

Assessment of the latest enforcement-related measures and outcome of the 2016 autumn hunting season

Wild Birds Regulation Unit – March 2017

Introduction

This report gives a brief overview of the 2016–2017 autumn hunting season, the enforcement effort deployed by the Maltese authorities, as well as the relevant enforcement statistics and description of other measures related to Malta's effort to fight the illegal killing, trapping and trade of wild birds. This report is the latest in a series of similar enforcement reports previously published by the Wild Birds Regulation Unit, available at: <http://environment.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>.

Legislative measures

To further consolidate the progress of legal reforms implemented in 2013, 2014 and in 2015 to strengthen the fight against bird-related crime, in March 2016, the Conservation of Wild Birds Regulations (SL 549.42) was amended by means of Legal Notice 69 of 2016¹. The amendments, *inter alia*, resulted in the following changes:

- a) A major reform of hunting licensing processes which includes the implementation of a mandatory and legally binding game reporting requirement utilising a state-of-the-art telephonic game reporting system. This system enables instant collection of real-time hunting bag data during all hunting seasons, which allows the precise real-time monitoring of the uptake of any quotas and other parameters pertaining to hunting. Under this system, all hunters are legally bound to report their catch before leaving the hunting area, including the time, species caught and the relevant quantity, as well as the geographical location where the species were hunted. The system also enables law enforcement authority to instantly verify any hunter's compliance with the reporting requirements whilst in the field, as well as retrieve all necessary information concerning licensing and other related parameters. Penalties apply to all those failing to use the new reporting system, whilst a system of field spot-checks and inspections is already in place to enforce compliance.
- b) To further build upon and consolidate the progress reached under previous legal reforms a provision for the setting up of the national Conservation of Wild Birds Fund was enacted. This conservation fund will support activities and projects directly contributing to the conservation of wild birds.

Following decisions taken under the Agreement on the Conservation of African–Eurasian Migratory Water birds (AEWA) and at EU level regarding re-classification of the status of Red-breasted Merganser (*Mergus serrator*), this species was removed from Schedules IIA and IIB of SL 549.42, and thus is no longer huntable in Malta. This species now benefits from high level of protection under the Conservation of Wild Birds Regulations SL 549.42 and any offence that involves the targeting of this species incurs penalty as per Regulation 27(2).

¹ Conservation of Wild Birds (Amendment) Regulations 2016, Subsidiary Legislation 549.42

Autumn hunting season: 1 September 2016 – 31 January 2017

General parameters of the season and number of licences

The Conservation of Wild Birds Regulations (S.L. 549.42) establishes general parameters regulating hunting and taking of birds, lays down general prohibitions, lists avian species subject to protection, areas where hunting is not allowed and other restrictions. Almost identical conditions as those applicable to bird hunting on land also apply to rabbit hunting during the autumn period, which is regulated through the Protection of Wild Rabbit Regulations (S.L. 549.90).

During the 2016 autumn hunting season, the hunting of birds on land was permitted between the 1st September and the 31st January, between two hours before sunrise and two hours after sunset on any day between Monday and Saturday, and between two hours before sunrise and 1pm on Sundays and Public Holidays. However the hunting of birds on land between the 15th September and the 7th October (inclusive of both dates) was not permitted from Monday to Saturday between 7 pm and two hours before sunrise of the following day.

The same time restrictions also applied to the hunting of wild rabbit, which was permitted until 31st December.

The hunting of birds at sea was permitted between the 1st October and the 31st January during the same times as those applicable to hunting on land, whilst between the 1st October and 7th of October, inclusive of both dates, hunting at sea was not permitted from Monday to Saturday between 7 pm and two hours before sunrise of the following day.

Hunters were only permitted to hunt the species for which their licensed according to their license category.

In accordance with the new regulations enacted earlier in 2016 (Legal Notice 69 of 2016), licensed hunters were required to report the birds caught via telephone reporting system prior to leaving the hunting area in accordance with instructions as stipulated in information booklet distributed together with hunting licenses. This requirement replaced the previous obligation to report through Carnet de Chasse, which was phased out earlier this year.

