

# Malta report on the implementation of the priorities of CMS MIKT Programme of Work and Bern Convention Tunis Action Plan during the 2016–2017 reporting period

## 1. Introduction

This report has been prepared pursuant to the request by the Secretary of the Bern Convention and by the Coordinator of CMS MIKT, to report on the progress of national actions related to the MIKT Programme of Work (POW) 2016–2020 and the Tunis Action Plan (TAP) 2013–2020 regarding the mitigation of the problem of the illegal killing of birds (IKB) since the MIKT meeting in Cairo in July 2016 and the 3<sup>rd</sup> Bern SFPs Network meeting in Tirana in April 2016. The present report therefore gives an overview of all measures undertaken by Malta in respect of the implementation of CMS MIKT POW and Bern Convention TAP between April 2016 and May 2017. This report has been compiled by the Wild Birds Regulation Unit within the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights within the Ministry for Sustainable Development, the Environment and Climate Change.

## 2. Legislative measures

To further consolidate the progress of legal reforms implemented in 2013, 2014 and in 2015<sup>1</sup> to strengthen the fight against bird-related crime, in 2016, the Conservation of Wild Birds Regulations (SL 549.42) was amended by means of Legal Notice 69 of 2016<sup>2</sup>. 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 hunters' 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 those failing to use the new reporting system, whilst a system of field spot-checks and inspections is already in place to enforce compliance. **This action contributes to the implementation of objective 2.3 of MIKT POW and to Result 1 under “Biological and Institutional Aspects” priority of the TAP.**
- 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 Fund will support activities and projects directly contributing to the conservation of wild birds, particularly projects that contribute towards better

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<sup>1</sup> Vide reports available from <http://msdec.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>

<sup>2</sup> Conservation of Wild Birds (Amendment) Regulations 2016, Subsidiary Legislation 549.42. Available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27449&l=1>

enforcement, the fight against illegal killing, trapping and trade in wild birds, initiatives related to sustainable hunting, species reintroduction programmes, species and habitats conservation, training for personnel involved in the sector, scientific research, innovation, awareness raising and educational initiatives. The Fund shall be launched on 29<sup>th</sup> May 2017. **Projects that will be financed under this Fund will directly contribute towards diverse priorities of MIKT POW and TAP.**

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 (via Regulation 10 of LN 69/2016), and thus is no longer hutable 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 penalties as per Regulation 27(2). **This action contributes to the implementation of objective 2.3 of MIKT POW and to Result 1 under “Biological and Institutional Aspects” priority of the TAP.**

### **3. Moratorium on spring hunting of the Turtle Dove and additional restrictions on autumn hunting**

Up until 2016, Malta used to apply Article 9(1)(c) derogation under EU Birds Directive to permit limited hunting of the Turtle Dove (*Streptopelia turtur*) in spring. This derogation was hotly contested by European Commission and conservation NGOs, resulting in infringement proceedings that culminated in a European Court of Justice judgment of 2009 that has acknowledged that in Malta’s case hunting for this species in the autumn does not provide a satisfactory solution and thus affirming possibility of derogations to allow limited hunting in spring.

The European Commission has closely monitored application of spring hunting derogation since CJEU ruling in 2009. In 2015, the Commission formally confirmed Malta’s compliance with the requirements of the Birds Directive in this regard, and the previous infringement procedure was successfully closed. In April 2015, upon petition spearheaded by BirdLife Malta, the country held a national referendum to decide on whether national legislation<sup>3</sup> that allows the opening of such seasons should be retained. The referendum was decided in favour of retaining such legislation.

Figure 1 – Referendum campaigns by pro- and anti-hunting NGOs



<sup>3</sup> SL 549.57: Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

However in 2016, following re-classification of the conservation status of the Turtle Dove from "least concern" to "near threatened" at EU level, upon suggestions from hunting organizations, the government of Malta imposed a moratorium on future spring hunting of this species until the maintenance of the population of this species at satisfactory level is scientifically ascertained at EU level.

Moreover, for the first time a maximum autumn hunting quota for Turtle Dove was imposed in 2016 (7,000 birds), whilst the hunting season for Turtle Dove was shortened to 1 month instead of the previously applicable 5 months. The uptake of the national quota is monitored in real time through the mandatory legally binding telephonic game reporting system.

In parallel, during the reporting period, Malta provided major contributions to the development of an International Action Plan for the European Turtle Dove, which, amongst other priorities, also envisages specific actions aimed at addressing IKB of this species.

**The above actions contributed to the implementation of objective 2.3 of MIKT POW and to Result 1 under “Biological and Institutional Aspects” priority of the TAP.**

#### **4. Development of the national enforcement and policing priorities**

Pursuant to Bern Convention Recommendation No. 171 (2014) on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds, in 2016 Malta has developed a set of national legal and policing priorities to address the objectives of this Recommendation and the corresponding **priority No 1 of the TAP**.

The priorities were adopted following consultations with the key national stakeholders, including the Environment and Resources Authority, the Administrative Law Enforcement Unit of the Police, the Malta Ornithology Committee, BirdLife Malta and the Federation for Hunting and Conservation – Malta (FKNK). These priorities were reported<sup>4</sup> to the Bern Convention Secretariat as part of Malta’s response to the questionnaire on the progress of implementation of TAP measures.

#### **5. Adoption of the gravity factors and sentencing guidelines on IKB**

Pursuant to Bern Convention Recommendation No. 177 (2015) on the gravity factors and sentencing guidelines for IKB, Malta has embedded a set of eight gravity factors within national law (Regulation 27(2) of the Conservation of Wild Birds Regulations, SL 549.42). Moreover, the recommended sentencing guidelines were also disseminated to the Ministry responsible for Justice, and amongst those members of the Judiciary who are involved in the hearing of cases concerning bird-related crime.

