

# **Wild Birds Regulation Unit**

## **Annual Report 2018**

### **1. Overview of the Unit's functions and responsibilities**

The Wild Birds Regulation Unit was established within the Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights following Government's decision in May 2013 to centralise the relevant regulatory functions pertaining to implementation of the Conservation of Wild Birds Regulations (S.L. 549.42) and related subsidiary legislation, and to oversee and drive the implementation of Government policy in relation to sustainable hunting governance and conservation of wild birds. On the national front, the Wild Birds Regulation Unit was tasked with:

- Implementation of a sweeping reform of the relevant legislation concerning hunting and live-capturing to ensure simplification, greater effectiveness, safeguarding the rights of all citizens including hunters and live-capturers, as well as ensuring enforcement and compliance;
- Coordination of the work of the necessary institutional structures, including Ornith Committee;
- Centralisation, simplification and streamlining of licensing processes and provision of a one-stop-shop service to hunters and live-capturers;
- Coordination of enforcement effort;
- Promotion of awareness and culture change amongst the members of the hunting community, based on the principles of sustainability and wise use of ecological resources;
- Delivery of training programmes for hunters and enforcement officers;
- Administering educational and examination programmes;
- Maintenance of statistics and data quality control;
- Coordination of awareness raising, communication and training activities;
- Commissioning technical studies and reports;
- Issuance of various licences and permits and control over compliance with licence conditions;
- Ensuring continuous engagement and liaison with hunting organisations, environmental NGOs and members of the hunting and live-capturing community.

Within the domain of international and EU policy concerning conservation of wild birds and sustainable hunting, the main deliverables of the Unit were as follows:

- Compliance with the provisions of EU and international *Acquis* concerning conservation of wild birds, including but not limited to the provisions of the EU Birds Directive, Bern Convention and other relevant EU and international instruments;
- Correct implementation of all Article 9 derogations;

- Preparation and timely submission of reports and monitoring of policy implementation;
- Liaison with the relevant national, EU and international bodies.

## 2. Main achievements during 2018

### 2.1 Policy and regulatory processes

During 2018, the Unit has:

- Coordinated preparation, review and submission to European Commission, Bern Convention and CMS Convention Secretariats five technical reports pertaining to Malta's implementation of derogations, outcome of monitoring programmes and other reporting obligations. All reporting obligations due in 2018 have been fulfilled and addressed by the Unit ahead of stipulated deadlines.
- Successfully submitted Malta's first Scoreboard which aims at measuring each country's progress towards the eradication of illegal killing, taking and trade in wild birds. The international Scoreboard was spearheaded by Malta and subsequently adopted through CMS Resolution and Bern Convention Recommendation in 2017;
- Provided Malta's input to the 28<sup>th</sup> Standing Committee of the Bern Convention in relation to policy items concerning conservation of wild birds;
- Provided technical and policy input to the implementation of a number of EU and international policy processes concerning conservation of wild birds, including:
  - Tunis Action Plan on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds under the Bern Convention;
  - The Programme of Work of CMS Mediterranean Task Force on Illegal Killing of Birds;
  - Working Party on International Environment Issues (WPIEI Biodiversity);
  - Marine Strategy Framework Directive;
  - Barcelona Convention.
- Effectuated a series of legal amendments to comply with the judgment of the Court of Justice of the European Union concerning finch trapping (Case C-557/15 dated 21<sup>st</sup> June 2018).
- Represented Malta at:
  - Two meetings of the EU Nature Directives Expert Group;
  - Two meetings of the EU Expert Group on reporting under the Birds Directive;
  - Three Working Party (Environment) meetings;
  - High-level conference on EU Action Plan for Nature, People and the Economy;
  - Two bilateral meetings with DG Environment of the European Commission;
  - Workshop on Good Practices in the Implementation of the EU Action Plan against Wildlife Trafficking, organised by the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL);
  - Wildlife Crime Working Group Workshop for Government Prosecutors on the Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean Region organised by the European Network of Prosecutors for the Environment;
  - LIFE EuroSAP Conference – *Eyes on the flyways*.

