it is only a recommendation, and if the vote were to be postponed, it would be putting too much pressure on other people's duties, such as that of the government. The Chairman brought up the critical point that the reason information like this was so readily available in the past was that Richard Lia was not only the secretary of Ornithology but was also the Head of the WBRU, so they could exploit Richard Lia's unique position to get information. Since his job on the committee was only to be the secretary, he was also in possession of first-hand information from the WBRU. He also made the point that if any information is needed from the WBRU, they will inform the current secretary, and the secretary will provide it in the next meeting.

9.9 Darrin Stevens stated that he would be abstaining from the vote since this matter is linked with an ongoing infringement process.

- 9.10 Vote was taken regarding GP-ST live-capturing season 2022. Four voted in favour one voted against, one abstention, and one excuse was used.

Item 9: Golden Plover and Song Thrush live-capturing season 2022			
	In Favour	Against	Abstention
FKNK	1		
Birdlife		1	
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA			1
Chairman	1		
Total	4	1	1

10. Amendment to the Finches Framework Regulations S.L.549.145 (Doc Item 10). (Item subject to vote)

- 10.1 Nicolas Barbara wanted to know the number of birds that trappers have that are ringed with the ring number R16U.
- 10.2 Mark Sultana made the allegation that the R16U rings are reusable and that trappers are removing the R16U rings from birds that have died and put them on other birds. Mark Sultana claimed that this is something that will not help Malta justify the trapping research season.
- 10.3 Andrew Psaila stated that with regards to 7(d), the law states that the ring must not be able to slide off the bird's foot; therefore, the statement of internal diameter should be removed.

Proposed wording:

"(3) During the course of a spot-check carried out in terms of sub-regulation (1), should a Police officer find a bird from the relevant species:

- a) without a ring, or
 - b) not fitted with a seamless closed leg-ring or leg-band in a continuous circle, without any break or join, or
 - c) fitted with a leg-ring or leg-band that has been tampered with, or
 - d) fitted with a leg-ring or leg-band having an internal diameter that is larger than that required for the species, or**
 - e) fitted with a single-use ring not bearing code R16U, or
 - f) fitted with a single-use ring bearing code R16U that was not supplied by the Wild Birds Regulation Unit in 2016 and 2017,
- 10.4 The Chairman stated that point 7(d) should be removed until point 5 is discussed.
- 10.5 Mark Sultana was against removing point 7(d) until it was discussed later on because he felt that a law needed to be discussed in its entirety. Mark Sultana stated that a vote should be taken in favour or against removing letter 7(d).
- 10.6 Andrew Psaila pointed out that it is not a proposed law so that it can be temporally removed.
- 10.7 Chairman asked which law states the diameter of the rings.

- 10.8 Darrin Stevens noted that aspects of ring sizes are addressed in environmental law, whilst detailed issues linked with specific ring sizes are being discussed between ERA and the WBRU and are subject to another item on the Ornithology Committee's agenda.
- 10.9 In relation to the inclusion of clause 7(d), Darrin Stevens noted that there is no objection from ERA's end since this is in line with compliance with EU Regulations on trade in fauna and flora, ensuring appropriate compliance and enforcement. He also noted that enforcement is still possible without specific ring sizes per species, as is the current case: indeed, when someone is caught breaking the law in terms of closed rings, the prosecution, led by the Police, may hire an expert to confirm what the diameter per species should be and if there was evidence of tampering.
- 10.10 Charman responded that the court could only put consequences on someone if they broke the law.
- 10.11 Mark Sultana said that if point 7(d) is removed, the law will be weakened.
- 10.12 Charman suggested that each topic will be voted on separately.
- 10.13 Charman emphasized that there is a difference between standards and laws, and the law states that the bird must be fitted with a close ring.
- 10.14 In voting Item 10, the original voting was approved (amendment to Finches Framework Regulations (S.L.549.145) was approved five in favour, one abstention).

ITEM 10: Amendment to Finches Framework Regulations (S.L.549.145)			
	In Favour	Against	Abstention
FKNK	1		
Bird life			1
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	5	0	1

- 10.15 Item 10 was then split into two parts to be voted on:

- a) Change of wording in the last paragraph:

...the license holder shall be subject to the penalties established in regulation 27 of the Wild Birds Regulations. After having documented the evidence of all birds not in compliance with the conditions of the special research license or with the conditions of any other special license, as the case may be, the Police officer shall immediately release all birds not fitted with a ring from the same research station and also seize from the license holder all birds that are fitted with closed rings that are not seamless, not in a continuous circle, with a break or join, have been tampered with, have an internal diameter that is larger than that required for the species, those fitted with an unauthorized single-use ring and any other bird not authorized by the special research license issued in accordance with these regulations or under any other special license:

Should "as the case may be" be removed?

The following is the voting result on the removal of the words of the last paragraph ‘as the case may be’.

Six voted in favour of item 10 regarding amendment section 3 removal of wording; one was excused.