The sentencing guidelines were also brought to the attention of the Office of the Attorney General and the Commissioner of Police. **This action directly contributes to the attainment of TAP results 3 and 4, and the corresponding MIKT POW priority 2.2.**

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<sup>4</sup><https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2938360&SecMode=1&DocId=2372924&Usage=2>

## **6. Development of the National Strategy / Action Plan to eradicate illegal killing, trapping and trade in wild birds**

A detailed analysis of the legislative, administrative and enforcement measures to combat IKB was undertaken by the Wild Birds Regulation Unit early in 2017, together with an in-depth analysis of IKB trends, motivations and the scale of IKB. **These analyses were performed pursuant to MIKT POW objectives 2.1, 2.3, 3.1 and 3.2.**

The analyses formed the basis of the drawing of a National Strategy / Action Plan to eradicate IKB. Taking into account Malta's bio-geographical importance as a staging post for many migratory bird species along the eastern-most fringes of the Central Mediterranean Flyway, the draft Strategy focuses on measures to reduce mortality of migratory birds due to the illegal killing or taking from the wild (IKB). The analysis of the international context to this Strategy underscored the extent of the international political commitment towards eradication of illegal killing, trapping and trade in wild birds, which has, over the years, been translated into several high profile EU and international agreements and action plans. The draft Strategy therefore affirms that this political commitment is also shared by Malta, which is a party to these international instruments.

Prior to the formulation of the draft Strategy, a detailed situation analysis was undertaken. This analysis, amongst other areas, focused on the trends and developments with regards to IKB in Malta and within the wider Mediterranean region, as well as on the performance of the legal, institutional, enforcement and judiciary measures undertaken by the Maltese authorities over the years in response to IKB phenomena. Whilst the progress of some of the early actions against IKB and their measure of success was rather limited and at times slow and convoluted, the analysis presented leaves little doubt over the fact that the actions implemented over the past four years, in particular, have had a major positive effect on the overall IKB situation. These measures that turned out to be a major catalyst behind positive change were built upon four inter-related elements: measures to improve legislation, measures to beef up enforcement in the field, measures to improve effectiveness of judicial processes, and measures that promote awareness and culture change.

The draft Strategy therefore translates this proven "winning formula" into a set of specific objectives behind a five-year Action Plan, which objectives are further operationalised in a detailed matrix for its implementation.

An initial draft of the Strategy was completed by May 2017, and is expected to be launched for extensive stakeholder consultation in June / July 2017, for subsequent final adoption later during the year.

**The development of this Strategy addresses a major priority of MIKT POW (objective 1.1) and the corresponding priorities of the TAP.**

## 7. Training and capacity building for enforcement officers

In 2016 and 2017 the Wild Birds Regulation Unit continued to deliver specialised training sessions to enforcement officers from the Malta Police Force and the Armed Forces of Malta. Five training sessions targeting around 80 enforcement officers took place in April, August and October of 2016, and further two training sessions took place in March 2017. During these sessions, 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*



**This action directly addresses MIKT POW objectives 2.4 and 2.5, and the corresponding priorities of the TAP.**

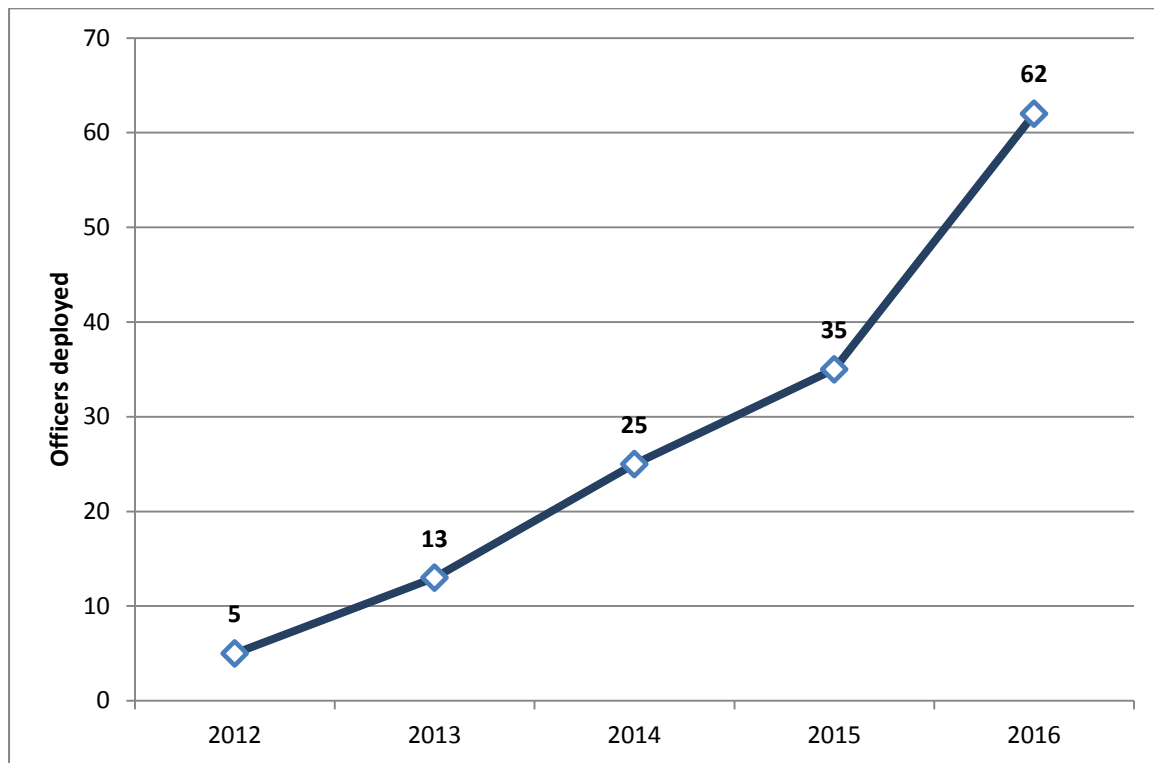
## 8. Strengthening enforcement against IKB during autumn and spring migration seasons

### *8.1 Enforcement deployment during the autumn / winter of 2016/2017*

During the period between 1<sup>st</sup> September 2016 and 31<sup>st</sup> January 2017, the Maltese 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 3 below presents a comparison of the average number of officers deployed on patrols during autumn hunting seasons over the past five years.

