

Report on the Outcome of the 2020 Autumn live-capturing Season for Golden Plover and Song Thrush in Malta

March 2021

Wild Birds Regulation Unit

Table of Contents

1.	Introduction	1
2.	Legal and policy basis for the application of a derogation permitting an autumn live-capturing season for Golden Plover and Song Thrush in 2020	1
3.	Consideration of the conservation status of Song Thrush and Golden Plover	6
4.	Issuance of autumn 2020 live-capturing licences for Golden Plover and Song Thrush	8
5.	Activity Data (Trapping effort)	10
6.	Real-time game reporting system	12
7.	Migration study	15
8.	Comparison between migration study data and game reporting data	20
9.	Enforcement and strict supervision	23
10.	Conclusions	37

Enclosures

- Annex I - Conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) 2020 update
- Annex II – Autumn 2020 Special Live-capturing Licence for Golden Plover and Song Thrush
- Annex III – Report on a survey of the influx of migratory Golden Plover and Song Thrush over the Maltese Islands (October 2020 –January 2021) (Ecoserv Ltd., 2021)

1. Introduction

1.1 This report has been prepared on the basis of past practices whereby the Maltese authorities submit, within three months from the closure of the live-capturing season/termination of the independent migration study, a detailed report on the implementation of the derogation. This report has therefore been compiled in addition to Malta's formal reporting obligation under Article 9 of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009, on the Conservation of Wild Birds (hereinafter referred to as 'the Birds Directive'). In this regard, this report will consider various relevant aspects of the application of this derogation, including:

- (i) An overview of the legal and policy basis for the application of the derogation;
- (ii) An assessment of the conservation status of Song Thrush (*Turdus philomelos*) and Golden Plover (*Pluvialis apricaria s.l.*);
- (iii) An overview of the decision-making process leading up to the application of the live-capturing derogation for Golden Plover and Song Thrush in autumn 2020, including Ornis Committee recommendation to Minister;
- (iv) A summary of the legislative changes and changes to the parameters of the derogation, with an overview of the 2019 amendments made to both the Golden Plover and Song Thrush Framework Regulations and Notice of Derogation, following bilateral meetings with the services of the European Commission to discuss Infringement No. 2009/4106¹ and to follow up on the Court of Justice of the European Union in Case C-557/15 (Commission v Malta) on finch trapping;
- (v) A summary of institutional controls deployed to oversee compliance with the parameters of the derogation, including special licensing, site registration, publication of site coordinates and other regulatory processes;
- (vi) An analysis of the uptake of bag quotas;
- (vii) The enforcement efforts in place to ensure the strict supervision of live-capturing during the season;
- (viii) The illegalities detected and corresponding enforcement action taken; and,
- (ix) Other aspects of relevance.

2. Legal and policy basis for the application of a derogation permitting an autumn live-capturing season for Golden Plover and Song Thrush in 2020

2.1 Article 9(1) of the Birds Directive states that "*Member States may derogate from the provisions of Articles 5 to 8 [of the same Directive], where there is no other satisfactory solution*" in line with a number of limited reasons, such as that stipulated by Article 9(1)(c): "*to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers*".

2.2 Article 2 of the Birds Directive requires that Member States take the requisite measures to maintain the population of the bird species, to which the Directive applies, at a level which corresponds in particular to ecological, scientific and cultural

¹ On 18 February 2021, the College of the Commissioners decided to close Infringement No. 2009/4106. The Golden Plover and Song Thrush live-capturing derogations are now subject to **Letter of Formal Notice 2020/2345**, issued by the European Commission on 3 December 2020, which also includes spring hunting derogations and enforcement in general.

requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

The 2018 and 2019 amendments to the Framework Regulations and Notice of Derogation pursuant to Court Case C-557/15 and bilateral meetings with the European Commission

2.3 Following the judgment delivered by the Court of Justice of the European Union in Case C-557/15 (Commission v Malta) on finch trapping², delivered on 21 June 2018, and the recommendation of the Malta Ornithology Committee (see below), the European Commission requested bilateral discussions with the Maltese authorities to address aspects of the Court's judgment that were deemed to have a direct bearing on the Golden Plover and Song Thrush live-capturing derogation regime. On the basis of these discussions, in 2018, the Maltese Government carried out a thorough review of legislation and enacted a number of legal amendments to the Framework Regulations via LN 333 of 2018³ and to the Notice of Derogation via LN 334 of 2018⁴.

Changes to the Framework Regulations (amended via LN 333 of 2018)

- The minimum mesh size increased from 30mm x 30mm to 45mm x 45mm;
- The number of live-capturing stations registered on each licensee was reduced from two stations to one, consisting of not more than two clap-net pairs from one hide, with a proviso that prohibits the setting up of an additional clap-net pair if only one pair was approved, and another proviso prohibiting the subdivision of a hide into two or more hides to make use of more than two clap-net pairs from the original hide;
- The layering of two or more nets on top of each other or any other modification, including creation of 'pockets' was prohibited;
- A legal requirement specifying that nets shall either be removed from the site or completely covered over before the licensee leaves the site and throughout prohibited hours;
- A Standard Operating Procedure with an emphasis on spot-checks on individual licence holders throughout Malta and Gozo, which were subdivided into ten regions;
- Inclusion of a statutory minimum of 40 police/marshals to operate in the ten regions at all times during the permitted hours for trapping instead of the former ratio of 7 officers per 1,000 licences issued;
- Cooperation with NGOs;
- Publication of co-ordinates of the approved trapping stations (clap-net pairs) at least three days before opening of the season; and
- Limiting the scope (rationale) of capturing Golden Plovers and Song Thrushes to their use as live-decoys during *open hunting season*, thus amending the text of the Notice of Derogation from "to be used as live-decoys during open hunting and live-capturing seasons" to "...as live-decoys during open hunting season".

²<http://curia.europa.eu/juris/liste.jsf?td=ALL&language=en&jur=C.T.F&num=c-557/15>

³<https://legislation.mt/eli/ln/2018/333/eng>

⁴<https://legislation.mt/eli/ln/2018/334/eng>

Changes to the Notice of Derogation (Legal Notice 270 of 2019)

2.4 Former notices of derogations up to 2017 consisted solely of the establishment of the season and respective quotas. Following Court Judgment in case C-557/15 and further to the bilateral discussions with the European Commission, the notice of derogation was restructured to include:

- Reference to the recommendation of the Malta Ornis Committee and an online link to the associated minutes;
- Minister's declaration that there is no other satisfactory solution for the acquisition of live specimens of Golden Plovers and Song Thrushes other than by means of live-capturing using clap-nets, in small numbers, and insofar as it is absolutely necessary to replenish the limited stock of live birds in captivity for use as live-decoys for hunting purposes;
- Minister's account of the favourable conservation status of both species and an online link to the latest conservation status report (Annex I to this report);
- Determination of the reference population; and
- Calculation of the 1% of the total annual mortality of the reference population (*small numbers* criterion) and corresponding national bag limit.

