

Voting guidelines as set out and adopted by the Malta Ornis Committee on 20 November 2019

1. Legal background and scope

- 1.1 The Malta Ornis Committee is established by virtue of regulation 10 of the Conservation of Wild Birds Regulations (S.L. 549.42¹) for the purpose of advising the Minister on a range of matters concerning conservation of wild birds, parameters of bird hunting seasons, authorization of derogations and monitoring of their implementation, scientific studies and similar matters. The precise functions of the Committee are described in detail in regulation 10(6) of the Conservation of Wild Birds Regulations.
- 1.2 The Ornis Committee is composed of eleven members appointed by the Minister for a period of one year. Appointments may be renewed for an additional twelve-month period at the discretion of the Minister. The Committee consists of the following members:
1. a Chairman,
 2. the Director, or his representative, of the Environment and Resources Authority,
 3. three members independent from any organisation related to bird conservation and/or hunting/trapping,
 4. two members of an organisation representing hunters and trappers,
 5. two members representing an organisation representing persons knowledgeable in or working for the protection of avifauna,
 6. a person with knowledge of and experience in avifauna, and
 7. a person with knowledge of and experience in hunting and trapping.
- 1.3 All members have one vote each, except the Secretary, the expert on the conservation of wild birds and the expert on hunting and trapping. The organisations referred to in paragraphs **1.2(4)** and **1.2(5)** hold one vote per organisation. The Chairman has an original vote and, where the votes are equally divided, a second or casting vote.
- 1.4 A Secretary is also appointed by the Minister to provide the necessary support for the functioning of the Committee. For the purpose of these guidelines, 'all Committee members' shall be understood to also include the Secretary. Regulation 11 of S.L. 549.42 specifies that the Wild Birds Regulation Unit shall be charged with implementing the recommendations of the Ornis Committee and Minister's decisions concerning implementation of the Conservation of Wild Birds Regulations. S.L. 549.42 also specifies that the Wild Birds Regulation Unit shall act as a Secretariat to the Committee.
- 1.5 The aim of these guidelines is to establish a *modus operandi* in relation to voting procedures. These guidelines have been adopted following approval by the Committee and shall be attached as an Annex to the minutes of the meeting during which they were endorsed and shall also be published on the website of the Wild Birds Regulation Unit². These guidelines may be amended at the discretion of the Committee by a majority vote.

¹ <https://legislation.mt/eli/sl/549.42/eng/pdf>

² <https://mgoz.gov.mt/en/Pages/WBRU/Ornis-Committee.aspx>

2. Recommendations of the Committee and the voting procedure

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