- Coordinated the drafting, formulation and subsequent publication of six legal instruments, namely:
  - Conservation of Wild Birds (Declaration on a Derogation for a 2018 Spring Hunting Season for Quail) Regulations, 2018 (LN 91/2018);
  - Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2018 (LN 333/2018);
  - Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2018 Live-Capturing Season for Song Thrush and Golden Plover) Regulations, 2018 (LN 334/2018);
  - Conservation of Wild Birds (Declaration of a Derogation for the Control of *Sturnus vulgaris* and *Columba livia*) Regulations, 2018 (LN 342/2018);
  - Conservation of Wild Birds (Amendment) Regulations, 2018 (LN 368/2018);
  - Framework for Allowing a Derogation Opening An Autumn Live-Capturing Season For Finches (*Revocation*) Regulations, 2018 (LN 383/2018).
- Conducted a falconry exam session (including practical and written exam) in Malta, in accordance with the falconry licence procedure established in 2016;
- Issued a Special Falconry Licence for the hunting of wild rabbit on Comino on two separate dates in December (albeit the activity did not take place due to unfavourable weather conditions);
- Provided ongoing assessment and advice to government policies, programmes, projects and plans having impact on the conservation of wild birds;
- Coordinated the administration of special licensing procedures for spring hunting derogation and the autumn 2018 live-capturing derogation for Song Thrush and Golden Plover, including GIS plotting of registered live-capturing sites submitted with the live-capturing applications, including publication of their coordinates on WBRU's website, in line with Framework Regulations SL 549.74;
- Designed, commissioned and implemented a major upgrade to the live-capturing geographic information system;
- Administered general licensing system for five licence categories;
- Issued three new bird ringing licences and oversaw compliance of 33 bird ringers who were issued with a five-year licence in 2016 and 2017;
- Oversaw compliance of seven taxidermists who were issued with a five-year licence in 2016 and 2017;
- Introduced a preparatory course for prospective licence applicants with the aim of educating hunters on applicable laws, huntable species, restrictions, reporting obligations and responsibilities pegged to respective hunting licences;
- Conducted eight exam sessions (Malta and Gozo) which catered for 205 tests (including resists) for hunting licence applicants;

- Delivered training sessions for police officers involved in enforcement of the Conservation of Wild Birds Regulations (in Malta and Gozo), where over 90 officers were trained in basic ornithology, wildlife crime detection techniques, inspection procedures, use of specialised enforcement information systems, applicable regulations and prosecution processes;
- Maintained the procedure concerning treatment and care of injured wild birds through the services of a specialised Government-appointed veterinary clinic. Under this procedure, WBRU coordinated and supervised provision of recovery, treatment, rehabilitation and care for 320 bird specimens belonging to 86 species;
- Coordinated the provision of lifetime care for two wild birds, which due to their injury could not be released back into the wild. The birds were entrusted to experienced licensed handlers whose premises were approved by WBRU and the Veterinary Services Department under the call for expression of interest for the provision of lifetime care services for injured wild birds;
- Implemented two major scientific studies on migration of the European Turtle-dove (*Streptopelia turtur*) and Common Quail (*Coturnix coturnix*) in spring and autumn 2018, and a separate study concerning migration of seven species of finches as well as of Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*) in autumn 2018;
- Ensured digitisation of 1,849 clap-net pairs linked to the 2018 live-capturing season for Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*) on GIS for enforcement purposes;
- Continued to operate and enhance the electronic game reporting system during both hunting and live-capturing seasons;
- Continued to develop a new state-of-the-art database which will ensure better monitoring of all movements of registered stuffed protected birds and related enforcement;
- Coordinated, compiled and published scientific assessments of the conservation status of European Turtle-dove (*Streptopelia turtur*), Common Quail (*Coturnix coturnix*), Golden Plover (*Pluvialis apricaria*), Song Thrush (*Turdus philomelos*) and the seven finch species;
- Ensured ongoing coordination with the awarded contractor for the collation of primary and secondary data on regular breeding and wintering bird species in the Maltese Islands in fulfilment of Malta's reporting obligation under Article 12 of the Birds Directive for the 2013–2018 reporting period. This tender will also provide for the compilation of a new Malta Breeding Bird Atlas;
- Ensured ongoing customer care and consultations with all stakeholders within the sector, conducted several meetings with a broad range of stakeholders, with representatives of hunting associations, falconry clubs, representatives of international bodies, taxidermy association and environmental NGOs;
- Maintained WBRU's website (<https://msdec.gov.mt/en/Pages/WBRU/Wild-Birds-Regulation-Unit.aspx>) with a wealth of information and reports, including statistical data, and coordinated related updates;
- Coordinated with various departments, in particular the Planning Authority (PA), the Environment and Resources Authority (ERA) and the Parks Afforestation, Countryside Restoration and Initiatives Directorate (PARKS) within the Ministry for the Environment and Climate Change (MESDC) for the issuance of necessary permits for facilities at tal-Bagħal and tal-Bosk farmhouses in accordance with the management agreements with NGOs;

