

# Assessment of the latest enforcement-related measures and outcome of the 2020–2021 autumn/winter seasons

## Wild Birds Regulation Unit – March 2021

### Introduction

This report gives a brief overview of the 2020–2021 autumn/winter seasons, 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 (WBRU), available at: <https://mgoz.gov.mt/en/Pages/WBRU/Reports-and-Statistics.aspx>.

### Legislative measures

The 2020 autumn hunting season followed the same legislative parameters as the 2019 season, which parameters were set in March 2016 by virtue of Legal Notice 69 of 2016 of the Conservation of Wild Birds Regulations (SL 549.42)<sup>1</sup>.

The mandatory and legally binding game reporting requirement utilising the telephonic game reporting system, established in 2016, was maintained in 2020. 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 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 [Regulation 12(9) and Schedule IV of SL 549.42].

The system records the time when the report is made, the species caught and the relevant quantity, as well as the geographical location where the specimens were hunted. During all seasons allowed through derogation such as autumn live-capturing or spring hunting, persons in possession of a special licence are legally bound to report the species caught and the relevant quantity *immediately* upon making a catch. The system enables law enforcement authorities to instantly verify a licensee’s compliance with the reporting requirements whilst in the field and allows for the immediate retrieval of all other necessary information concerning licensing and related parameters as well, in the case of live-capturing, the location of the clap-nets registered on each individual licensee for that specific derogation period.

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

Participation in game reporting has once again been extremely low. On the lowest scale, no reports were submitted by hunters licensed to hunt at sea (n=293) or by hunters licenced to capture rabbits with nets (n=65). Only 288 (2.7%) out of 10,675 hunters licensed to hunt birds on land submitted a report. In 2020, reporting during derogation periods was higher than during autumn hunting. The highest reporting rate was during autumn live-capturing derogation for Golden Plover and Song Thrush with a turnout of nearly 27.9% of all licensees. The 2020 report on game reporting is available at:

<https://mgoz.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/grdReport2020.pdf>

## **Autumn hunting season: 1 September 2020 – 31 January 2021**

### *General parameters of the season and number of licences*

The Conservation of Wild Birds Regulations (S.L. 549.42) declares all species of naturally occurring birds as protected [Regulation 4(1)] and establishes general parameters regulating hunting and taking of birds, lays down general prohibitions, lists avian species subject to the highest level of protection (Schedule I and IX species), 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 2020 autumn hunting season, the hunting of birds on land was permitted between 1 September and 31 January, from two hours before sunrise until 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 15 September and 7 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 31 December.

The hunting of birds at sea was permitted between 1 October and 31 January during the same times as those applicable to hunting on land, whilst between 1 October and 7 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 and were legally required to report game caught via the game reporting system prior to leaving the hunting area, in accordance with the instructions as stipulated in the information booklet distributed together with the hunting licences.

Due to re-classification of the conservation status of the Red-breasted Merganser (*Mergus serrator*) in 2016, the hunting of this species is no longer permitted. Moreover, according to Legal Notice 77 of 2016<sup>2</sup>, hunting of European Turtle-dove (*Streptopelia turtur*) was permitted only during the month of September, subject to maximum national quota of 7,000 birds. Targeting of the European Turtle-dove outside this period was prohibited.

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 whilst hunting. In 2020, there were 10,675 general licences to hunt birds on land, 293 general licences to hunt birds at sea, 2,956 general licences to hunt wild rabbit and 65 general licences to capture wild rabbit with nets (ferreting).

#### *Enforcement deployment during the autumn hunting season*

During the autumn hunting season, the authorities deployed a total maximum complement of 73 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 20 officers of the Environmental Protection Unit (EPU) of the Malta Police Force, six officers of the Armed Forces of Malta (AFM), 12 Gozo Police officers, 26 police officers temporarily seconded with the EPU from other police units, six WBRU officers and three environmental rangers responsible for patrols in terrestrial Natura 2000 sites, other protected and scheduled areas and public ODZ sites.

