

Report on enforcement during 2017 autumn season

Wild Birds Regulation Unit – February 2018

Introduction

This report gives a brief overview of the 2017–2018 autumn 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>.

Autumn hunting season: 1 September 2017 – 31 January 2018

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 2017 autumn hunting season, the hunting of birds on land was permitted between 1st September and 31st January, from two hours before sunrise to two hours after sunset on any day between Monday and Saturday, and from two hours before sunrise to 1pm on Sundays and Public Holidays. However, the hunting of birds on land between 15th September and 7th October (inclusive of both dates) was not permitted from Monday to Saturday from 7 pm to 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 1st October and 31st January during the same times as those applicable to hunting on land, whilst between 1st October and 7th October, inclusive of both dates, hunting at sea was not permitted from Monday to Saturday from 7 pm to two hours before sunrise of the following day.

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

In accordance with 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 the information booklet distributed together with the hunting licences.

According to Legal Notice 77 of 2016, hunting of Turtle Doves (*Streptopelia turtur*) was permitted only from 1st to 30th September, subject to maximum national quota of 7,000 birds. Targeting of the Turtle Dove outside of this period was not permitted.

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 2017, there were 10,465 general licences to hunt birds on land, 256 general licences to hunt birds at sea and 2,624 general licences to hunt wild rabbit.

The mandatory and legally binding game reporting requirement utilising telephonic game reporting system which has been established in 2016, was maintained and further updated in 2017. The system enables instant collection of real-time hunting bag data during all hunting and live-capturing seasons, which allows the precise real-time monitoring of the uptake of any quotas and other parameters pertaining to hunting and live-capturing. 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.

Enforcement deployment during the autumn hunting season

During the period of the autumn hunting season, the authorities deployed a maximum complement of 74 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 17 officers of the Administrative Law Enforcement Unit (ALE) of the police, 28 officers of the Armed Forces of Malta (AFM), 26 police officers temporarily seconded with the ALE from other police units and three 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 during each shift in early September, reaching a maximum of 45 officers by early October, averaging at 32 officers deployed daily during each shift over the duration of the season. The officers conducted field patrols split into two shifts between 05:00 hours and 21:00 hours daily.

As was also the case in previous years, the officers received specialised training during four training sessions (two 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 1 – 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.

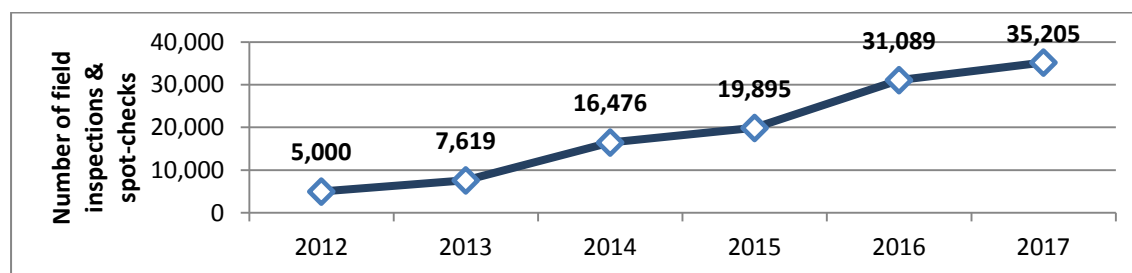
Patrols, inspections and spot checks conducted

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 32,854 field patrols to specific locations / site inspections (24,888 in Malta and 7,966 in Gozo) and 2,351 spot-checks on individual licensees (1,788¹ in Malta and 563 in Gozo), which is 13% more than the number of spot-checks and inspections conducted during the same period in 2016 (31,089), and almost double the total number of inspections conducted during the same period in 2015 (19,895). 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).

¹ Out of which 806 were road checks.

Figure 2 - Comparison of the number of patrols / inspections / spot-checks conducted over the past six 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 38 infringements, which led to legal action being taken against 37 offenders, including 13 persons being subject to criminal prosecution and 24 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.