Figure 3 – 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.

The objectives of enforcement deployment were:

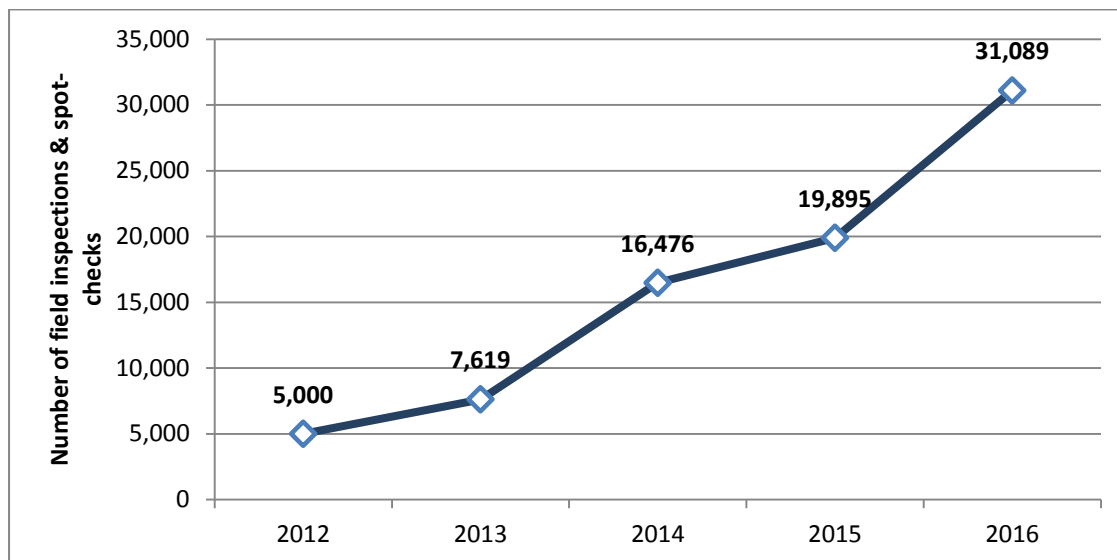
1. To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
2. To ensure that no illegal targeting of protected species occurs, and that any detected incidents of abuse are dealt with swiftly and effectively;
3. To ensure that the general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

## 8.2 Patrols, inspections and spot checks conducted between 1<sup>st</sup> September 2016 and 31<sup>st</sup> January 2017

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 hunters (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 (n=19,895), and almost double the total number of inspections conducted during the same period in 2014 (n=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 (1<sup>st</sup> September – 31<sup>st</sup> January).

Figure 4 – Comparison of the number of patrols / inspections / spot checks conducted over the past five years during autumn hunting seasons (1<sup>st</sup> September – 31<sup>st</sup> January)



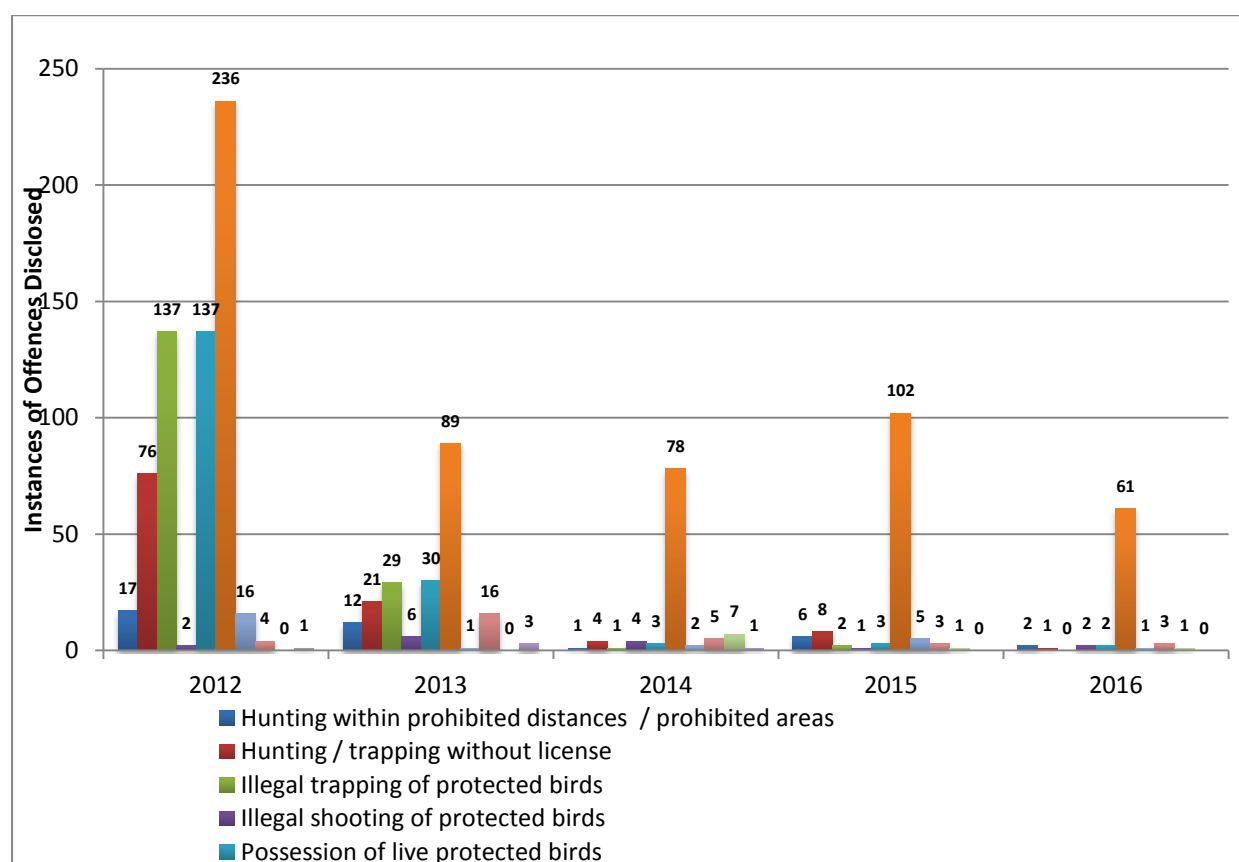
## 8.3 Offences detected during 2016 / 2017 autumn / winter period