This enforcement complement was deployed gradually from beginning of September until mid-October, with a daily field deployment ranging between a maximum of 11 officers and a minimum of seven officers in the field at any point in time from 05:00hrs to 21:00hrs. From mid-October to early-January, the daily field deployment ranged between a maximum of 64 officers and a minimum of 53 officers in the field at any point in time from 05:00hrs to 21:00hrs. From mid-January to end of January, the daily field deployment ranged between a maximum of 35 officers and a minimum of 12 officers in the field at any point in time from 05:00hrs to 21:00hrs.

As was also the case in previous years, the WBRU organised specialised training sessions in Malta and in Gozo on enforcement priorities and techniques. Over 120 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;

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<sup>2</sup> Conservation of Wild Birds (Declaration of the Autumn Hunting Season for Turtle Dove) Regulations, 2016. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27460&l=1>

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 licence holders, as well as roadblocks. In addition, police have also carried out seven patrols at sea in order to ascertain compliance.

Although enforcement authorities assigned a higher priority to spot-checks on individual licensees since 2018, during autumn 2020, the total number of spot-checks was significantly lower when compared with the previous two years. A total of 2,814<sup>3</sup> spot-checks on individual licensees (1,529 in Malta and 1,210 in Gozo) were carried out. The decrease in the number of spot-checks is mostly related to the fact that during the months of September and January, in particular, the number of hunters out in the field was very low when compared to previous seasons, possibly due to Covid-19 and/or unfavourable weather for hunting amongst other reasons. In terms of police detailing, due to the unprecedented circumstances brought by the Covid-19 pandemic in 2020, Police District Officers were not involved in enforcement of the season outside derogation periods because they were detailed on work related to public health. Notwithstanding this, the officers temporarily transferred to the Environmental Protection Unit throughout the autumn season, were given adequate training to carry out their duties as efficient as possible to make up for the lack of District Police enforcement.

The below figure presents a comparison of the number of spot-checks, including road checks, conducted over the past seven years during autumn hunting seasons (1 September – 31 January).

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<sup>3</sup> Out of which 83 were road checks.

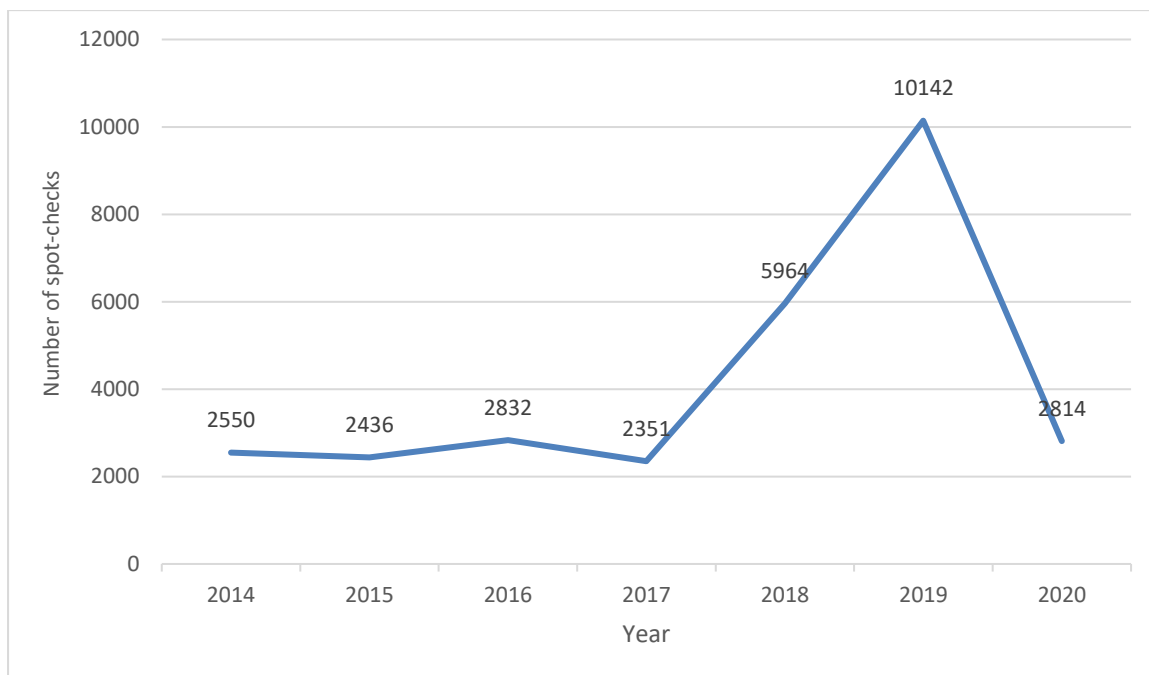


Figure 1 Comparison of the number of spot-checks (including road checks) conducted over the past seven years during autumn hunting seasons (1 September – 31 January)