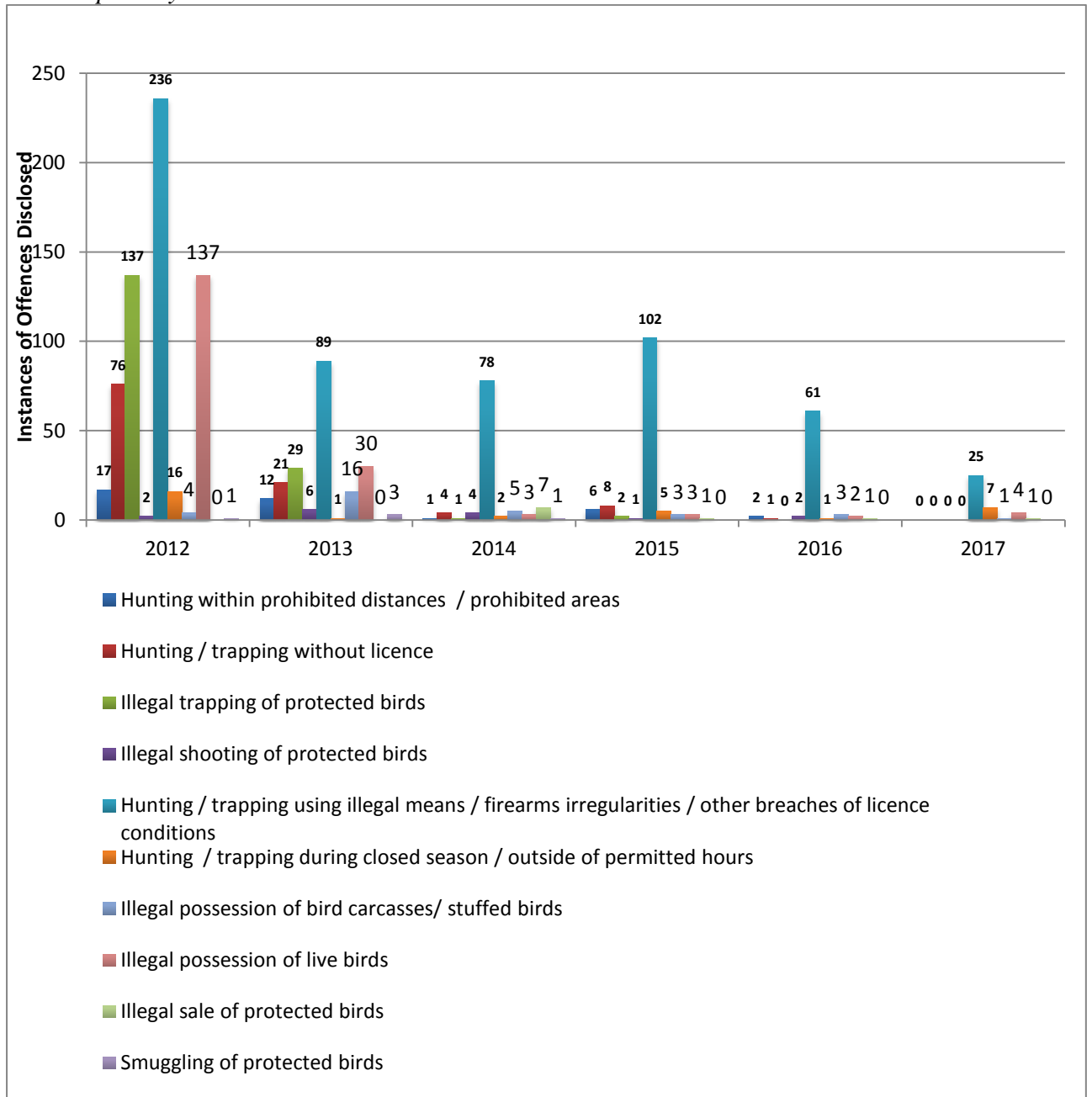
Table 1 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 6 years

Offences disclosed during autumn hunting / trapping seasons (1st September - 31st January the following year)	2012	2013	2014	2015	2016	2017
Hunting within prohibited distances / prohibited areas	17	12	1	6	2	0
Hunting / trapping without licence	76	21	4	8	1	0
Illegal trapping of protected birds	137	29	1	2	0	0
Illegal shooting of protected birds	2	6	4	1	2	0
Hunting / trapping using illegal means / firearms irregularities / other breaches of licence conditions	236	89	78	102	61	25
Hunting / trapping during closed season / outside of permitted hours	16	1	2	5	1	7
Illegal possession of bird carcasses/ stuffed birds	4	16	5	3	3	1
Illegal possession of live birds	137	30	3	3	2	4
Illegal sale of protected birds	0	0	7	1	1	1
Smuggling of protected birds	1	3	1	0	0	0
Total offences disclosed	391	125	106	131	73	38²
Persons against whom legal action is taken	226	87	83	128	65	37³

² The total number of disclosed offences includes a case which involves trapping during closed season using illegal means (cage trap), thus for the purpose of the above table the same offence was listed under both trapping during closed season and use of illegal means.