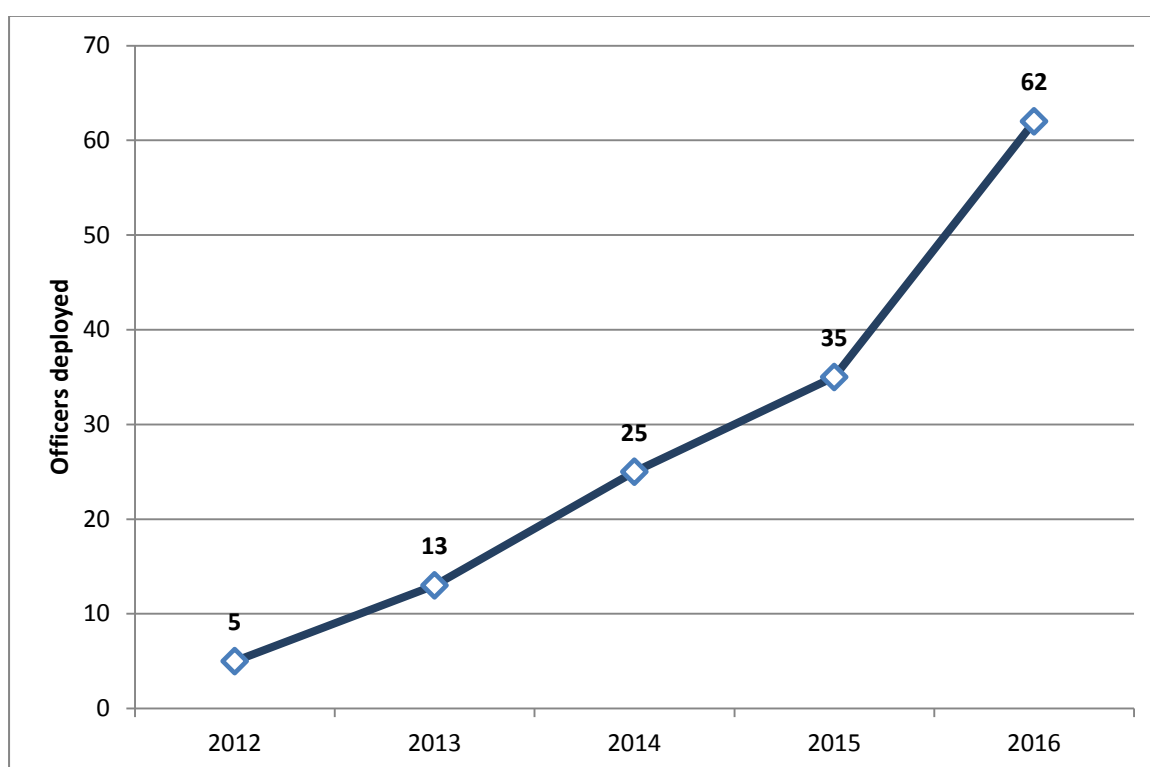
In addition to this new reporting requirement, there have also been changes concerning the species that can be hunted. Due to re-classification of the legal status of Red Breasted Merganser (*Mergus serrator*) the hunting of this species shall no longer be allowed. Moreover, according to Legal Notice 77 of 2016, hunting of Turtle Doves (*Streptopelia turtur*) was permitted only between 1st and 30th September only, subject to maximum national quota of 7,000 birds.

Only those hunters who were in possession of valid general hunting licence were authorized to participate in the season. Hunters were required to carry with them the general licence card and the hunting booklet at all times while hunting. In 2016, there were 10,364 general licences to hunt birds on land, 235 general licences to hunt birds at sea and 2,536 general licences to hunt wild rabbit.