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 (1<sup>st</sup> September – 31<sup>st</sup> 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
<b>Total offences disclosed</b>	<b>391</b>	<b>125</b>	<b>106</b>	<b>131</b>	<b>73</b>
<b>Persons against whom legal action is taken</b>	<b>226</b>	<b>87</b>	<b>83</b>	<b>128</b>	<b>65</b>

Figure 4 – Offences disclosed during autumn hunting seasons (1<sup>st</sup> September – 31<sup>st</sup> 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(s). 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 do 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 the 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 2<sup>nd</sup> and 3<sup>rd</sup> 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 2<sup>nd</sup> and 3<sup>rd</sup> of November, during migration of a large flock, numbering over 100 individuals of Booted Eagles (*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-Virtù and Mtaħleb. Immediately upon being alerted to the presence of the eagles, enforcement authorities deployed five mobile surveillance units to the area, and maintained surveillance also during the night.

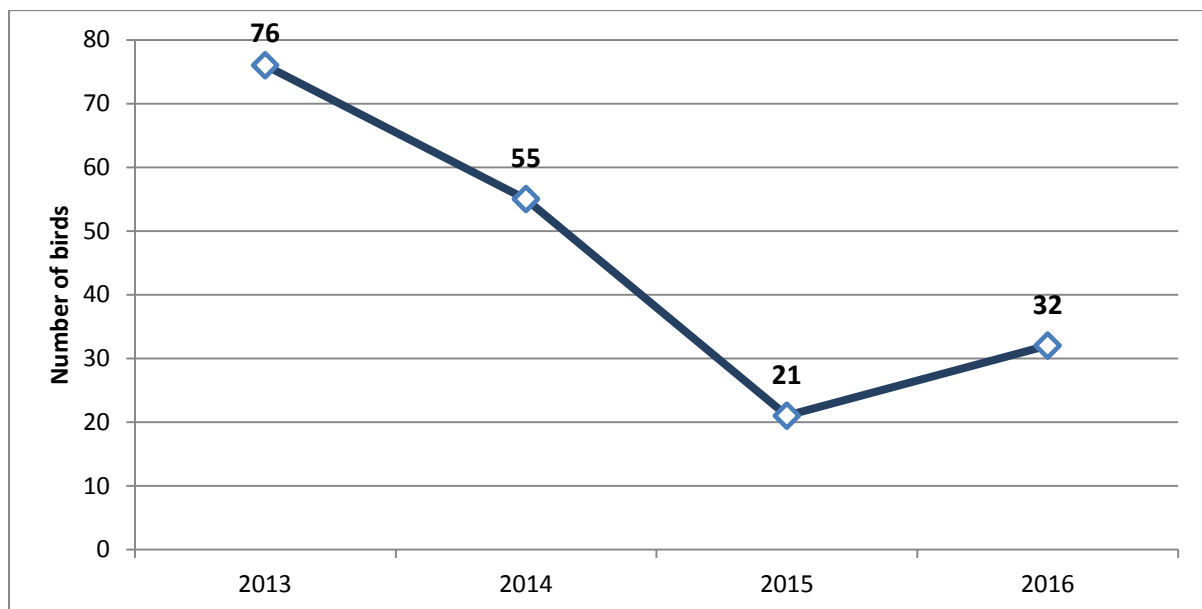
Despite heightened enforcement presence, four separate suspected incidents of illegal shooting of eagles were reported by the authorities by members of the public and NGOs. As a result of investigations conducted in response to these reports, a suspect was apprehended on the 2<sup>nd</sup> of November 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 May 2017, the case was pending consideration by the Courts.

Figure 5 – Shot Booted Eagle (*Hieraaetus pennatus*) recovered by the authorities on 2<sup>nd</sup> 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 the live-capturing season by conducting 18 field inspections and covert observation operations. These inspections led

to the seizure of eight illegal bird callers, 47 live birds and detection of four unregistered illegal trapping sites.

#### *8.4 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 procedures<sup>5</sup> 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.

#### *8.5 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.

#### *8.6 Judicial action against bird-related crime in 2016*

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 29<sup>th</sup> 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.

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<sup>5</sup> <http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/NotaGwidalmportazzjoni.pdf>

- On the 15<sup>th</sup> 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 29<sup>th</sup> 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 16<sup>th</sup> 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 3<sup>rd</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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.

#### 8.7 Enforcement during 2017 spring migration period, including during spring hunting derogation for Common Quail

During the 2017 limited spring hunting derogation for quail (25 March – 14 April 2017), the Maltese authorities strove to further consolidate and improve upon the level of enforcement effort deployed in the previous year<sup>6</sup>. As was also the case in previous years, field surveillance and patrols were deployed from within the Administrative Law Enforcement (ALE) section of the Malta Police Force, with additional support from divisional police forces (from the 11 district police areas), from the Mounted Police Section and from the Armed Forces of Malta.

Prior to commencement of the season, enforcement officers received specialised training delivered by officials of the Specialist Enforcement Branch of the Wild Birds Regulation Unit. Two training sessions were held: one on the 21st March 2017 in Malta and another on the 24th March 2017 in Gozo.