2.5 Following the increase in mesh size, the Maltese authorities received criticism from both hunters' representatives and directly from licensees, because Song Thrushes were passing through the 45mm x 45mm mesh size. In the letter sent to the Environment Commissioner and to the Maltese authorities in February 2019, Kaċċaturi San Ubertu⁵ maintained that the mesh size of 45mm x 45mm is too large to capture Song Thrush. KSU also included an illustration of the methods used to calculate mesh size for various species i.e. length x breadth or from knot to knot. In order to confirm whether the advice of the Natural History Museum of London (NHML) specified a mesh size of 45mm (measured from knot to knot) or 45mm x 45mm, the Maltese authorities requested BirdLife Malta for a copy of such advice and received the following correspondence:

"BirdLife Malta's stance on trapping has remained one and same, therefore that no trapping should be practiced in line with Annex IV of [the] Birds Directive on the use of nets as a method of capture. We cannot recall the links/references used for NHML or BTO at the time – but a simple research on what mesh sizes are used for bird ringing on what type of birds helps corroborate the 45mm size. Ecotone nets quote 45mm as being ideal for medium to big waders - <https://www.nhbs.com/ecotone-series-1000-mist-net-45mm-mesh> ... Other mesh sizes such as 30 or 32 mm are able to catch finch-sized birds and therefore not ideal." (BirdLife Malta, pers. comm., 2019).

2.6 According to the above reply, BirdLife Malta deems that a 45mm net is appropriate for capturing medium to big waders as well as Song Thrush. The fact that BirdLife Malta made reference to 45mm mesh size and not 45mm x 45mm (45mm square) suggests that KSU were right in pointing out to the Commission that *"the recommended 45mm square netting is actually referred to as 90mm netting"*.

⁵ KSU's letter is available at:

<https://mgoz.gov.mt/en/Documents/WBRU/autumn%20live%20capture/Autum%20Live%20Capture%20Derogation/2019/Annex%20II%20-%20KSU%20reply%20to%20letter%20of%2018%2001%202019.pdf>

Notwithstanding, and as noted in the above reply, BirdLife Malta confirmed that nets with a mesh size larger than 32 mm are not able to catch finch-sized birds, therefore on the basis of BirdLife Malta's statement, a mesh size smaller than 45mm but larger than 32mm should still address the concerns raised by the Commission on selectivity.

- 2.7 Given that the advice obtained by BirdLife Malta from NHML could not be recalled or traced, the Maltese authorities corresponded directly with NHML and asked for a copy of the report/advice that was sent to BirdLife Malta. Unfortunately, the curators of NHML were not aware that a report/advice on the shoulder widths of the seven finch species and Song Thrush was tendered to BirdLife Malta. In the absence of such advice, the Maltese authorities considered that a fresh assessment on shoulder widths is necessary. However, NHML replied that "*measuring **bird skins available** would not be a reliable method to predict effective mesh net sizes. The filling in the skins would prove to be different than true body size of the birds.*" (NHML, pers. comm., June 2019). Conversely, the National Museum of Natural History (Malta) inferred that their sample size is too small: "*making use of measurements from single specimens is a scientific no-go*" since "*birds vary in size according to sex as well as to different geographical populations. There is a tendency that species living in northern countries are larger than southern ones. Size also differs according to body fat and muscle condition. While measurements of dried parts (e.g. beak and legs) are considered in many scientific works, the measurements you are requesting are not, unless one is comparing skeletal anatomy.*" (MNHM, pers. comm., May 2019).
- 2.8 Due to this lack of data on shoulder widths, the Maltese authorities carried out a study on selectivity and mesh size, which was subsequently presented to the Malta Ornis Committee on 30 July 2019⁶. The July 2019 report on selectivity and mesh size includes a table (see Annex III Table 1) listing the minimum and maximum shoulder widths taken from 295 skinned birds (body without skin and feathers) from specimens pertaining to nine species (seven finch species, Song Thrush and Golden Plover) at Worldfauna taxidermy company in Denmark and at l'Arche de Noé in Vicques in Switzerland. On the basis of this study, a number of changes to the Framework Regulations was deemed necessary.
- 2.9 As part of Malta's reply to the **Letter of Formal Notice 2020/2345** to the European Commission, the Maltese authorities measured the shoulder width of twelve Song Thrushes and submitted video evidence showing these specimens passing through a net with mesh size of 45mm x 45mm. It should be pointed out that a mesh size of 45mm x 45mm has a diagonal distance of 63.64mm along its longest axis, which is large enough for Song Thrushes to pass through.

Changes to the Framework Regulations (amended via LN 269 of 2019)

- 2.10 The 2019 amendment to the Framework Regulation was recommended by the Malta Ornis Committee, following consideration of a range of technical and scientific parameters, including outcome of the 2018 live-capturing derogations, a review of the enforcement and supervision systems in place, and a review of the conservation status of the species concerned. The assessment was carried out to ensure that if a derogation is applied, it is applied within the spirit of the Birds Directive. Namely: that the absence of another satisfactory solution has been ascertained, is limited in scope and selective, under strictly supervised conditions and to ensure that it shall not have any negative impact on the maintenance of the populations of these species at a satisfactory level.

⁶ The minutes of the Malta Ornis Committee of the 31 July 2019 meeting and the July 2019 report on selectivity and mesh size (included as Annex A to the minutes) is available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committiee/Minutes%202019/oMinThirtstJul19.pdf>

2.11 The amendments to SL 549.74, recommended by the Ornis Committee, are as follows:

- Minimum mesh size for Song Thrush reduced from 45mm x 45mm to 35mm x 35mm. This reduction ensures that the mesh size is small enough for Song Thrush yet large enough to allow all finches to escape.
- All Golden Plovers and Song Thrushes caught during a live-capturing season shall be fitted with an official ring supplied by the Wild Birds Regulation Unit. Previously, this requirement was limited to Golden Plovers and Song Thrushes used as live-decoys. During the June 2019 Nature Bilateral with the services of the European Commission, it was agreed that all birds caught through live-capturing shall be fitted with a ring. Licence holders failing to abide by this requirement would not be eligible for another live-capturing licence for the following live-capturing season.
- The live-capturing season for Song Thrush remained the same (20 October – 31 December) but the season for Golden Plover **was shortened by two days**, that is, from the previous 20 October – 31 December period to 1 November – 10 January.
- The text of regulation 8(6) was reworded to specify that NGOs shall cooperate with the Police. The wording of the 2018 amendment was suggested by the services of the European Commission, just a few days before the 2018 season opened, which meant that there was insufficient time to consult with the Executive Police and to obtain legal advice. The text of regulation 8(6) as published in 2018 inferred that the Police are subservient to NGOs.

Malta Ornis Committee meetings

2.12 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (SL 549.42⁷), met via video conference on 29 July 2020⁸ to consider the application of a live-capturing derogation for Golden Plover and Song Thrush during the 2020 autumn season. The Committee considered the outcome of the 2019 live-capturing season for Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*), the updated assessment of the conservation status of the species concerned (included as Annex I to this report) and the European Commission's request for information on how the knowledge base on the reference population of Golden Plover and Song Thrush can be improved in general, including satellite tracking, as discussed during a bilateral meeting held on 26 November 2019.

2.13 During the same meeting, the Ornis Committee unanimously approved the satellite-tagging project. During the meeting, BirdLife Malta disagreed with the Commission's suggestion *of liaising with foreign researchers to affix satellite-tags in those countries considered by Malta as forming part of the reference population since it would a priori exclude other countries that may form part of the reference population and hence will not provide the full picture* (see para. 7.20 of the Ornis Committee minutes of meeting held on 29 July 2020).

⁷ Subsidiary Legislation 549.42. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

⁸ Meeting of the Malta Ornis Committee (Video conference). Minutes available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committiee/oMinTweNinJul20.pdf>.