Enforcement deployment during the autumn hunting season

During the period of the autumn hunting season, the authorities deployed a total maximum complement of 85 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 24 officers of the Administrative Law Enforcement Unit (ALE) of the police, 22 officers of the Armed Forces of Malta (AFM), 37 police officers temporarily seconded with the ALE from other police units, six officers from Gozo district police and two officers from the Wild Birds Regulation Unit's Specialist Enforcement Branch. This enforcement complement was deployed gradually, ranging from a minimum of 12 officers deployed daily in early September, reaching maximum of strength of 85 officers by early October, averaging at 62 officers being deployed daily over the entire span of the season. Figure 1 below presents a comparison of the average number of officers deployed on patrols during autumn hunting seasons over the past five years.

Figure 1 - Comparison of the average number of officers deployed on patrols during autumn hunting seasons over the past five years



The officers conducted field patrols split into two shifts between 0500 hours and 2100 hours daily. On specific occasions (e.g. 10 December 2016), night patrols were also conducted. The actual daily field deployment on patrols ranged from a minimum of 11 officers and a maximum of 84 officers.

As was also the case in previous years, the officers received specialised training during five training sessions (three in Malta and two in Gozo) on enforcement priorities and techniques organised by the Wild Birds Regulation Unit. Over 60 officers were trained in basic ornithology, wildlife crime detection techniques, inspection procedures, applicable regulations and prosecution processes.

Figure 2 – Training for enforcement officers organised by the Wild Birds Regulation Unit



The objectives of enforcement deployment were:

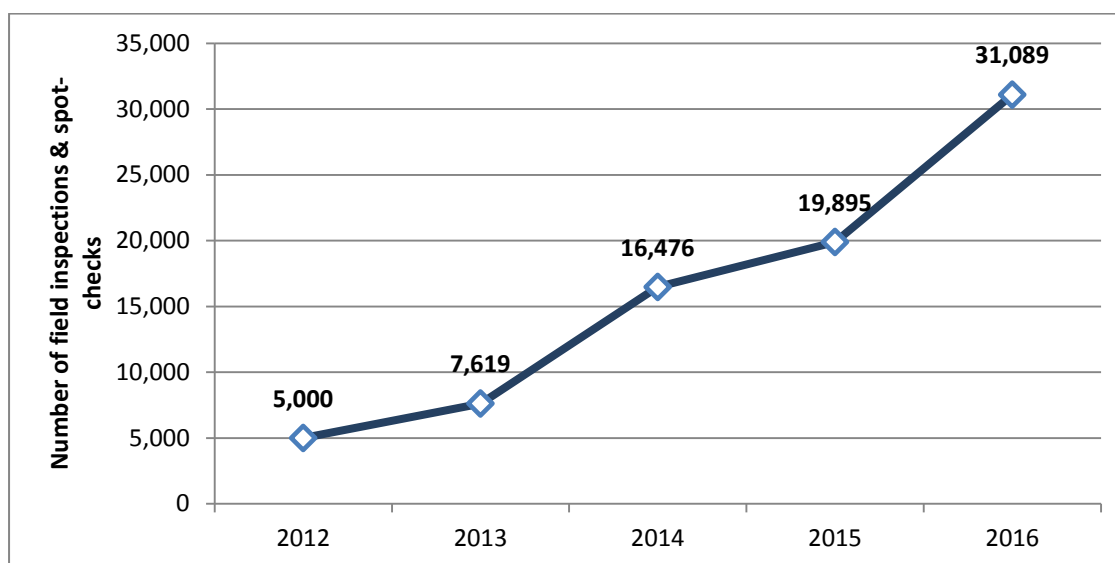
1. To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
2. To ensure that no illegal targeting of protected species occurs, and that any detected incidents of abuse are dealt with swiftly and effectively;
3. To ensure that the general prohibitions and parameters related to the open season are enforced.

Patrols, inspections and spot checks conducted

The officers utilised a mixture of techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual hunters, and road-blocks.