### *Offences detected*

In the course of field surveillance, inspections and spot-checks, the authorities disclosed a total of 194 cases. Legal action was taken against 139 offenders, of which 45 persons were subject to criminal prosecution and 93 persons subject to administrative fines. No legal action could be taken on the remaining 56 cases given that the perpetrator/s remained unknown to the police. The WBRU ensured effective operational liaison between enforcement entities and other stakeholders and provided 24/7 on-call enforcement service to the Police, the general public, and NGOs.

The data in the following tables shows offences which were detected and confirmed by enforcement officers. It should be noted that, for the purpose of these tables, cases comprising of more than one offence have been listed under the most grievous category. For example, cases related to the illegal trapping of finches were listed under trapping for protected birds only rather than separately under each offence (e.g., trapping for protected birds, use of illegal means and trapping outside season).

Table 1 shows hunting offences which were detected and confirmed during the autumn season, trapping offences detected prior the commencement of the finch research programme [Article 9(1)(b) derogation] and other offences as described below.

Table 2 shows trapping offences which were detected and confirmed during the live-capturing season for Golden Plover and Song Thrush, excluding trapping offences related to finches which were committed during the finches research period, which are reported separately in Table 3 below.

Table 3 shows trapping offences related to finches which were detected and confirmed during the research period.

Table 1 Offences detected and confirmed during autumn hunting season

Offences detected and confirmed during autumn hunting season	2020		
	(01.09.20-31.01.21)		
	Cases in Malta	Cases in Gozo	Total number of cases
Hunting within prohibited distances / prohibited areas	2	0	2 <sup>4</sup>
Hunting without licence	2	0	2
Illegal shooting of protected birds	4	1	5 <sup>5</sup>
Hunting using illegal means / firearms irregularities / other breaches of licence conditions	50	4	54 <sup>6</sup>
Hunting during closed season or outside permitted hours or trapping before the opening of the seasons	14	1	15 <sup>7</sup>
Illegal possession of bird carcasses / stuffed birds	0	0	0
Illegal possession of live birds	0	0	0
Illegal sale of protected birds	0	0	0
Smuggling of protected birds	0	0	0
Failure to report game caught	0	0	0
<b>Total offences disclosed</b>	<b>72</b>	<b>6</b>	<b>78<sup>8</sup></b>
<b>Persons against whom legal action was taken</b>	<b>61</b>	<b>3</b>	<b>64<sup>9</sup></b>

<sup>4</sup> Cases refer to hunting within the boundaries of nature reserves.

<sup>5</sup> Cases refers to five cases of illegally shot protected birds including: illegal shooting of a Common Shelduck (*Tadorna tadorna*) at sea, illegal shooting of a Mandarin duck (*Aix galericulata*), a domestic duck, one Black-crowned night heron (*Nycticorax nycticorax*) and one short-toed eagle (*Circaetus gallicus*).

<sup>6</sup> Cases refers to 42 cases of bird callers, one case related to the illegal use of a mist net, one case related to the illegal use of a cage trap and ten cases of firearm irregularities.

<sup>7</sup> Cases refers to 11 active trapping sites (10 in Malta and one in Gozo) prior the opening of the Golden Plover and Song Thrush live-capturing season and finch research period.

<sup>8</sup> Total consists of 78 cases, 64 committed by known culprits leading to legal action and 14 cases committed by unknown culprits where no further legal action could be taken.

<sup>9</sup> 50 administrative fines and 14 court cases.