- 2.14 Following approval from the Ministry of Finance on 27 August 2020, the Maltese authorities proceeded with procuring thirty tags for Golden Plovers and another thirty tags for Song Thrushes, together with associated PinPoint Reader/Programme/Charger and associated data charges at €15/tag + €4/day capped at €63/month/tag, for a total of €135,769 (excluding VAT). The tags do not require recapture of the specimens since all devices allow the Maltese authorities to monitor the location of the tagged specimens remotely. The corresponding Article 9(1)(b) derogation for satellite-tagging was subsequently published via Government Notice 1415/2020,⁹ dated 1 December 2020. The methodology is subject to approval by the Ornithology Committee during the next available meeting.
- 2.15 Having taken into consideration scientific information concerning the conservation status of the two relevant species (discussed further in Section 3 below), and having taken into account the provisions of Article 9(1)(c) of the Birds Directive as well as all relevant national legislation, the Malta Ornithology Committee recommended the opening of a season to permit the limited live-capturing of Song Thrush and Golden Plover under strictly supervised conditions. Upon considering the recommendations of the Malta Ornithology Committee, the Maltese Government announced the live-capturing season through the Conservation of Wild Birds (Declaration on a Derogation for a 2020 Autumn live-Capturing season for Song Thrush and Golden Plover) Regulations (Legal Notice 376 of 2020)¹⁰ in accordance with the Framework Regulations¹¹.

3. Consideration of the conservation status of the Song Thrush and Golden Plover

- 3.1 Taking into consideration the provisions of Article 9(1)(c) of the Birds Directive, the Government assessed available scientific data regarding the conservation status of the two species in question. In line with the requirement of “judicious use” in Article 9(1)(c) of the Birds Directive, and prior to the decision to apply a derogation, a thorough review of scientific data was undertaken in order to ascertain that the conservation status of these two species would not be threatened by the application of a limited autumn 2020 live-capturing season.
- 3.2 A detailed assessment of the conservation status, as well as a determination of the “small numbers” criteria is presented in Annex I to this report. The conservation status of the Golden Plover and Song Thrush was reviewed on the basis of the latest scientific literature available at the time, which also provides details of population size, mortality rates and migratory routes. An assessment of the Golden Plover at sub-species level was also provided.
- 3.3 The analysis indicates that Golden Plovers migrating over the Maltese Islands are the sub-species *Pluvialis apricaria altifrons* from the Northeast European (or West Continental) population, which has a favourable conservation status at the Pan-European, EU27 and reference-population levels. The same status has also been indicated for Song Thrush (*Turdus philomelos*).

⁹ G.N. 1415/2020 available at: <https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2020/12/Government%20Gazette%20-%201st%20December.pdf>

¹⁰ LN 376/2020 available at: <https://legislation.mt/eli/ln/2020/376>

¹¹ SL 549.74 (Framework for allowing a Derogation opening an autumn live-capturing season for Song Thrush and Golden Plover Regulations) available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=1>

- 3.4 Both species are listed in Annex II (b) of the Birds Directive, which indicates that nine Member States may authorise the hunting of Golden Plover and that eight Member States may authorise the hunting of Song Thrush in accordance with Article 7(3) of the Directive. Both *Pluvialis apricaria* and *Turdus philomelos* have maintained a Favourable Conservation Status at the Global, Pan-European and EU levels, continue to enjoy a healthy distribution and range, and a large population size.
- 3.5 The latest report pursuant to Article 12 of the Birds Directive for period 2013–2018 shows that the EU population status of *Turdus philomelos* is **Secure**, because the species does not meet any of the IUCN Red List criteria for Threatened or Near Threatened, or the criteria for Depleted or Declining (the EU27 population or range has not declined by 20% or more since 1980). At EU level, the species has a **stable** long-term trend and an **increasing** short-term trend (EEA, 2020)¹².
- 3.6 According to the latest dataset available from the European Bird Census Council¹³ at the time the conservation status of the Song Thrush (*Turdus philomelos*) was updated (July 2020), the species trend classification is considered as **Moderate Increase**, defined as a “significant increase, but not significantly more than 5% per year”. In the short-term trend (2008–2017), remained the same as reported during the previous EBCC (2018) update [n=+20%], whereas in the long-term trend (1980–2017) the population increased from 2% to 15% (13% increase).
- 3.7 The Golden Plover breeding population trend within the territory of the European Union is **Stable** in both the short-term and long-term (EEA, 2020¹⁴). The EU population status of *Pluvialis apricaria* was assessed as **Secure**, because the species does not meet any of the IUCN Red List criteria for Threatened or Near Threatened, or the criteria for Depleted or Declining (the EU27 population or range has not declined by 20% or more since 1980). According to the European Bird Census Council¹⁵, the Northeast European (West Continental) population (Norway, Sweden and Finland) [i.e., Malta’s reference population] of the Golden Plover (*Pluvialis apricaria altifrons*) has **Increased** both in the short-term (2008–2017) and long-term (1980–2017) trends with +18% and +3% respectively when compared with the previous (2018) EBCC update.
- 3.8 On the basis of the evaluation contained in Annex I to this report, the key conclusions that have previously been drawn, as reported in Malta’s successive reports on the outcome of the autumn live-capturing derogations for Golden Plover and Song Thrush, have been retained. These are: (i) that there is no record of these two species ever breeding in Malta, neither in the wild nor in captivity, (ii) that these two species are only present in the Maltese Islands in very limited numbers during a period of migration and (iii) that both species have a **Favourable Conservation status** with an extremely large range, and hence do not approach the thresholds for Vulnerable under the range size criterion, or under the population trend criterion, or under the population size criterion, and are thus evaluated as species of ‘Least Concern’. **Both species have retained a Secure breeding status at EU level.**

¹² European Environment Agency (2020) Article 12 reports for the 2013–2018 reporting period. Available at: https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Turdus+philomelos&reported_name=

¹³ Trends of common birds in Europe, 2019 update. Available at: <http://www.ebcc.info/index.php?ID=631>

¹⁴ European Environment Agency (2020) Article 12 reports for the 2013–2018 reporting period. Available at: https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Pluvialis+apricaria&reported_name=

¹⁵ Trends of common birds in Europe, 2019 update. Available at: <https://pecbms.info/what-is-new-in-2019-data-update/>

4. Issuance of autumn 2020 live-capturing licences for Golden Plover and Song Thrush

- 4.1 Applications for Special Autumn Live-capturing licences for Golden Plover and Song Thrush were received by the Wild Birds Regulation Unit between the 31 August and 5 September 2020, both dates included. Applications were subject to a €55 Special Licence fee, payable at the time of application. Contrary to previous years, no single-use rings could be purchased during the application period. This procedural change was made, following bilateral meetings with the services of the European Commission, to ensure that only the precise amount of rings according to the amount of specimens reported by each licensee during the season are issued by the authorities. The special licence was distributed to the applicants prior to opening of the season via registered mail.
- 4.2 In 2017, a web-based GIS platform was developed instead of the former offline system, utilising existing hardware (tablet PCs). During application period, live-catchers were instructed to submit one official site plan, pre-approved by WBRU, with their special licence application form. The GIS platform contains spatial data of approved live-capturing sites which were applied for in 2020, for field enforcement purposes. The coordinates of these sites were subsequently published online¹⁶ before the season opened, in accordance with Regulation 8(7) of SL 549.74.
- 4.3 Until 2017, licence holders were allowed to submit up to two live-capturing stations, with each station having not more than two pairs of clap-nets. Following discussions with the European Commission and subsequent legal amendments to the Framework Regulations, licensees are now only permitted to use one live-capturing station, with not more than two pairs of clap-nets from one hide.
- 4.4 The total number of clap-net pairs for live-capturing of Golden Plovers and Song Thrushes in 2020 stood at 1,352, registered on 1,319 licensees (Table 1). This figure represents an overall decreasing trend when compared with the 2014–2019 Golden Plover and Song Thrush live-capturing seasons: $n_{2014}=3,519$ clap-net pairs, submitted by 1,223 licensees; $n_{2015}=3,310$ clap-net pairs, submitted by 1,128 licensees; $n_{2016}=2,912$ clap-net pairs, submitted by 997 licensees; $n_{2017}=2,269$ clap-net pairs, submitted by 1,059 licensees; $n_{2018}=1,849$ clap-net pairs, submitted by 1,542 licensees; $n_{2019}=1,895$ clap-net pairs, submitted by 1,587 licensees. In 2020, a total of 1,062 registered clap-net pairs were located in Malta whereas 290 clap-net pairs were located in Gozo.