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<sup>6</sup> Detailed report available from here:

<http://msdec.gov.mt/en/Documents/Downloads/WBRU/2016/SH%20derogation%20report%202016%209-6.pdf>

In all, around 70 members of enforcement personnel participated in this training, during which they received a detailed briefing on:

- The legal framework concerning the conservation of wild birds
- Monitoring and surveillance techniques and approaches
- Basic species identification skills
- Inspections
- Hotspots and areas requiring particular attention
- Potential law enforcement evasion techniques deployed by poachers

Furthermore, commanding officers received a specialised briefing organised by the Wild Birds Regulation Unit on the objectives of the enforcement operation which were defined as follows:

- To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;
- To ensure that no illegal targeting of species other than Common Quail occurs, and that any detected incidents of abuse are dealt with swiftly and effectively (that is, apprehension of suspects and gathering sufficient field evidence to enable swift prosecution);
- To ensure that the general prohibitions and parameters related to the open season are enforced (that is, no hunting in prohibited areas, outside permitted hours, using prohibited means like bird callers, semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition, hunting without a valid spring hunting licence, etc);
- To ensure that specific regulations applicable to the spring hunting derogation are enforced (enforcement of bag limits, spot-checks to determine that bags have been duly reported through telephonic game reporting system, etc).

As was also the case in previous years, the enforcement operation throughout the season deployed a mix of the following approaches and techniques:

- Vehicular patrols concentrated in non-extensive pre-allocated areas that collectively ensure sufficient coverage of the countryside, particularly around the priority surveillance areas;
- Foot patrols by uniformed officers (both the Armed Forces of Malta and ALE) within particular locations, especially those areas with difficult vehicular access;
- Stationary observation posts manned by uniformed and plain clothes personnel. Stationary observation posts were located at vantage points within priority surveillance areas;

- Spot-checks and roadblocks at strategic vehicular entry and exit points. The aim of the spot-checks is two-fold: (1) to detect the possession of illegally shot protected birds or other illegal material and (2) to enforce bag limit and real-time reporting requirements;
- Deployment of covert surveillance backed up by mobile units especially in response to large influxes of protected birds or to ensure sufficient surveillance of particular hotspots known for targeting of protected birds.

The Maltese authorities paid particular attention to collaboration with the numerous NGO volunteers who were present in the countryside during the season. These volunteers aided the overall enforcement effort by:

- Acting as a deterrent to illegal hunting by virtue of their presence in the countryside;
- Submitting vital day-to-day information about the presence of birds and alerting the authorities to the presence of high risk species or high risk sites such as roosting sites;
- Acting as ocular witnesses to illegal hunting incidents, and reporting such incidents to the authorities;
- Gathering of video/photographic evidence of poaching and making available such evidence to the enforcement authorities.

During inspections, police forces were responsible for ensuring the lawful operation of hunting practices. Police officers were, *inter alia*, instructed to:

- Verify that hunters were in possession of all requisite documents;
- Verify that birds caught were being immediately reported in accordance with regulations;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 549.42), including through appropriate handling of firearms and the Framework Regulations (S.L. 549.577) and the Regulations opening the spring 2017 season (S.L. 549.578);
- Ensure that no species other than Common Quail were being hunted;
- Ensure compliance with bag limits and time restrictions.

During the period of the derogation, an overall daily field complement reaching up to around 104 officers (83 in Malta and 21 in Gozo) was deployed. Daily field deployment consisted of a complement that ranged between 41 and 56 officers (39–42 officers in Malta and 2–14 officers in Gozo) deployed during morning shift<sup>9</sup> and between 40 and 48 officers (38–41 officers in Malta and 2–7 officers in Gozo) during afternoon shift.

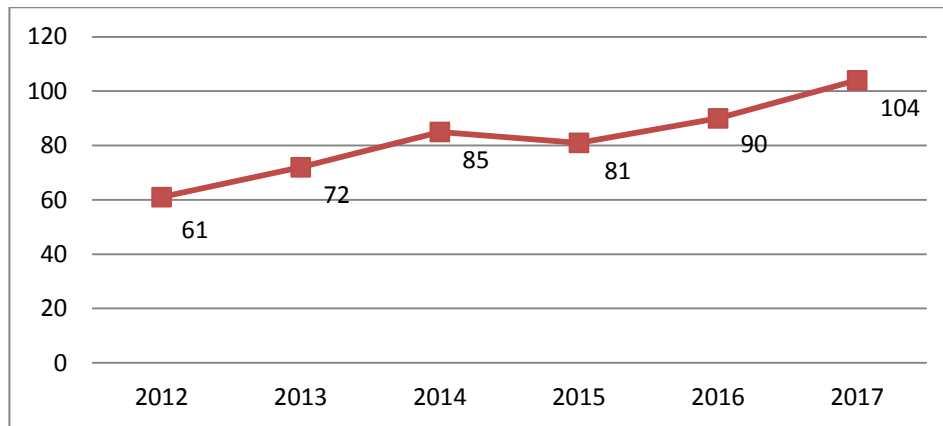
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<sup>7</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1>

<sup>8</sup> <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12044&l=1>

<sup>9</sup> In Malta, enforcement officers operated on a two-shift basis: 0500 – 1330 and 1330 – 2130, whilst in Gozo, shift roster followed different pattern: number of officers varied between 0500–0700; 0700–1800 and 1800–2000 periods. In Malta

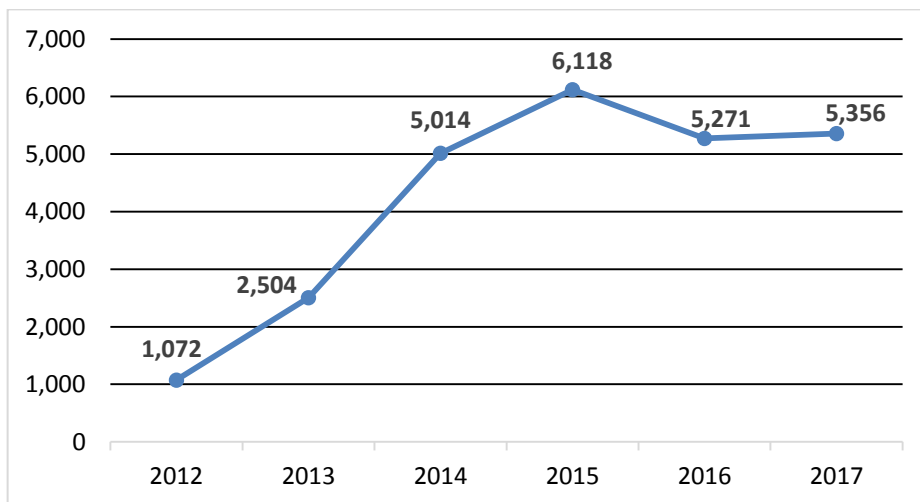
Figure 7 – Comparison of number of officers deployed during the Spring hunting season over the years