During the season, the officers conducted 28,257 field patrols to specific locations / site inspections (24,888 in Malta and 3,369 in Gozo) and 2,832 spot-checks on individual licensees (2,037 in Malta and 795 in Gozo), which is 56% more than the number of spot checks and inspections conducted during the same period in 2015 (19,895), and almost double the total number of inspections conducted during the same period in 2014 (16,476). Below figure presents a comparison of the number of patrols / inspections / spot checks conducted over the past five years during autumn hunting seasons (1st September – 31st January).

Figure 3 - Comparison of the number of patrols / inspections / spot checks conducted over the past five years during autumn hunting seasons (1st September – 31st January)



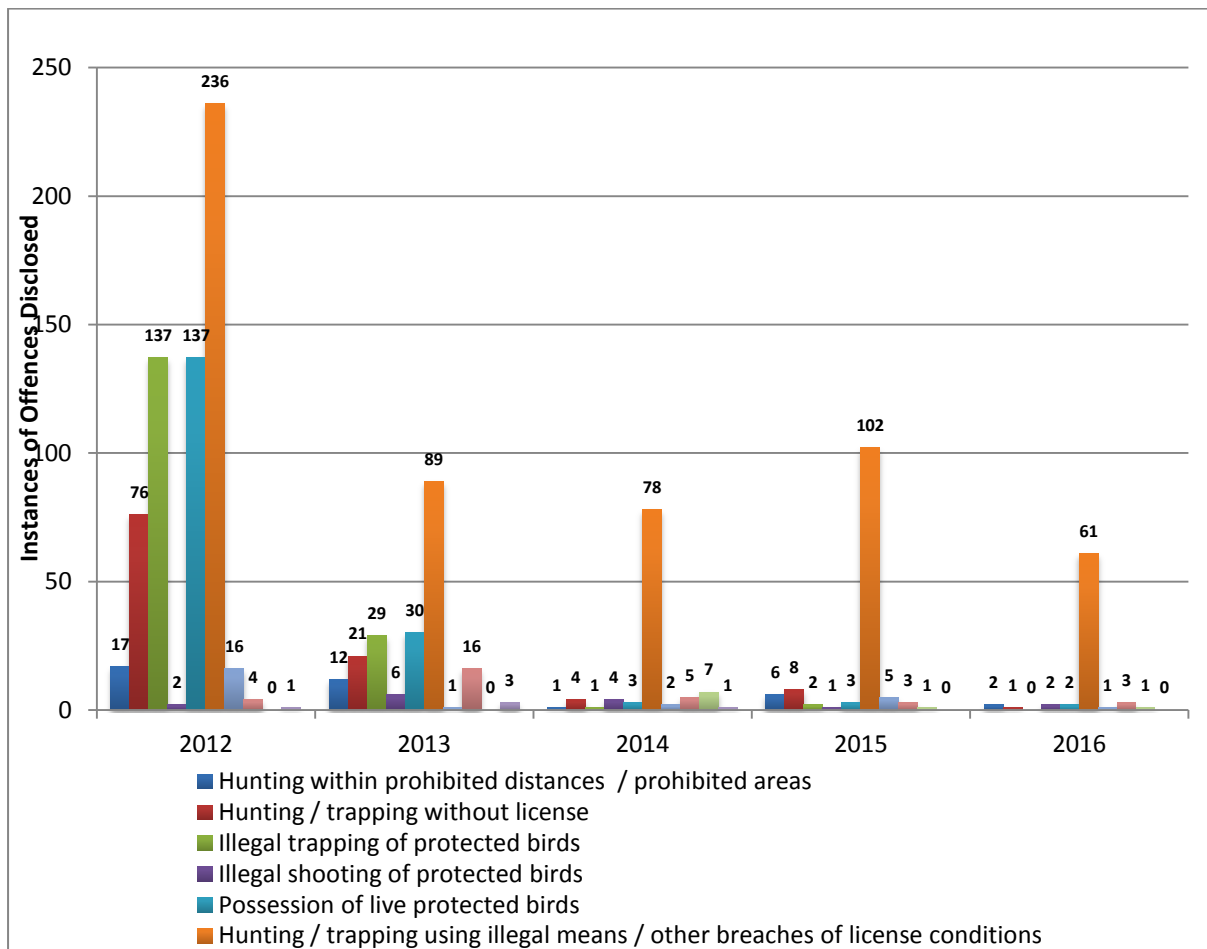
Offences detected

In the course of field surveillance, inspections and spot-checks, the authorities disclosed a total of 73 infringements, which led to legal action being taken against 65 offenders, including 12 persons being subject to criminal prosecution and 53 persons subject to administrative fine. A comparison of the enforcement statistics with the corresponding metrics for previous years is presented in the table and figure below.

Table 1 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 5 years

Offences disclosed during autumn hunting / trapping seasons (1st September - 31st January the following year)	2012	2013	2014	2015	2016
Hunting within prohibited distances / prohibited areas	17	12	1	6	2
Hunting / trapping without licence	76	21	4	8	1
Illegal trapping of protected birds	137	29	1	2	0
Illegal shooting of protected birds	2	6	4	1	2
Hunting / trapping using illegal means / firearms irregularities / other breaches of licence conditions	236	89	78	102	61
Hunting / trapping during closed season / outside of permitted hours	16	1	2	5	1
Possession of dead protected birds	4	16	5	3	3
Possession of live protected birds	137	30	3	3	2
Illegal sale of protected birds	0	0	7	1	1