	<u>Clap-net pairs</u>	<u>Licensees</u>
Malta	1,062	1,047
Gozo	290	272
Total	1,352	1,319
Source: Wild Birds Regulation Unit		

- 4.5 By the end of the application process, 1,320 applications for Special Licence for Golden Plover and Song Thrush were received. Following screening, one application was considered invalid as the applicant did not have a valid General Licence. Consequently, a total of 1,319 Special Licences were issued, representing a

¹⁶ <https://mgoz.gov.mt/en/Documents/WBRU/autumn%20live%20capture/2020/gpsfTraSitCoor2020.pdf>

decrease of 268 licensees when compared with the previous season ($n_{2019}=1,587$), a decrease of 223 licensees when compared with the 2018 season ($n_{2018}=1,542$), an increase of 260 licensees when compared with the 2017 season ($n_{2017}=1,059$), an increase of 322 licensees when compared with the 2016 season ($n_{2016}=997$), an increase of 191 licensees when compared with the 2015 season ($n_{2015}=1,128$) and an increase of 96 individuals in comparison with the number of licences issued in 2014 ($n_{2014}=1,223$). 1,047 licences were issued to persons residing in Malta (*circa* 79%) and 272 licences were issued to persons residing in Gozo (*circa* 21%), as shown in Table 2.

Table 2: Autumn 2020 Special Licence applications			
Applications	Total	Malta	Gozo
Persons issued with a Golden Plover/Song-Thrush special live-capturing licence	1,319	1,047	272
Source: Wild Birds Regulation Unit			

4.6 A specimen licence for 2020 is enclosed as Annex II to this report. Ten licences remained uncollected by the respective live-capturers. The autumn 2020 Live-capturing Licence set a number of conditions for the 2020 live-capturing season, as provided in the Framework Regulations (SL 549.74¹⁷) and the Notice of Derogation (LN 376/2020¹⁸). The Licence included, *inter alia*:

- the dates and permitted hours of the season;
- provisions related to the location of live-capturing sites and the live-capturing station;
- restrictions pertaining to mesh size to be used, namely not less than 35mm x 35mm for live-capturing of Song Thrush and not less than 45mm x 45mm for live-capturing of Golden Plover—the smaller mesh size shall apply when live-capturing both species concurrently;
- the maximum footprint of the live-capturing station, namely maximum of 60m² per clap-net for live-capturing of Golden Plover or maximum of 38m² for live-capturing of Song Thrush—the lower footprint shall apply when live-capturing both species concurrently;
- provisions related to the authorised method of capture;
- requirement to remove or cover the nets before the licensee leaves the site and during prohibited hours;
- requirements concerning the use of live-decoys (maximum of ten live-decoys per live-capturing station—all decoys must be fitted with a single-use ring supplied by the Wild Birds Regulation Unit in previous years);
- requirement to immediately report birds caught through telephonic game reporting system;
- requirement to immediately release birds fitted with a scientific ring or satellite-tag after the relevant details have been inputted on the form supplied specifically for this purpose with the licence pack;
- requirement to keep relevant documentation, including the approved site plan, Special Licence and the general live-capturing licence card at all times whilst practicing the live-capturing activity or when travelling to and from the live-capturing site; and
- restrictions pertaining to permitted size of cages in which birds can be kept during live-capturing activity.

¹⁷SL 549.74 available at: <https://legislation.mt/eli/sl/549.74>

¹⁸LN 376/2020 available at <https://legislation.mt/eli/ln/2020/376>

- 4.7 In addition to these conditions, licensed live-capturers were also required to abide with the provisions laid down in the Conservation of Wild Birds Regulations (SL 549.42). Except where the offence consisted of an administrative or minor violation listed in Schedule VIII of the said Regulations, any other offences or breaches of licence conditions trigger automatic seizure of the Special and General Licences, seizure of rings, birds and equipment prior to criminal proceedings being initiated in terms of Regulation 27.

Single-use rings

- 4.8 As from the 2020 live-capturing season, live-capturers were not issued single-use rings before the season. Licensees were required to purchase single-use rings corresponding to the amount of birds they reported, after the seasons closed. Failing to carry out this obligation would render the licensee ineligible to apply for a special licence for the following live-capturing season, as specified in Regulation 3(3) of the Framework Regulations (S.L. 549.74) and licence condition 14. An official letter was sent by WBRU to each licensee stating the quantity of rings to be purchased and the allocated days for this. Three licence holders failed to purchase the single-use rings assigned to the number of birds they reported, namely a combined total of 11 red rings and 1 yellow ring. These three licensees were subsequently rendered ineligible to apply for another live-capturing licence should a live-capturing season for Golden Plover and Song Thrush be declared in autumn 2021.

5. Activity Data (Trapping effort)

- 5.1 During this year's live-capturing period, licensees were provided with a calendar survey sheet listing the dates of the open season. Each licensee was asked to submit a completed survey sheet detailing the days during which they practiced live-capturing and which species they targeted on each day. Survey sheets were accepted up to three weeks after the season closed.
- 5.2 By this deadline, 1,207 survey sheets were returned which constitutes 91.5% of the total 1,319 licences issued corresponding to a margin of error of 0.82 at a 95% confidence level. The analysis shows that during the 2020 season, 12.8% (± 0.82) of valid licences were not utilised, meaning that 167 to 169 licensed individuals did not practice live-capturing during the 2020 season notwithstanding they had applied for a Special Licence. Conversely, there were 87.2% (± 0.82) licences that were utilised at any one time, meaning that 1,150 to 1,152 individuals practiced live-capturing on one or more occasion during the season. Figure 1 shows this extrapolated licence activity during the 2020 open season.

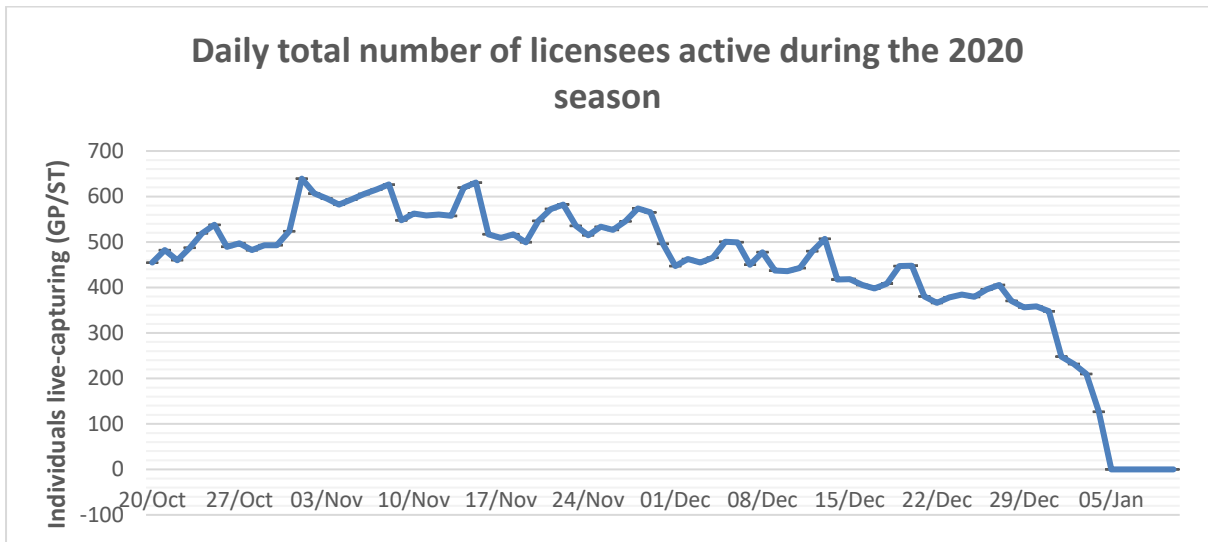


Figure 1 - Live-capturing activity during the open season. Source: Wild Birds Regulation Unit