- Coordinated the management agreements with the Federation for Hunting and Conservation (FKNK) and BirdLife Malta (BLM) for Tal-Bagħal and Tal-Bosk farmhouses and monitored the respective ongoing projects and activities;
- Issued five press releases and responded to various queries on matters of relevance to the operation of the Unit;
- Provided ongoing technical and administrative support to the functioning of the Malta Ornithology Committee, which held ten meetings during 2018. Ensured that all decisions and proceedings of the Committee were made public through WBRU's website (<https://msdec.gov.mt/en/Pages/WBRU/ornithologyCommittee.aspx>);
- Conducted a dissemination of information exercise concerning the importation and possession of birds with organisers of hunting trips, taxidermists, representatives of hunting organisations and other interested stakeholders;
- Coordinated over seven procurement procedures of varying complexity comprising service tenders, calls for expression of interest, calls for quotations and other procedures to ensure the smooth functioning of the Unit;
- Provided ongoing customer service to residents of Gozo by securing necessary arrangements for holding of licence tests in Gozo and by securing, in collaboration with the Ministry for Gozo, appropriate office location to offer the services on a bi-monthly basis;
- Generated circa €122,357.00 in revenue from renewal of general licence fees, special live-capturing licence fees, fees for provision of various services (e.g. exam fees, sale of educational poster, licence replacement fees, etc), and from a range of administrative fines and penalties for various offences under the Conservation of Wild Birds Regulations and the Protection of Wild Rabbit Regulations;
- Monitored the implementation of nine projects that were awarded funds under the first call for proposals of the Conservation of Wild Birds Funding Scheme. During 2018, eight projects were fully implemented and completed—the pending project will be finalised early 2019.

## 2.2 Enforcement

In the field of enforcement, during 2018, the Unit has:

- Continued to provide technical assistance to the Police, Customs and other enforcement entities on matters related to prevention, detection and prosecution of bird-related crime. Coordinated enforcement arrangements with the Police, the AFM and other entities pertaining to the strict supervision of the spring and autumn hunting seasons;
- Conducted eleven inspections at private residences during which 1,292 stuffed bird specimens were examined. During these investigations a total of 126 registered stuffed bird specimens were found to have been illegally disposed without appropriate authorisation, whilst 46 specimens were illegally possessed and legal action was initiated;
- During the same period, WBRU Specialist Enforcement Branch assisted Police in the identification and verification of legality of a number of live birds seized from commercial premises. A total of 142 live birds were examined, of which 140 birds were subsequently seized and released back into the wild due to the fact that they were either fitted with a closed ring that had an internal diameter larger than the standard required for the species, or were not fitted with a closed ring. Legal action was initiated. In addition, officers from WBRU enforcement branch inspected a total of 160 finches, which were seized by Police from illegal trapping sites. Following inspection, 143 of these finches were released back into the wild because they were

either fitted with a closed ring that had an internal diameter larger than the standard required for the species or not fitted with a closed ring. Legal action was initiated.

- During the same period, the Unit also carried out 109 inspections at points of entry (port and customs at the passenger terminal and the cargo section), out of which twenty three were surprise inspections (all twenty three conducted at MIA arrivals). During these inspections a total of 8,567 bird specimens were examined, of which four live birds were seized and subsequently released due to the fact that they were not fitted with a closed ring. The case was forwarded to the Police for legal action;
- Officials of the Branch attended and testified during 16 court sittings (each sitting comprising of multiple hearings) which resulted in 27 convictions, 11 acquittals, with the rest of the cases pending further hearing.
- During the same period, the Specialist Enforcement Branch assisted the Police in field surveillance operations. As part of these operations, the Branch conducted a total of 78 field inspections (64 during spring hunting season and 14 during the autumn season). These field inspections led to the dismantling of a total of 17 illegal trapping sites (6 in spring and 11 in autumn), seized 6 bird callers (1 in spring and 5 in autumn), and seized a total of 49 live specimens (32 finches and 17 Turtle-doves, the latter being used to lure conspecifics in cage traps and thus deemed as *corpus delicti*). As a result of WBRU's enforcement effort, five cases were forwarded to the police for court action.
- Administered the stuffed birds registration process. During the review period, the Unit received applications to transfer or dispose of stuffed birds that were previously registered with the authorities under the 1998/99 and 2003 schemes;
- Provided a 24/7 on-call service to assist law enforcement authorities in response to any infringements;
- Coordinated enforcement efforts with Customs and other stakeholders to ensure that the importers and sellers of electronic devices which may, amongst potential legitimate uses, be also used illegally in hunting and trapping activities, were duly warned of the legal consequences of any potential improper use;
- Responded to queries from the public regarding matters related to the Unit's portfolio;
- Maintained the administrative fines system. Ensured the issuance and processing of various administrative fines in respect of 47 persons;
- Liaised with the Malta Police Force and compiled enforcement statistics for reporting purposes.