Smuggling of protected birds	1	3	1	0	0
Total offences disclosed	391	125	106	131	73
Persons against whom legal action is taken	226	87	83	128	65

Figure 4 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 5 years



The above table and figure also list bird-related offences that are not directly related to the hunting season (e.g. illegal possession of protected birds; illegal sale / smuggling cases), but which were disclosed during the period in question.

It should be noted that the above table and figure list only those offences which were detected and confirmed by enforcement officers, and where sufficient material evidence was gathered to enable identification and appropriate judicial action against the perpetrator.

Although the above statistics evidently points to the continuation of the overall positive trend towards reduction in the incidence of most categories of bird-related crime, which proportionately mirrors increased intensity of inspections and surveillance, the statistics does not include alleged or suspected illegalities reported to enforcement officials during the period under review, where no or insufficient evidence was available to enable identification of perpetrator and appropriate judicial action.

In this regard, it should be noted that during the season, the authorities received around 80 reports from NGOs and members of the public concerning suspected illegal killing or taking of approximately 30 protected birds of various species, the majority of which were raptors. The bulk of these suspected incidents were reported in September, coinciding with the period of peak migration of birds of prey. During this peak migration period, a total of 23 protected birds were confirmed to have been illegally shot. All reports were duly investigated, and in response to the reported increase suspected targeting of protected birds during the 2nd and 3rd of September, the authorities increased the initial enforcement complement to its maximum strength by the fourth week of September.