5.3 Licensees were also asked to specify, on their application form, which species they were targeting on each day. 849 individuals indicated that they were live-capturing for both species during the season; 203 individuals only sought to live-capture Golden Plover and 267 individuals only sought to live-capture Song Thrush. Figures 2 and 3 extrapolate the total amount of individuals practicing live-capturing for Golden Plover and Song Thrush respectively.

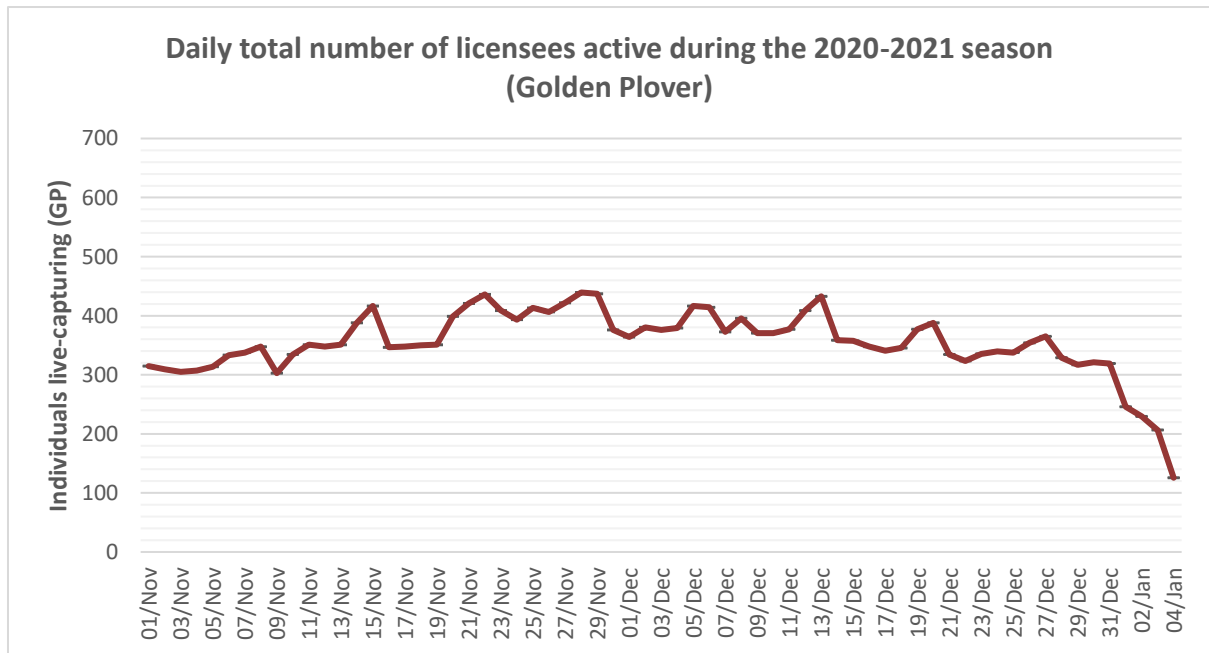


Figure 2 - Live-capturing activity for Golden Plover during the open season. Source: Wild Birds Regulation Unit

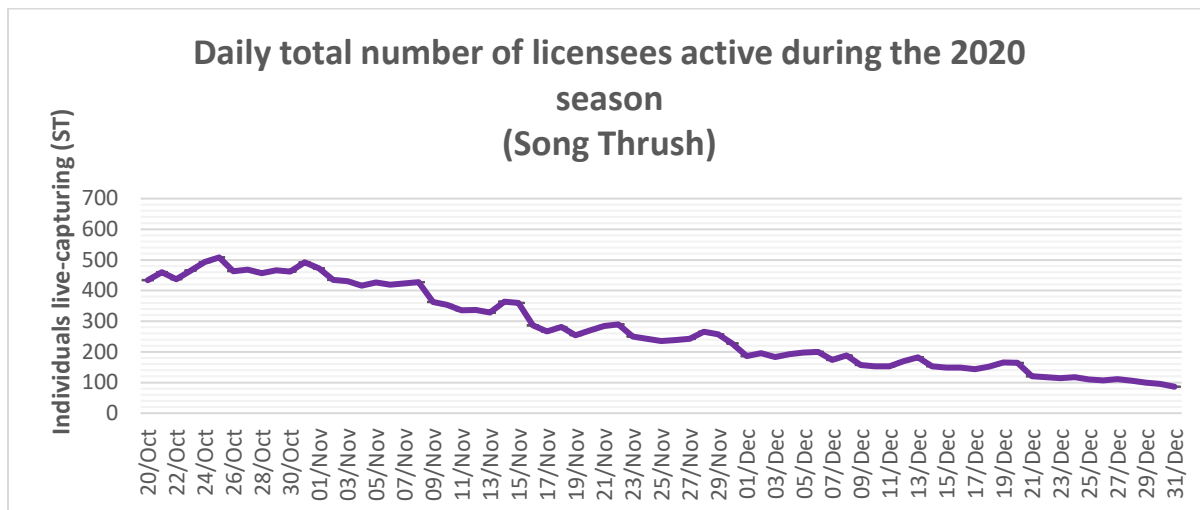


Figure 3 - Live-capturing activity for Song Thrush during the open season. Source: Wild Birds Regulation Unit

6. Real-time game reporting system

- 6.1 In accordance with the provisions of Regulation 7(m) of the Conservation of Wild Birds (Framework for Allowing an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (SL 549.74), licensed live-capturers are obliged to immediately report the birds caught to the Wild Birds Regulation Unit by sending an SMS to a single number, as indicated in the Special Licence. Live-capturers were required to notify the species caught and the quantity. The SMS receipt was to be retained throughout the season for inspection by enforcement officers, who also had access to the game reporting system to verify the total number of birds caught by the licensee from the start of the season.
- 6.2 Throughout the duration of the derogation, the Wild Birds Regulation Unit monitored the national quota uptake for both species in real time as well as the total number of birds reported caught per species at any given time, including detailed information pertaining to the precise time of each report, and the registered mobile phone number pertaining to each licensee making such a report.
- 6.3 All data was compiled in a database, which created two reports. The first report included the mobile numbers that registered a catch together with the associated date, time, species and quantities. The second report consisted of daily catches per species and the respective cumulative totals. These reports were closely monitored throughout the season, with a view to keeping track of various variables, including the total number of birds per species caught per day and the national bag limits.
- 6.4 During the 2020 live-capturing season, a total of 700 Golden Plovers were declared caught, which is the same number of Golden Plovers reported during the 2019_(n=700) live-capturing season. A total of 651 Song Thrushes were declared caught in 2020, which is 9.8% less than the number of Song Thrushes reported during the same period in 2019_(n=722).
- 6.5 The national quota of 700 Golden Plovers was reached on 4 January 2021 at 15:30hrs. All licensees were informed to stop all their activity through bulk SMS, social media (WBRU Facebook page) and through Government Notice 22 published in the Government Gazette no. 20,551¹⁹.