Item 10: Amendment to Finches Framework Regulations (S.L.549.145)			
	In Favour	Against	Abstention
FKNK	1		
BirdLife	1		
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	6	0	0

- 10.16 The Committee voted whether all the text according to the WBRU should stay the same or should be changed according to the FKNK point of view, namely:

Point number 7(d) should be removed, namely:

Proposed wording:

"(3) During the course of a spot-check carried out in terms of sub-regulation (1), should a Police officer find a bird from the relevant species:

- a) Without ring size, or
- b) Not fitted with a seamless closed leg-ring or leg band in a continuous circle, without any brake or join, or
- c) Fitted with a leg-ring or leg-band that has been tampered with, or
- d) Fitted with a leg ring or leg band having an internal diameter that is larger than that required for the species, or**
- e) Fitted with a single-use ring not bearing code R16U, or
- f) Fitted with a single-use ring bearing code R16U that was not supplied by the Wild Birds Regulation Unit in 2016 and 2017.

The license holder shall be subject to the penalties established in regulation 27 of the Wild Birds Regulations. After having documented the evidence of all birds not in compliance with the conditions of the particular research license or with the conditions of any other special license, ~~as the case may be,~~ the Police officer shall immediately release all birds not fitted with a ring from the same research station and also seize from the license holder all birds that are fitted with closed rings that are not seamless, not in a continuous circle, with a break or join, have been tampered with, those fitted with an unauthorized single-use ring and any other bird not authorized by the particular research license issued by these regulations or under any other special license:

These are the voting results for the vote regarding if point 7(d) should be amended or not:

Vote taken for item 10 was four in favour, two abstentions, and one excused.

Item 10: Amendment of wording (proposed wording)			
	In Favour	Against	Abstention
FKNK	1		
Bird life			1
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA			1
Chairman	1		
Total	4	0	2

10.17 Vote for point 10.

These are the voting results for the vote regarding the **Amendment to the finches framework regulations S.L.549.145 (Doc Item 10)**.

Vote regarding item 10 amendment to Finches Framework Regulation (S.L.549.145): 5 in favour, 1 abstention and 1 excused.

Item 10: Amendment to finch framework regulation (S.L.549.145)			
	In Favour	Against	Abstention
FKNK	1		
Bird life			1
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	5	0	1

11. Recommendations on the application of autumn 2022 finches research derogations [Article 9(1)(b)]. Proposed derogation period: 20 October 2022 – 20 December 2022.

Police confirmed that the legal requirements regarding minimum enforcement deployment (Regulation 13 of S.L.549.145) will be met. (Item subject to a vote.)

11.1 BirdLife Malta inquired if there are any updates regarding the derogation of autumn 2022 finch research derogations.

11.2 Vote taken

These are the voting results for the vote taken on **Recommendations on the application of autumn 2022 finches research derogations [Article 9(1)(b)]**. Proposed derogation period: 20 October 2022 – 20 December 2022.

The vote was taken four in favour, one against, one abstention, and one excused.

Item 11: Finches research period 2022			
	In Favour	Against	Abstention

FKNK	1		
BirdLife		1	
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA			1
Chairman	1		
Total	4	1	1

12. Article 9(1)(a) derogation [Air-safety]: Culling of starlings and pigeons as a last resort.

Proposed derogation period: from date of publication in Govt. Gazette – 30 June 2023.

Proposed renewal submitted by MIA on 27 July 2022. (Item subject to a vote.)

- 12.1 The Secretary explained that the objective of MIA’s request to carry out the culling of starlings and pigeons as a last resort is identical to last year’s proposal, which was approved by Ornith Committee during the meeting held on 17 March 2021.
- 12.2 FKNK pointed out that sound devices would be a suitable solution to scare birds; however, when tried in practice, sound devices did not work. FKNK also will like to ask if the air safety control has any suggestions to solve the starling and pigeon problem.
- 12.3 The Chairman suggested that the MRA should give a report on the topic. He also pointed out that they should have a 3-month chance for the report to be completed.
- 12.4 Note taken regarding item 12 Air safety culling of starlings and pigeons all six members present voted in favour of item 12.

Item 12: Air-safety (culling of starlings and pigeons)			
	In Favour	Against	Abstention
FKNK	1		
Bird life	1		
Mr Anthony Caruana	1		
Mr Joseph Grech (not the chairman)	1		
Dr Gaynor Saliba	Excused		
ERA	1		
Chairman	1		
Total	6	0	0

13. Article 9(1)(b) research project: Request for sampling of blood and feathers from up to fifty (50) Spotted Flycatchers *Muscicapa striata* (Mediterranean Flycatcher – *Muscicapa tyrrenica*) in Malta for laboratory analysis abroad.

Research period – Outcome of Phase 1 (*Doc Item 13A*): May–August 2022 (blood sampling and geo-tagging) | Phase 2 (proposed continuation of the project – *Doc Item 13B*): May–August 2023 (feather sampling upon retrieval of the devices). Proposal circulated in advance of the meeting. Proposal submitted by Head of Ringing Scheme on 11 September 2022. (*Item subject to a vote.*)

Related item: Ornis Committee meeting held on 13 October 2021 (Item 6)

Point number 13 will be discussed after the working group takes place.

14. Any other business.

- 14.1 The Committee agreed to reconvene on 2nd November at 1600 hrs. The meeting was adjourned at 20:00hrs.