Source: Wild Birds Regulation Unit / Malta Police Force, 2017

During the period of the derogation, between 25th March and 14th April 2017 when the season was open, field officers carried out a total of 5,038 field inspections / patrols (4,116 in Malta and 922 in Gozo) and 318 spot-checks on individual hunters (227 in Malta and 91 in Gozo), which cumulatively amounts to 5,356 inspections and spot-checks. On each day of the derogation, every patrol noted the exceptionally low number of hunters present in the field, and hence the number of spot checks performed in 2017 was considerably less than the corresponding number in previous years.

Figure 8 – Comparison of number of field inspections and spot checks performed during the spring hunting seasons over the past 6 years



Source: Wild Birds Regulation Unit / Malta Police Force, 2017

In the course of these inspections and spot-checks, the officers disclosed a total of five offences (1 in Malta and 4 in Gozo), which led to legal action being taken against four persons (1 in Malta and 3 in Gozo). Statistics pertaining to daily enforcement deployment, daily number of field inspections and spot-checks conducted and nature of the offences detected is summarised in the following tables.

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peak number of officers was deployed during the morning shift (0500 and 1330) whilst in Gozo, the highest number of officers on the beat was deployed between 0700 and 1800.

Table 2 – Enforcement deployment and offences detected during 2017 spring hunting season / Source: Wild Birds Regulation Unit / Malta Police Force, 2017

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Night patrols conducted		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual hunters		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken	
	Malta	Gozo	Malta	Gozo	Malta	Gozo	Malta <sup>10</sup>	Gozo	Malta	Gozo	Malta	Gozo	Malta	Gozo
25/03/2017	41	8	41	6	N	N	196	98	36	1	0	0	0	0
26/03/2017	41	7	41	2	N	N	196	95	10	8	0	0	0	0
27/03/2017	41	3	41	2	N	N	196	5	17	0	0	0	0	0
28/03/2017	41	14	41	7	N	N	196	27	4	4	0	1 case of illegal active trapping site <sup>11</sup>	0	0
29/03/2017	40	5	38	2	N	N	196	13	20	1	0	0	0	0

<sup>10</sup> A total of 49 localities were visited and surveyed by patrolling teams at least twice during each shift in Malta on each day of the season.

<sup>11</sup> Case refers to the illegal trapping for finches outside permitted season where the Gozo Police alerted WBRU for assistance in the identification of the specimens seized from a trapping site in Gozo. Four (4) Common Linnets (*Linaria cannabina*) [Ġojjini] were seized from site, of which three (3) [two male and one female] were released back into the wild while one female linnet was handed over to the Government Farm in Xewkija for rehabilitation. The perpetrator is unknown.

30/03/2017	40	6	40	4	N	N	196	43	1	5	0	2 cases of illegal trapping <sup>12</sup>	0	2
31/03/2017	42	2	38	2	N	N	196	55	15	2	0	1 case of illegal active trapping site <sup>13</sup>	0	1
01/04/2017	41	7	39	6	N	N	196	28	4	3	0	0	0	0
02/04/2017	41	4	38	2	N	N	196	58	14	3	0	0	0	0
03/04/2017	40	9	38	4	N	N	196	91	0	4	0	0	0	0
04/04/2017	40	3	38	2	N	N	196	5	15	0	0	0	0	0
05/04/2017	40	3-5	38	3-5	N	Y	196	36	7	7	0	0	0	0
06/04/2017	39	3-5	39	3-5	N	Y	196	54	3	4	0	0	0	0
07/04/2017	39	3-5	39	3-5	N	Y	196	36	0	5	0	0	0	0
08/04/2017	41	3-5	38	3-5	N	Y	196	54	14	3	0	0	0	0

<sup>12</sup> Case refers to the illegal trapping of finches outside the permitted season where WBRU assisted Gozo Police in the identification of specimens seized from a trapping site in Munxar Gozo. Six (6) Common Linnets (*Linaria cannabina*) [Ġojjini], and a European Serin (*Serinus serinus*) [Apparell] were seized and subsequently released since all finches were fitted with fake closed rings (rings were removed prior to release). Two persons have been charged for illegal trapping during closed season and are currently awaiting court hearing.

<sup>13</sup> Case refers to the illegal trapping of finches outside permitted season were the Gozo Police alerted WBRU for assistance in the identification of the specimens seized from a trapping site in Żebbuġ, Gozo. Seven (7) Common Linnets (*Linaria cannabina*) [Ġojjini] [4 males; 3 females], and a female Common Chaffinch (*Fringilla coelebs*) [Sponsuna] were seized from site. All specimens were released back into the wild since they were fitted with fake closed rings (rings were removed prior to release). A person has been charged with illegal trapping during closed season and is currently awaiting court hearing.