Table 2 Offences detected and confirmed during the 2020 live-capturing season for Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*)

<b>Offences detected and confirmed during the 2020 live-capturing season for Golden Plover (<i>Pluvialis apricaria</i>) and Song Thrush (<i>Turdus philomelos</i>)</b>	<b>2020 - 2021</b>		
	<b>(20.10.20-10.01.21)</b>		
	<b>Cases in Malta</b>	<b>Cases in Gozo</b>	<b>Total number of cases</b>
Trapping for protected birds (finches, waders etc.)	3	0	3
Use of illegal means (e.g. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	44	0	44
Trapping during unpermitted hours	2	0	2
Trapping on unregistered sites	17	8	25
Trapping using unmarked decoys	0	0	0
Trapping following lapse of seasonal quota	5	0	5
Trapping without licence	2	0	2
Nets left uncovered when unattended	6	0	6
Failure to report Golden Plovers/Song Thrushes caught	0	0	0
<b>Total offences</b>	<b>79</b>	<b>8</b>	<b>87</b>
<b>Number of persons apprehended</b>	<b>62</b>	<b>0</b>	<b>62</b>

Table 3 Offences detected and confirmed during the finches research period

Offences detected and confirmed <i>during the finches research period</i>	2020		
	(20.10.20 – 20.12.20)		
	Cases in Malta	Cases in Gozo	Total number of cases
Illegal trapping of finches (cases involving multiple offences)	19	5	24
Use of illegal means (e.g. cage traps; vertical nets; decoys of protected birds)	0	0	0
Trapping using nets of prohibited mesh size	0	0	0
Trapping during prohibited hours	0	0	0
Trapping within bird sanctuaries	0	0	0
Trapping on unregistered sites	0	0	0
Trapping using unmarked decoys	0	0	0
Trapping without licence	1	1	2
Unattended trapping site	2	0	2
Illegal possession of finches (without rings; fake rings)	1	0	1
<b>Total</b>	<b>23</b>	<b>6</b>	<b>29</b>
<b>Number of persons apprehended</b>	<b>11</b>	<b>1</b>	<b>12</b>

Figure 2 represents a comparison of enforcement statistics with the corresponding metrics for previous years.