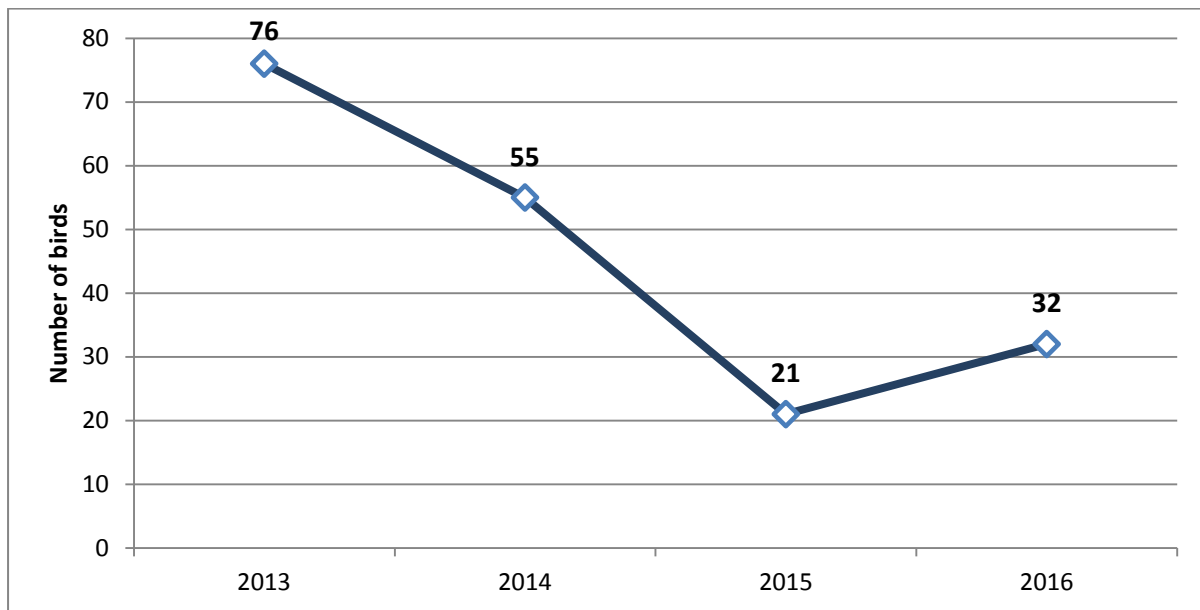
Despite maximum surveillance effort deployed as from the end of September, perhaps the most significant incident of illegal shooting of protected birds occurred on the 2nd and 3rd of November, during migration of a large flock, numbering over 100 individuals of Booted (*Hieraaetus pennatus*) and Lesser Spotted Eagles (*Aquila pomarina*). An unprecedentedly large number of raptors appeared in late afternoon and settled over a large area around Buskett, Girgenti, Fawwara, Dingli, Tal-Virtu and Mtahleb. Immediately upon being alerted to the presence of the eagles, enforcement authorities deployed five mobile surveillance units to the area, and have maintained surveillance also during the night. Despite heightened enforcement presence, four separate suspected incidents of illegal shooting of eagles were reported by the authorities by members of the public and NGOs. As a result of investigations conducted in response to these reports, a suspect was apprehended on the 2nd of November and charged on the following day with illegally shooting a Booted Eagle (*Hieraaetus pennatus*). The dead specimen was recovered by the authorities. The accused was granted bail against a €2,000 deposit and personal guarantee of €10,000. As at March 2017, the case was pending consideration by the Courts.

Figure 5 – Shot Booted Eagle recovered by the authorities on 2nd November 2017



Throughout 2016, the authorities recovered around 120 wild birds belonging to numerous species that were provided with the appropriate veterinary care and rehabilitation. Of these, 32 birds were confirmed to have suffered gunshot wounds as a result of illegal targeting. A procedure coordinated by the Wild Birds Regulation Unit was put in place in conjunction with the ALE, Birdlife Malta and a government-appointed veterinarian to provide appropriate veterinary care and where possible – coordinate rehabilitation of such birds. Below figure presents a comparison of the number of illegally shot protected birds recovered by the authorities over the past five years.

Figure 6 - Number of illegally shot / injured protected birds recovered by the authorities and diagnosed as suffering gunshot wounds



The Specialist Enforcement Branch of the Wild Birds Regulation Unit maintained a leading coordinating role ensuring effective operational liaison between enforcement entities and other stakeholders. Whilst providing a 24/7 enforcement hotline for the public and NGOs, the Unit also assisted the police in field surveillance operations during live-capturing season by conducting 18 field inspections and covert observation operations. These inspections led to the seizure of 8 illegal bird callers, 47 live birds and detection of 4 unregistered illegal trapping sites.