³ Legal action was taken for all offences detected and confirmed by enforcement officers during 2017 where sufficient material evidence was gathered to enable identification and appropriate judicial action against the perpetrator.

Figure 3 – Offences disclosed during autumn hunting seasons (1st September – 31st January) over the past 6 years



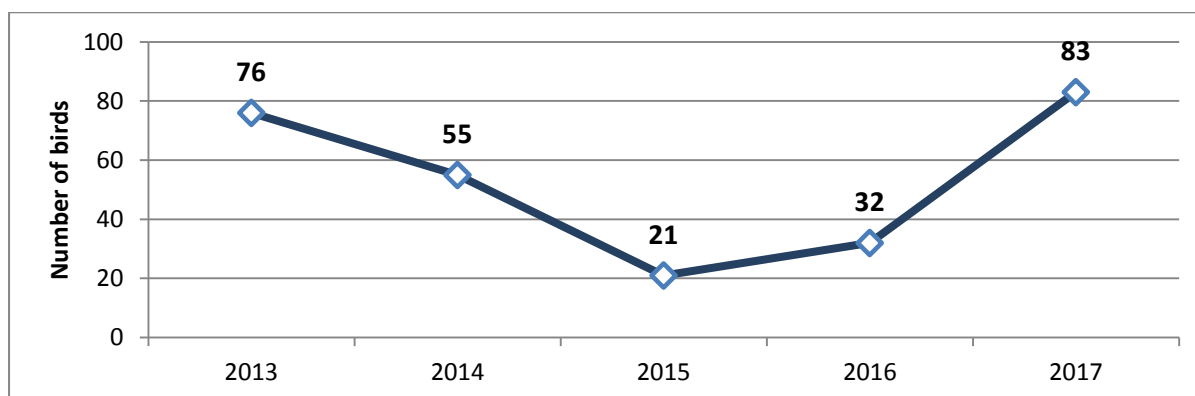
The above table and figure also list bird-related offences that are not directly related to the hunting season (e.g. illegal possession of protected birds; illegal sale / smuggling cases), but which were disclosed during the period in question.

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.

Throughout 2017, the authorities recovered around 215 wild birds belonging to numerous species that were provided with the appropriate veterinary care and rehabilitation. Of these, 83 protected birds were confirmed to have suffered gunshot wounds as a result of illegal targeting. Most of these birds were retrieved during the period of the autumn hunting season. 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 5 - 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 the live-capturing season by conducting 36 field inspections and 20 covert observation operations. These inspections led to the seizure of five illegal bird callers, 19 live birds and detection of seven illegal trapping sites.

Ensuring sustainability of hunting tourism and aviculture

Aware of the fact that some Maltese hunters opt to travel on hunting trips abroad and the increasing trend of people interested in keeping different bird species for aviculture and as pets, the Wild Birds Regulation Unit maintained a very active role in disseminating information about the procedure concerning the importation of live or dead birds amongst hunters and individuals involved in the pet trade industry.

In order to disseminate information, WBRU used its office's front desk as an information hub whereby interested parties are taken through the whole procedure by experienced enforcement personnel. WBRU also made use of its social media including the unit's Facebook page and website which were routinely updated with the latest information⁴. In order to better reach the hunting community, WBRU collaborated with hunting organizations, assisting actively in disseminating information through their social media.

In parallel with implementing an information campaign, in order to enforce compliance, the Unit also carried out 153 inspections at points of entry, namely Customs and Cargo Sections of the Malta International Airport (MIA) and the Sea Passenger Terminal, out of which five were surprise inspections at MIA. This represents a 30% increase in inspections from the previous year (n₂₀₁₆ =118). During these inspections 17,549 bird specimens were examined for compliance with the regulations. Around 85 specimens were seized due to insufficient proof of legal acquisition but were subsequently released upon provision of adequate documented proof.

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 2017, the Specialist Enforcement Branch of the Wild Birds Regulation Unit together with the Administrative Law Enforcement Unit of the Police conducted five inspections at private residences during which 1,449 stuffed bird specimens held in private collections were examined. Legal action was taken against one person for illegal possession of a protected bird specimen and illegal disposal of 27 stuffed protected birds which had been declared with the authorities amongst other irregularities. As at February 2018, this case was still pending hearing.