### Comparison of offences detected and confirmed during Autumn hunting seasons.

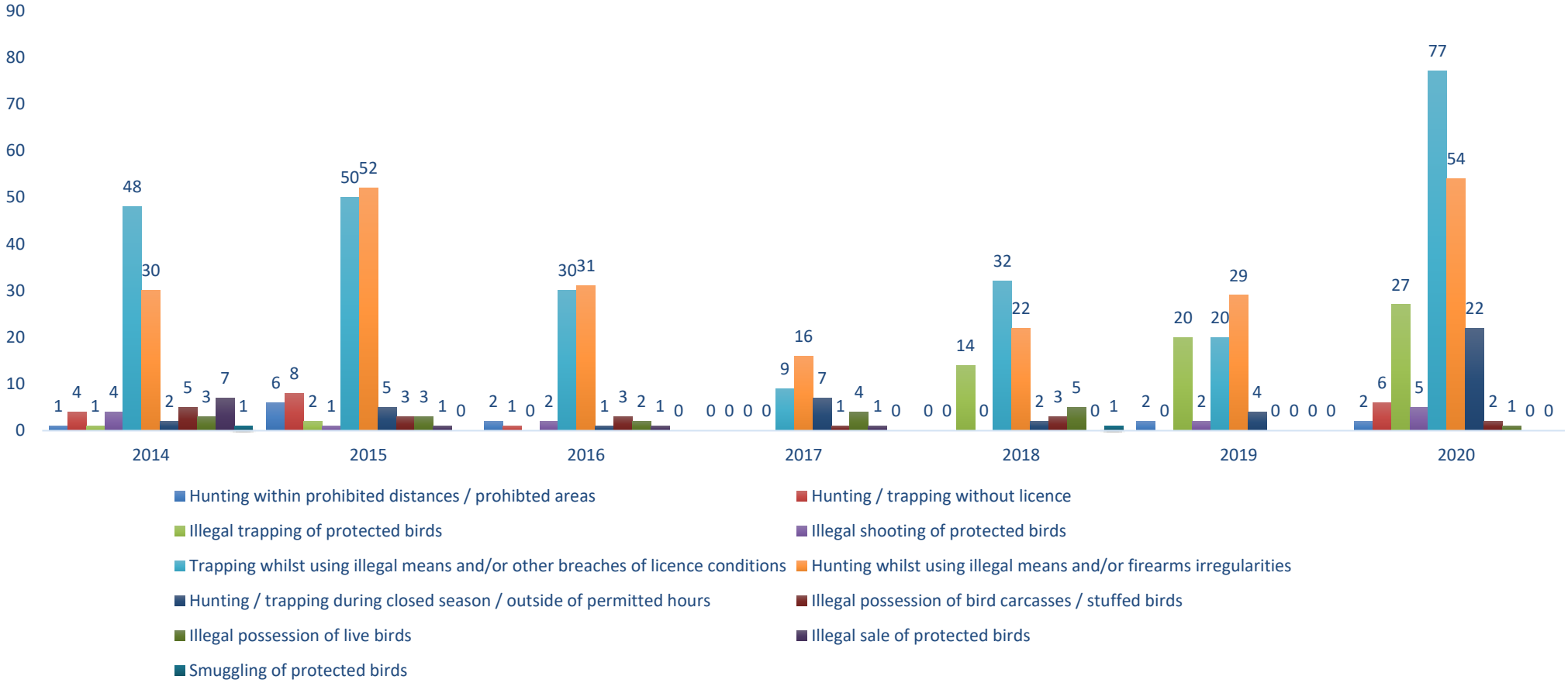


Figure 2 Comparison of offences detected and confirmed during autumn hunting seasons (1 September – 31 January) over the past 7 years

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

A procedure coordinated by the WBRU was put in place in conjunction with the ALE, BirdLife Malta and the government-appointed veterinarian to provide appropriate veterinary care and, where possible, rehabilitation of wild birds. In 2020, the authorities recovered 443 wild birds belonging to 86 species that were provided with the appropriate veterinary care and, in a number of cases, successful rehabilitation and release back into the wild. Of these, 235 protected birds (53%) were confirmed to have sustained gunshot wounds. The figure below illustrates the number of illegally shot protected birds recovered by the authorities over the past eight years.

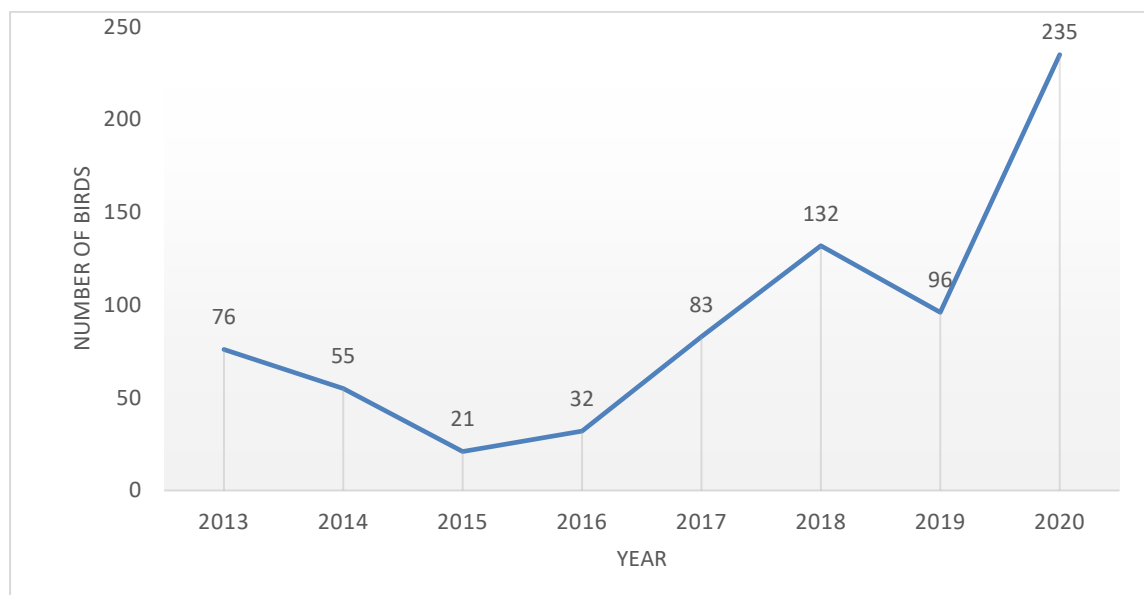


Figure 3 Number of illegally-shot protected birds confirmed to have sustained gunshot wounds