¹⁹<https://www.gov.mt/en/Government/DOI/Government%20Gazette/Government%20Notices/Pages/2021/01/GovNotices0801.aspx>

6.6 Table 3 below lists daily catches of Golden Plover and Song Thrush reported during the 2020 season in comparison to the corresponding catches reported during the 2015–2020 seasons.

Table 3: Daily catches of Golden Plover and Song Thrush: comparison between the 2015–2020 seasons.

Date of capture	2020 Season		2019 Season		2018 Season		2017 Season		2016 Season		2015 Season	
	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST
20-Oct	-	25	-	4	0	7	0	0	0	1	0	0
21-Oct	-	38	-	16	0	14	0	0	0	2	0	0
22-Oct	-	12	-	46	0	8	0	0	0	2	0	2
23-Oct	-	5	-	32	0	6	0	3	0	2	0	0
24-Oct	-	29	-	8	0	14	0	4	0	2	0	2
25-Oct	-	22	-	29	2	25	0	3	0	13	0	6
26-Oct	-	9	-	34	0	28	0	5	0	5	0	11
27-Oct	-	6	-	30	0	34	0	6	0	11	0	8
28-Oct	-	11	-	33	0	13	0	15	0	2	0	7
29-Oct	-	17	-	20	0	8	0	4	0	2	0	8
30-Oct	-	17	-	16	0	13	0	3	0	7	0	8
31-Oct	-	33	-	14	2	8	0	4	0	12	1	2
01-Nov	0	24	0	25	0	11	0	2	0	4	0	1
02-Nov	0	25	0	27	1	23	0	9	0	16	1	6
03-Nov	0	28	0	22	0	17	0	7	0	5	2	10
04-Nov	0	6	0	32	0	19	0	3	0	8	0	11
05-Nov	3	18	0	19	1	7	0	4	0	11	0	7
06-Nov	6	23	0	12	0	13	0	10	0	5	0	8
07-Nov	0	26	0	19	1	10	0	5	0	5	0	9
08-Nov	2	18	0	16	0	17	0	7	0	2	0	6
09-Nov	10	16	3	5	0	15	0	7	0	4	0	9
10-Nov	1	8	1	17	0	7	0	1	0	1	0	4
11-Nov	0	13	0	3	3	12	0	0	0	2	0	7
12-Nov	0	2	9	0	0	15	1	0	1	6	0	4
13-Nov	5	1	5	9	2	7	1	2	4	7	0	3
14-Nov	2	2	3	13	2	8	0	4	8	6	2	3
15-Nov	8	1	0	11	0	14	0	1	12	2	1	7
16-Nov	0	1	2	3	0	6	1	5	5	7	0	1
17-Nov	2	0	0	30	16	11	2	3	5	5	1	2
18-Nov	0	7	1	4	11	10	0	5	7	4	4	1
19-Nov	1	1	1	7	1	7	0	1	2	5	1	1
20-Nov	46	0	1	9	2	6	0	7	4	5	0	1
21-Nov	15	8	0	10	2	4	0	0	4	5	0	1
22-Nov	4	7	1	12	0	7	0	4	5	3	0	2
23-Nov	20	4	9	4	6	2	0	1	1	1	1	7
24-Nov	9	11	5	12	22	7	0	2	3	3	2	21

	2020 Season		2019 Season		2018 Season		2017 Season		2016 Season		2015 Season	
25-Nov	39	4	25	0	4	2	0	0	0	2	3	3
26-Nov	6	1	20	10	12	5	1	0	2	0	2	2
27-Nov	7	0	21	5	6	5	1	2	0	0	6	3
28-Nov	6	3	9	4	7	0	0	0	3	4	7	4
29-Nov	17	8	8	6	8	0	0	2	5	0	10	2
30-Nov	38	3	46	2	8	11	0	0	7	4	14	1
01-Dec	6	0	34	4	3	1	1	2	12	0	5	3
02-Dec	53	1	17	3	8	9	0	0	1	0	1	1
03-Dec	41	1	9	1	5	1	2	1	8	0	5	0
04-Dec	14	9	7	7	5	0	1	2	5	1	6	0
05-Dec	10	2	9	3	3	0	1	6	1	0	4	2
06-Dec	38	5	15	5	9	2	4	0	8	2	6	3
07-Dec	32	2	18	3	2	1	8	0	8	3	4	2
08-Dec	16	6	28	3	5	5	2	3	11	0	4	1
09-Dec	23	5	8	6	4	1	14	10	5	3	3	2
10-Dec	9	4	21	0	3	0	3	0	4	7	3	0
11-Dec	8	7	9	3	2	0	6	0	8	2	6	3
12-Dec	23	4	21	9	6	3	3	0	3	0	7	4
13-Dec	25	13	19	4	3	2	0	2	7	0	10	3
14-Dec	2	7	0	2	5	11	10	0	6	0	3	1
15-Dec	3	10	22	10	3	0	0	0	0	0	1	0
16-Dec	13	11	8	8	3	0	2	0	15	0	6	3
17-Dec	10	7	16	0	3	0	13	3	2	0	16	0
18-Dec	5	2	14	9	14	0	7	0	7	1	4	1
19-Dec	2	18	8	3	1	3	0	0	6	5	12	0
20-Dec	6	4	7	0	5	0	1	1	9	0	3	1
21-Dec	10	6	11	0	4	0	3	0	4	0	7	1
22-Dec	23	5	20	0	4	0	12	0	2	0	6	2
23-Dec	12	2	4	0	2	1	9	2	4	1	3	4
24-Dec	16	5	10	0	1	0	20	3	21	2	4	4
25-Dec	8	6	12	2	2	0	6	0	6	0	5	0
26-Dec	2	5	10	2	4	4	7	0	13	3	7	0
27-Dec	9	7	15	4	3	2	3	0	2	3	14	1
28-Dec	8	1	8	1	2	3	7	1	16	0	16	0
29-Dec	0	1	20	0	0	1	2	0	2	2	18	2
30-Dec	3	0	11	0	0	5	12	0	4	1	20	2
31-Dec	8	2	7	0	0	0	1	6	19	1	54	1
01-Jan	3	-	10	-	-	-	-	-	-	-	-	-
02-Jan	4	-	19	-	-	-	-	-	-	-	-	-
03-Jan	5	-	2	-	-	-	-	-	-	-	-	-
04-Jan	3	-	15	-	-	-	-	-	-	-	-	-
05-Jan	-	-	5	-	-	-	-	-	-	-	-	-
06-Jan	-	-	10	-	-	-	-	-	-	-	-	-

	2020 Season		2019 Season		2018 Season		2017 Season		2016 Season		2015 Season	
07-Jan	-	-	9	-	-	-	-	-	-	-	-	-
08-Jan	-	-	22	-	-	-	-	-	-	-	-	-
09-Jan	-	-	12	-	-	-	-	-	-	-	-	-
10-Jan	-	-	8	-	-	-	-	-	-	-	-	-
Total	700	651	700	722	233	511	167	183	297	230	321	248

6.7 During the 2020 season, the total number of Song Thrush captured was substantially lower than the permitted national bag limit while the national bag limit for Golden Plover was reached. In the case of Golden Plover, the total number of 700 live-captured birds equates to 100% of the limit permitted by law (700). In the case of Song Thrush, the total number of 651 birds declared captured amounts to 13% of the total bag limit permitted by law (5,000). Table 4 below represents the number of birds reported by licensees.