09/04/2017	41	3-5	41	3-5	N	Y	196	43	5	12	0	0	0	0
10/04/2017	41	3-5	41	3-5	N	Y	196	54	11	3	0	0	0	0
11/04/2017	41	3-5	41	3-5	N	Y	196	42	11	8	0	0	0	0
12/04/2017	41	3-5	41	3-5	N	Y	196	8	19	4	0	0	0	0
13/04/2017	41	3-5	41	3-5	N	Y	196	21	13	7	1 case of illegal killing of protected bird <sup>14</sup>	0	1	0
14/04/2017	41	3-5	41	3-5	N	Y	196	56	8	7	0	0	0	0
<b>Total</b>					<b>0</b>	<b>10</b>	<b>4,116</b>	<b>922</b>	<b>227</b>	<b>91</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>3</b>

<sup>14</sup> Case refers to the illegal killing of a Eurasian Stone Curlew (*Burhinus oedicnemus*) [Tellerita] reported by BirdLife Malta on the 13th April 2017. WBRU assisted in the identification of the specimen and confirmation of cause of death which was later used as evidence by ALE to press charges against the accused. The Court found the poacher guilty upon admission and ordered him to pay a €5,000 fine and permanent revocation of all licences issued under the Conservation of Wild Birds Regulations (SL 549.42).

The table below (Table 3) compares the number and nature of the offences detected during 2017 spring hunting season with the corresponding statistics for the previous seasons.

*Table 3 – Comparison of offences disclosed during 2012–2017 spring hunting seasons*

<b>Offences disclosed during spring hunting seasons</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Hunting within prohibited distances	2	11	11	2	2	0
Administrative and bag reporting irregularities	4	11	22	4	1	0
Firearm / ammunition irregularities	22	7	21	4	1	0
Use of illegal means	2	0	2	1	0	0
Illegal trapping of protected birds	11	3	5	2	2	4
Illegal shooting of protected birds	2	3	2	3	1	1
Possession of protected species	5	1	1	2	0	0
Hunting in protected areas	0	4	2	0	0	0
Hunting without a valid licence	10	10	2	0	1	0
Hunting during the closed season	6	3	1	0	1	0
<b>Total disclosed offences</b>	<b>64</b>	<b>53</b>	<b>69</b>	<b>18</b>	<b>9</b>	<b>5</b>

*Source: Wild Birds Regulation Unit / Malta Police Force, 2017*

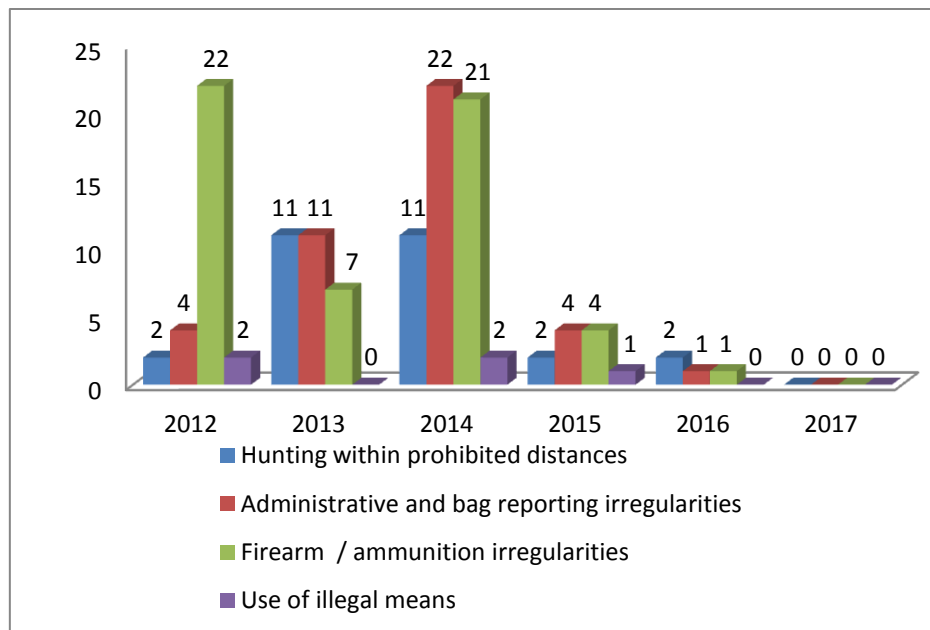
Two weeks prior to the opening of the Spring hunting season for Common Quail, the Specialist Enforcement Branch of the Wild Birds Regulation Unit with the assistance to the police, intensified its routine patrols and maintained a regular presence in the field for two subsequent weeks after the closure of the spring season.

During this period 22 patrols were carried out, six in Malta and 16 in Gozo. During these patrols a total of 32 offences were detected, of which eight offences were detected in Malta and 24 offences detected in Gozo. Twenty-three of these offences comprised of illegal trapping of finches, three cases of illegal use of bird callers, one case of illegal hunting of Turtle Dove<sup>15</sup>, two cases of suspected illegal hunting (species targeted was unknown), one case of illegal trapping of Turtle Doves using clap-nets and two cases of illegal trapping of Turtle Doves using cage traps.

<sup>15</sup> Case refers to the illegal shooting of Turtle Dove (*Streptopelia turtur*) [Gamiema] at Santa Katerina area in Rabat Malta. WBRU assisted in the identification of the specimen and confirmation of cause of death, and the subsequent release of another Turtle Dove which was being used as a live decoy. The Court found the poacher guilty upon admission and ordered him to pay a €2,000 fine and had all his licences issued under the Conservation of Wild Birds Regulations (SL 549.42) suspended for two years.