The problem of illegal killing of protected birds has evidently escalated in 2020. The number of cases in 2020 increased exponentially when compared with the previous seven years. A full assessment of the factors that led to such trend is beyond the scope of this summary report. Nonetheless, the extent of illegal killing of protected birds merits the urgent attention of all stakeholders at both local and national level since **there is a much-needed concerted effort to actively curb IKB-related crime.**

### *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, the WBRU 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 aviculture. The WBRU also made use of its social media, including the Unit's Facebook page and website, which were routinely updated with the latest information<sup>10</sup>. In order to better reach the hunting community, the WBRU collaborated with hunting organizations in the dissemination of information through their social media.

During the reporting period, the WBRU also regularly monitored adverts to ensure that the sale/offering for sale of European territory birds is carried out in line with the legal requirements set out by the Conservation of Wild Birds Regulations (SL 549.42), particularly in relation to the statutory requirement for specimens offered for sale to be fitted with a seamless closed ring of a correct size for the species, with the exception of the following Schedule III(a) species:

1. Mallard | Kuluvert (*Anas platyrhynchos*)
2. Willow Grouse | Perniċa (*Lagopus lagopus lagopus*)
3. Red Grouse | Perniċa Ħamra (*Lagopus lagopus scoticus* and *Lagopus lagopus hibernicus*)
4. Red-legged Partridge | Perniċa Saqajha Ħamra (*Alectoris rufa*)
5. Barbary Partridge | Ħaġla ta' Barbarija (*Alectoris barbara*)
6. Grey Partridge | Perniċa Griża (*Perdix perdix*)
7. Common Pheasant | Faġan Komuni (*Phasianus colchicus*)
8. Wood Pigeon | Tudun (*Columba palumbus*).

Several cases were referred to the Police for further investigation.

### *Investigations concerning illicit possession of protected birds*

Recognising the fact that illicit trade and taxidermy of illegally acquired protected birds is 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 2020, the WBRU together with the EPU and ERA officials inspected 243 stuffed bird specimens held in four private collections. During these investigations, a total of 84 registered stuffed bird specimens were found to be illegally possessed and seized and another registered

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<sup>10</sup><https://mgoz.gov.mt/en/Documents/WBRU/NEWS/notaGwidaImpo.pdf>

six specimens were found to have been illegally disposed. Legal action was initiated against the culprits.

During the same period, the WBRU assisted Police during two investigations concerning possession of live birds. During these inspections a total of 43 live birds were examined, of which three birds were subsequently seized due to the fact that they were not fitted with a closed ring. The birds were taken for rehabilitation prior to being released back into the wild and legal action was initiated against the culprit. During the same period, WBRU was also involved in an investigation concerning ten Scopoli's Shearwaters *Calonectris diomedea*, four Yelkouan shearwaters *Puffinus yelkouan* and a Turtle Dove carcass found dumped at an area known as ix-Xaqqa l/o Siggiewi within a Natura 2000 site (SPA/SAC). The government-appointed veterinarian confirmed that the Shearwaters were all illegally shot. No pellets were found in the Turtle-dove's carcass. Unfortunately, the persons committing this crime remain unknown.

The WBRU also assisted the police and the government-appointed veterinarian in identifying and verifying the legality of other specimens pertaining to pending investigations.

#### *Judicial action against bird-related crime*

Due to the Covid19 pandemic, court sittings scheduled for 2020 were heavily disrupted. Nonetheless, officials of the WBRU attended and testified during Court sittings for which assistance was requested by police. During the same period, the Unit also issued administrative fines to 93 offenders, of which 87 were settled within 21 days and six referred to the police for further proceedings in the Law Courts for failure to settle the fine within the statutory deadline.