Table 4: Breakdown of catches by number of reports made	
Number of birds declared caught throughout season	Number of licensed live-capturers
0	951
1	46
2	79
3	53
4	35
5	58
6	21
>6	76
Total	1,319

Source: Wild Birds Regulation Unit

7. Migration study

7.1 As was the case in previous years, in agreement with the European Commission, an independent scientific study on the migration of Golden Plovers and Song Thrushes over the Maltese Islands was carried out between 15 October 2020 and 15 January 2021, both dates included. This study, which sought to obtain an estimate of migratory influxes of the two species, overlapped with the 2020 autumn/winter live-capturing season, that is, 20 October 2020 to 31 December 2020 for Song Thrush and 01 November 2020 to 10 January 2021 for Golden Plover. The migration study for Golden Plover continued until 15 January 2021, as per contractual agreement, notwithstanding that the national bag limit for Golden Plover was reached on 4 January 2021 and hence the live-capturing season was closed on this date. The study carried out by Ecoserv (2021) was commissioned by the Wild Birds Regulation Unit through an open tendering procedure.

7.2 The results that were expected from the commissioned study were as follows:

1. Daily datasheets with raw counts for Golden Plover and Song Thrush.
2. A monitoring report for the autumn/winter 2020/2021 migration season which includes:
 - a) List of monitoring stations which recorded high/low counts
 - b) Dates which showed high/low migration peaks of each of the bird species.

- c) A daily estimate of the influx of each species for the whole of the Maltese Islands.
- d) The estimated total influx for these species for the whole of the study period, subject to scientifically justified assumptions.
- e) Comparison of the influxes recorded in 2020/2021 with the influxes recorded during the studies held for the past five (5) years that is from 2015 till 2019 (the reports of such past studies are available online from: <https://mgoz.gov.mt/en/Pages/WBRU/Reports%20and%20Statistics/Autumn-Live-Capturing-Derogations%E2%80%8B-.aspx>);
- f) A comparative analysis of the results obtained with the bag data extracted from live-capturers' telephonic report for the 2020/2021 derogation period.

7.3 The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (Malta, Gozo and Comino), with data gathered during a period of 93 days, between 15 October 2020 and 15 January 2021. Given that the study was mainly intended to quantify the influx of migrating Golden Plovers and Song Thrushes, the count stations were located at strategic locations along the coast. A full copy of the survey report is attached in Annex III, with key conclusions summarised below.

7.4 During the survey, two individuals - a field assistant capable of identifying Golden Plover and Song Thrush and an observer who was responsible for data recording in the field - were stationed at a total of 21 sites (count stations). During the survey, counts of the two species (Golden Plover and Song Thrush) were made at each of six different sites on each day during the monitoring period. Each group of six sites was surveyed once every four days, such that a total of 21 sites were surveyed over each period of four days.

7.5 The study site at Comino (a designated Bird Sanctuary where no hunting or live-capturing is permitted) was included in the six sites surveyed on any one day, such that this islet was surveyed on a daily basis. However, when weather conditions precluded surveys at the Comino site due to unavailability of sea transport services, these were undertaken at alternative sites located close to Comino (in Qala, located at the south-eastern tip of Gozo) instead. Golden Plover and Song Thrush counts obtained across this network of observation stations over the survey period are given in Table 5.

Date	Total daily counts	
	Golden Plover	Song Thrush
15-Oct-20	0	0
16-Oct-20	0	2
17-Oct-20	0	0
18-Oct-20	0	0
19-Oct-20	0	15
20-Oct-20	0	18
21-Oct-20	0	33
22-Oct-20	0	8
23-Oct-20	0	6
24-Oct-20	0	20
25-Oct-20	0	11
26-Oct-20	0	2
27-Oct-20	1	4
28-Oct-20	0	1

29-Oct-20	0	4
30-Oct-20	0	9
31-Oct-20	0	43
1-Nov-20	0	16
2-Nov-20	0	17
3-Nov-20	0	14
4-Nov-20	0	5
5-Nov-20	1	8
6-Nov-20	2	11
7-Nov-20	0	14
8-Nov-20	4	12
9-Nov-20	6	6
10-Nov-20	4	3
11-Nov-20	0	7
12-Nov-20	1	6
13-Nov-20	6	3
14-Nov-20	4	4
15-Nov-20	4	6
16-Nov-20	1	2
17-Nov-20	4	0
18-Nov-20	0	3
19-Nov-20	1	0
20-Nov-20	9	1
21-Nov-20	7	1
22-Nov-20	5	7
23-Nov-20	7	3
24-Nov-20	3	1
25-Nov-20	14	3
26-Nov-20	5	3
27-Nov-20	3	0
28-Nov-20	0	3
29-Nov-20	3	1
30-Nov-20	10	3
1-Dec-20	9	0
2-Dec-20	20	0
3-Dec-20	20	0
4-Dec-20	3	2
5-Dec-20	7	0
6-Dec-20	9	2
7-Dec-20	12	0
8-Dec-20	8	2
9-Dec-20	4	0
10-Dec-20	4	0
11-Dec-20	2	0
12-Dec-20	2	4
13-Dec-20	3	0
14-Dec-20	0	0
15-Dec-20	0	1
16-Dec-20	4	1
17-Dec-20	4	0
18-Dec-20	5	0
19-Dec-20	0	1
20-Dec-20	4	4
21-Dec-20	4	0
22-Dec-20	1	0
23-Dec-20	0	2
24-Dec-20	1	3
25-Dec-20	5	3
26-Dec-20	1	1
27-Dec-20	5	4

28-Dec-20	5	0
29-Dec-20	0	0
30-Dec-20	2	0
31-Dec-20	6	2
01-Jan-21	2	1
02-Jan-21	3	3
03-Jan-21	3	1
04-Jan-21	2	1
05-Jan-21	1	0
06-Jan-21	0	0
07-Jan-21	2	0
08-Jan-21	0	0
09-Jan-21	2	0
10-Jan-21	0	5
11-Jan-21	0	0
12-Jan-21	11	0
13-Jan-21	0	0
14-Jan-21	7	0
15-Jan-21	6	0
Total counts	294	382

- 7.6 Raw daily counts for Golden Plover recorded from the 21 sites during the present study varied between 0 and a maximum of 10, while the mean daily counts ranged between 0 and 3.33. Most of the counts for this species were recorded between early November and early January, with a period of higher counts between mid-November and mid-December. The total counts, i.e. the total number of Golden Plover individuals recorded from a given grid location (= study site) during the whole study period (93 days), varied appreciably between the different sites: at the lower end, no individuals were recorded throughout the survey period from the site at grid locations 5064, while at the higher end, 60 Golden Plover individuals were recorded from the site at grid location 4085 (which was surveyed daily), and 34 individuals were recorded from the site at grid location 4073.
- 7.7 Raw daily counts for Song Thrush recorded from the 21 sites during the present study varied between 0 and a maximum of 26, while the mean daily counts ranged between 0 and 7.17. Comparatively higher counts were recorded between late October and mid-November. The total count, i.e. the total number of Song Thrush individuals recorded from a given grid location (= study site) during the whole study period (93 days), varied appreciably between the different sites: at the lower end no individuals were recorded throughout the survey period from the sites at grid locations 6067 and 5064, while at the higher end 85 Song Thrush individuals were recorded from the site at grid location 4085, which was surveyed daily, and 47 individuals were recorded from the site at grid location 4666.
- 7.8 Overall, count values for Golden Plover from the present (autumn/winter 2020) survey show a similar trend to those recorded in the previous autumn surveys, with higher count values recorded during the period mid-November to early January (Figure 4). Count values for Song Thrush from the present (autumn/winter 2020) survey show a similar trend to those recorded in the previous autumn surveys, with higher count values recorded during the period late October to mid-November (Figure 5).