Judicial action against bird-related crime

During 2017, the Wild Birds Regulation Unit's officials attended 16 court sittings each sitting comprising of multiple hearings and testified in 61 cases of bird-related crime, securing 77 convictions, with 14 acquittals. The rest of the cases were still pending further hearing. In the same period, the Unit also issued administrative fines to 25 offenders, of which 24 were settled within 21 days and one was referred to the police for further criminal action due to failure to settle the administrative penalty within the prescribed timeframe. 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 2017:

- On the 10th of January 2017 a person was convicted for illegal possession and illegal trapping of protected waders during closed season, mainly Common Sandpiper

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<https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/news/NotaGwidalImportazzjoni%2011012018.pdf>

(*Actitis hypoleucos*) and Wood Sandpiper (*Tringa glareola*), the latter listed under Schedule I of the Conservation of Wild Birds Regulations SL 549.42. The accused was sentenced to pay a €2,000 fine, had his fire arm confiscated and was ordered the suspension of licences for two years. Given that the accused was a repeat offender and the case refers to targeting of Schedule I species which are provided high level protection by the Conservation of Wild Birds Regulation (SL549.42), prosecution appealed the case. During the case of appeal heard on the 17th November 2017, the court found the accused guilty of all charges, ordered a fine increase to €5,000, confirmed the confiscation of firearm and ordered the permanent revocation of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for life.

- On the 25th January 2017 one person was convicted for illegal trapping of birds during closed season. The accused was sentenced to pay a fine of €2,000 and had his hunting and trapping licences revoked for life. As at February 2018, the case was pending appeal..
- On the 1st February 2017 one person was convicted for illegal possession of protected birds, illegal transfer / disposal of registered stuffed protected birds, illegal importation of protected birds from a non-EU country as well as other offences related to firearms regulations. The perpetrator was sentenced to pay €3,600, confiscation of the exhibited *corpus delicti* and had all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws revoked for life.
- On the 1st of February 2017 one person was found guilty of breaching conditions of special autumn live-capturing license, including trapping using more than 21 live-decoys, manning more than one station at a time and having encouraged another person to engage in trapping without a licence. The court ordered him to pay a €1,000 fine and revoked all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws for life.
- On the 1st of February 2017, one person was found guilty of illegal trapping of Golden Plovers during the night as well using more than two stations for the live-capturing of finches. The accused was sentenced to pay a €2,000 fine and had all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws revoked for life. The case was pending appeal sentence at the time of writing.
- On the 22nd March 2017, the court found a person guilty of illegal possession of a bird caller and a mist-net intended for the live-capturing of birds. The perpetrator was handed down a €1,500 fine, confiscation of the *corpus delicti* and suspension of licences for two years.
- On 13th April 2017 a person was arrested following shooting of a stone curlew (*Burhinus oedicephalus*). On 18th April 2017 he was found guilty of illegally killing an Annex I species and sentenced to €5,000 fine, permanent revocation of hunting license and confiscation of the shotgun. On the 19th September 2017 the court heard the case of appeal, through which the payment of the fine and the confiscation of shotgun was confirmed whilst the original decision regarding the permanent revocation of licenses was withdrawn.

- On the 25th of May 2018, the court heard an appeal submitted by an individual who was found guilty of hunting at sea within 3km from the shore in the vicinity of the Grand Harbour back in 2013. The court confirmed its original sentence and ordered the accused to pay a €2,500 fine, ordered the confiscation of the *corpus delicti* including the man's vessel and ordered the suspension of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for one year.
- On the 15th of November 2017, a person was found guilty of having disposed of 61 stuffed protected birds which had been previously declared with the competent authority by the 31st May 2003. The court ordered the perpetrator to pay a €1,000 fine and had all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws, suspended for two years.
- On the 15th November 2017 one person was found guilty of trapping without a licence and sentenced to a €2,000 fine and permanent revocation of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws.
- On the 7th February 2018 the court decided the case of illegal shooting of a Booted Eagle (*Hieraaetus pennatus*) that took place on the 2nd of November 2016. Following the incident, the person was apprehended, charged and granted bail against a €2,000 deposit and personal guarantee of €10,000. During the final hearing in February 2018, the accused was found guilty of illegal killing of a Schedule I protected species and was sentenced to a €5,000 fine, ordered one year effective imprisonment and had all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws revoked for life.