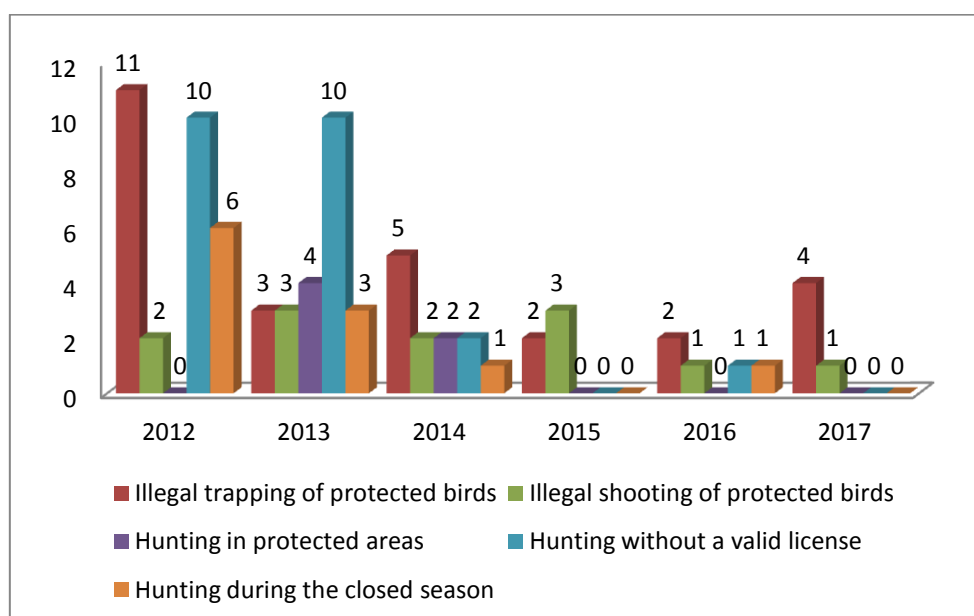
As a result of these pre- and post-hunting season enforcement operations, the officers dismantled 23 illegal trapping sites and seized trapping paraphernalia, confiscated a total of 84 live protected birds, including 56 finches and 28 Turtle Doves. Thirty nine finches and 28 Turtle Doves were confirmed to have been illegally caught from the wild and hence released. Twelve individuals were apprehended in conjunction with the above offences and are being prosecuted.

Figure 9 – Analysis of the trends pertaining to disclosure of relatively minor offences during the period of spring hunting derogation over the past six years



Source: Wild Birds Regulation Unit / Malta Police, 2017

Figure 10 – Analysis of the trends pertaining to disclosure of major offences during the spring hunting seasons over the past six years



Source: Wild Birds Regulation Unit / Malta Police, 2017

In addition to enforcement deployment by the authorities, around 52 hunting marshals were deployed by the Federation for Hunting and Conservation (FKNK) to assist the authorities in surveillance, whilst *Kaċċaturi San Uberty* (KSU) deployed around 20 observers monitoring the extent of migration and also assisting the authorities in the detection and reporting of any observed illegalities. Furthermore, various volunteers from the Committee Against Bird Slaughter (CABS) and BirdLife (Malta) maintained a close watch for any irregularities throughout the season.

In respect of the offences detected during the 2017 spring hunting season, criminal proceedings are being undertaken against four persons in accordance with Schedule VIII of the Conservation of Wild Birds Regulations (S.L. 549.42).

By the date of compilation of this report (May 2017), two criminal cases disclosed during 2017 spring season were decided as follows:

- One case involving the illegal shooting of a Eurasian Stone Curlew (*Burhinus oedicnemus*), was decided by the Court on 18/4/2017 and resulted in the accused being found guilty and sentenced to a €5,000 fine, confiscation of ammunition, and permanent revocation of his hunting and firearms licences.
- One case involving illegal shooting of a Turtle Dove (*Streptopelia turtur*) was decided on 2/5/2017 (the case occurred on 1<sup>st</sup> May 2017) and resulted in the accused being found guilty and sentenced to €2,000 fine, suspension of hunting licence for two years and confiscation of the shotgun.

**The above enforcement actions directly address action 2.3 of MIKT POW and result 2 under “Awareness” heading of the TAP.**

## **9. Cooperation with the hunting community and conservation NGOs**

As part of the objective of achieving greater awareness and promotion of a culture of zero-tolerance towards IKB, the following measures were implemented in 2016 and 2017:

1. Communication with the hunting community was greatly stepped up, through the setting up of a Customer Care and Special Initiatives Branch of the Wild Birds Regulation Unit and an opening of a branch office in Gozo. Communication was effected through meetings with hunting organisations, personal contact with individual hunters, production and dissemination of educational posters and other materials, engagement with other stakeholders including hunting tourism operators and taxidermists, and the provision of various guidance through conventional mail and online.
2. Attempts were made at engaging the hunting community and conservation NGOs in joint projects and initiatives. Wintering of a bevy of 12 swans in Gozo in 2017 provided an excellent example of such cooperation, since both the hunters and conservation volunteers successfully coordinated with each other and the authorities, including a specially assigned veterinarian, to provide care for the birds during their stay.

3. Joint projects with hunting organisations and conservation NGOs: two management agreements were concluded between the Wild Birds Regulation Unit, BirdLife Malta and hunting federation FKNK respectively to transform recently restored farmhouses within Buskett bird sanctuary into an educational facility and rehabilitation centre for injured birds, and into an interpretation centre and species reintroduction base.

**The above actions contribute to results 3 and 4 (under “Awareness” heading) of the TAP as well as actions 4.1, 4.2 and 4.3 of MIKT POW.**

*Figure 11 – Bevy of swans being cared for by hunters and conservation volunteers in coordination with the authorities in January 2017*



*Photo credits: Left: BirdLife Malta; Right: KSU*

## **10. International cooperation**

During the period under review, Malta took an active role within following international cooperation platforms in relation to IKB:

- Presented Malta’s initiative to set up a financial mechanism to contribute to the fight against IKB at a conference on wildlife trafficking in the Hague, Netherlands, as Malta’s “wildlife deal”
- Chaired Bern Convention NFP meeting in Tirana, Albania in April 2016
- Acted as Vice-Chair during MIKT meeting in Cairo, Egypt in July 2016
- Actively contributed to the development of a draft international scoreboard to measure progress on eradication of IKB
- Actively participated in the development of several species action plan at EU level, promoting, in particular, actions related to eradication of IKB
- Participated in IMPEL workshop on IKB in September 2016 in Split, Croatia
- Participated in an IMPEL IRI mission to Italy in May 2016

**The above actions contributed to the attainment of objectives related to stakeholder and regional cooperation under the TAP, and action 2.4 of MIKT POW.**

*Figure 12 – Officers of Italian Corpo Forestale together with Maltese enforcement officials on a joint IMPEL capacity building mission on IKB, May 2016*