Ensuring sustainability of hunting tourism

Aware of the fact that some Maltese hunters opt to travel on hunting trips abroad, the Wild Birds Regulation Unit carried out an information campaign aimed at different stakeholders involved in hunting tourism sector. New procedures² concerning the importation of live or dead birds were developed and widely disseminated amongst hunting tourism operators during a series of workshops.

In parallel with implementing an information campaign, in order to enforce compliance, the Unit also carried out 118 inspections at points of entry, namely Customs and Cargo Sections of the Malta International Airport (MIA) and the Sea Passenger Terminal, out of which four were surprise inspections (three at Sea Passenger Terminal and one at MIA). This shows a two-fold increase in inspections from the previous year ($n_{2015} = 60$). During these inspections 9,648 bird specimens were examined, out of which 71 specimens were seized due to irregularities detected. Upon conclusion of the necessary investigations, legal action was taken accordingly.

² <http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/NotaGwidalmportazzjoni.pdf>

Investigations concerning illicit possession of protected birds

Recognising the fact that illicit trade and taxidermy of illegally acquired protected birds has in the past been a substantial driver behind illegal targeting of protected birds, the law enforcement authorities continued to dedicate substantial effort towards preventing, detecting and curtailing any potential abuse.

During 2016, the Specialist Enforcement Branch of the Wild Birds Regulation Unit together with the Administrative Law Enforcement Unit of the Police conducted 14 inspections at private residences during which 3,593 stuffed bird specimens held in private collections were examined. A total of 228 bird specimens examined during these inspections were seized due to various irregularities detected and legal action was taken against the persons involved in accordance with the law.

Judicial action against bird-related crime

During 2016, the Wild Birds Regulation Unit's officials attended 18 court sittings comprising multiple hearings and testified in 65 cases of bird-related crime, securing 90 convictions, with three acquittals with the rest of the cases pending further hearing. In the same period, the Unit also issued administrative fines for over 50 offenders. Below is an example of the outcome of some of the cases related to illegal targeting of protected birds decided by the Maltese Law Courts in 2016:

- On the 29th September 2016 one person was convicted for illegal trapping of birds during closed season. The accused was sentenced to pay a fine of €3,000 and ordered his hunting and trapping licence to be revoked for two years.
- On the 15th July 2016 one person was convicted for illegal hunting and illegal possession of protected bird species, mainly Marsh Sandpiper (*Tringa stagnatilis*) and Spotted Crake (*Porzana porzana*), the latter listed under Schedule I of the Conservation of Wild Birds Regulations SL 549.42. The accused was sentenced to pay a €5,000 fine, had his collection of stuffed birds confiscated and had all his licences under SL 549.42 and Schedule XV of Code of Police Laws revoked for life.
- On the 29th of September 2016 one person was convicted for carrying a firearm and attempting to hunt birds during closed season. The accused was sentenced to pay a €1,000 fine, had his firearm confiscated and had all his licences under SL 549.42 and Schedule XV of Code of Police Laws suspended for two years.
- On the 16th March 2016 one person was convicted for illegal trapping of protected birds during closed season. The accused was sentenced to pay €900 fine and had all his licences under SL 549.42 revoked for life.
- On the 3rd November 2016 one person was charged with having shot a Booted Eagle (*Hieraaetus pennatus*), listed under Schedule I of the Conservation of Wild Birds Regulations SL 549.42. The offender was granted bail against a €2,000 deposit and personal guarantee of €10,000. The case was *sub judice* at time of writing of this report.

- On the 9th November 2016 one person was convicted for illegal trapping of protected birds during closed season. The accused was sentenced to pay €1,000 fine and had all his licences under SL549.42 suspended for two years.
- On the 9th November 2016 one person was convicted for illegal trapping of European Robin (*Erithacus rubecula*) using cage-traps which are strictly prohibited by virtue of Regulation 7(1)(f) of the Conservation of Wild Birds Regulations SL 549.42. The accused was sentenced to pay €1,000 fine and had all his licences under SL 549.42 suspended for two years.