Malta has one of the highest penalty systems within the European Union for prosecution of bird-related crimes. The penalty for first count offences concerning the illegal taking, trapping and trade of wild birds ranges from €500 up to €5,000, the confiscation of the *corpus delicti* and the suspension of any licence or permit issued under the Conservation of Wild Birds Regulations (SL 549.42) and Part XV of the Code of Police Laws for a period of not less than two years but not exceeding five years. On a second count offence, the penalty increases to a fine of not less than €1,000 up to €10,000 or to imprisonment for a term of not less than six months but not exceeding two years, or to both fine and imprisonment, the confiscation of the *corpus delicti* and the permanent revocation of any licence or permit issued under the Conservation of Wild Birds Regulations (SL 549.42) and Part XV of the Code of Police Laws.

In addition, should the target species be listed in Schedule I (Annex I of the Birds Directive) or Schedule IX of the Conservation of Wild Birds Regulations (SL 549.42), the penalty for a first count offence would increase to an obligatory fine of €5,000 or to imprisonment for one year, or to both fine and imprisonment, the confiscation of the *corpus delicti* and to the

permanent revocation of any licence or permit granted under the Conservation of Wild Birds Regulations (SL 549.42) and Part XV of the Code of Police Laws. On a second or subsequent offence, the fine would increase to €10,000 or to imprisonment for two years, or to both such fine and imprisonment and the confiscation of the *corpus delicti*. As seen from sentences meted out by the Law Courts during the years, the punishment described above is strictly adhered to by Magistrates and is undoubtedly a high-handed penalty system.

During 2020, the Covid19 pandemic and related restrictions have led to the cancellation of multiple court sittings thus leading to a decrease in the number of concluded cases in comparison to previous years. Below is the outcome of some of the cases related to illegal targeting of protected birds decided by the Maltese Law Courts in 2020:

- On 8 January 2020, the Law Courts decided the case of illegal trapping of finches during closed season. The accused was found guilty of all charges brought against him and was ordered to pay a fine of €700, ordered the confiscation of the *corpus delicti* and had all his licences issued under SL 549.42 and Schedule XV of Code of Police Laws suspended for two years. The same sentence was meted out on 5 February 2020 to another person who committed a similar crime.
- On 2 July 2020, the Law Courts heard the appeal filed by an individual who was found guilty of being in possession of a firearm without the required weapons licences, for hunting or attempting to hunt without a hunting licence and for other offences related to firearm negligence which led to physical injuries to third parties including a hunting dog, and for breaching a separate Court order unrelated to hunting. During the first sentence, the accused was given three years of effective imprisonment, ordered the confiscation of the *corpus delicti*, and the revocation of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for life. At appeal stage, the Court reduced the effective imprisonment term to suspended imprisonment of two years, the payment of a fine of €2,000, a supervision order of two years and confirmation of permanent revocation of all licences for life. The appeal filed by an accomplice that allowed the above person to make use of his firearm and aided him in the carrying out the offence, was heard later on 30 July 2020. During the first sentence, the accused was given six months imprisonment suspended for two years, the confiscation of the *corpus delicti*, and the suspension of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for two years. At appeals stage, the Court reduced the imprisonment term to four months suspended for two years, the payment of a fine of €1,200, and confirmed the suspension of all his licences for two years.
- On 25 June 2020, the Law Courts heard the appeal filed by an individual who was found guilty of shooting at two Hawfinches *Coccothraustes coccothraustes* back in October 2014. During the first sentence, the accused was ordered to pay a fine of €1,000, the confiscation of the *corpus delicti*, and the suspension of all licences issued under SL 549.42 and

Schedule XV of Code of Police Laws for two years. The Court dismissed the appeal and confirmed the first sentence.

- On 25 June 2020, the Law Courts heard the appeal filed by an individual who was found guilty of shooting at a Spanish Sparrow *Passer hispaniolensis* in October 2014. During the first sentence, the accused was ordered to pay a fine of €1,000, the confiscation of the *corpus delicti*, and the suspension of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for two years. The Court dismissed the appeal and confirmed the first sentence.
- On 30 November 2020, the Law Courts heard the appeal filed by an individual who was found guilty of illegal possession of a stuffed Tree Pipit *Anthus trivialis* during an inspection of his taxidermy collection in 2015. During the first sentence, the Law Courts ordered the accused to pay a fine of €1,500, ordered the confiscation of the *corpus delicti*, and the suspension of all licences issued under SL 549.42 and Schedule XV of Code of Police Laws for two years. The Court dismissed the appeal and confirmed the first sentence.