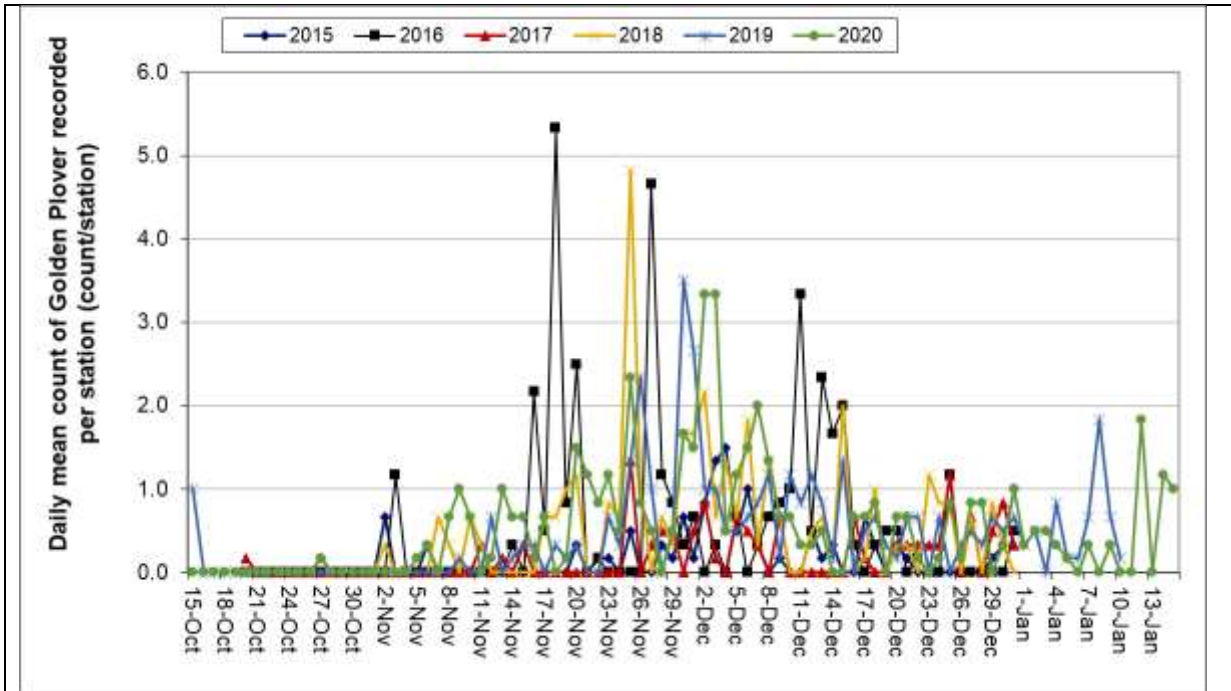


Figure 4: Daily mean counts of Golden Plover per station recorded between 15 October 2020 and 15 January 2021 during the 2020 survey and between 20 October and 31 December during previous (2015, 2016, 2017, 2018, 2019) surveys.

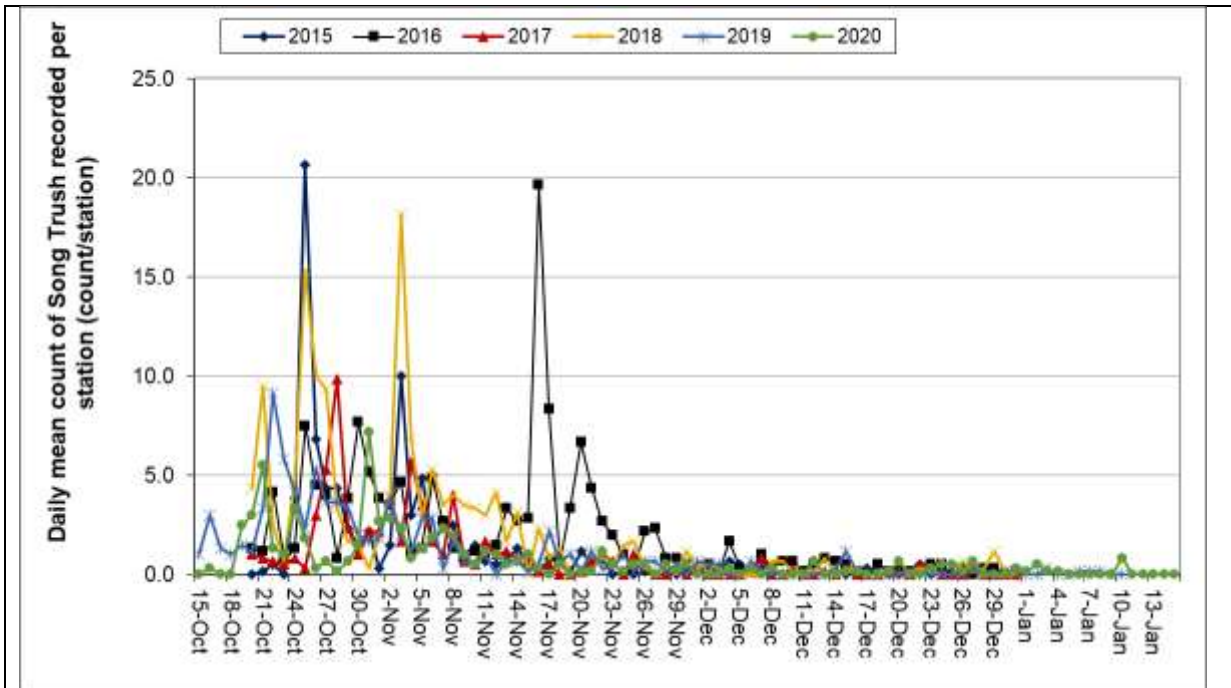


Figure 5: Daily mean counts of Song Thrush per station recorded 15 October 2020 and 15 January 2021 during the present (2020) and between 20 October and 31 December during previous (2015, 2016, 2017, 2018, 2019) surveys.

7.9 The data from the survey was **extrapolated** to obtain an estimate of the total number of Golden Plovers and Song Thrushes that may have migrated over Malta on each day of the study period (Table 6). These estimates should be treated with caution, given the inherent limitations and assumptions which are detailed in the migration study report.

	Daily counts		Extrapolated data		
	Min	Max	Daily Min	Daily Max	Total estimated influx over survey period
Golden Plover	0	20	0	1,808	26,579
Song Thrush	0	43	0	3,887	34,529

8. Comparison between migratory study data and game reporting data

8.1 A comparative analysis of the results obtained during the 2020/2021 Golden Plover and Song Thrush migration study with the game reporting data for the 2020/2021 derogation period was carried out. It should be stated from the outset that the two sets of data were collected for different purposes, using very different methodologies, and therefore the magnitudes of the values are not directly comparable. However, the temporal trends can be expected to follow similar patterns, that is, periods when higher mean daily counts were recorded during the survey should broadly correspond to dates when higher numbers of Golden Plovers and Song Thrushes were captured (and reported in the bag data) in the same year (2020/2021). Whether the migratory influx follows the same temporal trend from year to year can only be confirmed through a longitudinal study of influx of the different bird species over a period of several years (Ecoserv, 2021).

8.2 Graphical representations of the mean daily counts made during the 2020 migration survey and the daily bag counts for the same time period (15 October 2020 – 15 January 2021) for each of the two bird species were prepared to compare temporal trends among the two different datasets. In a graphical plot showing daily counts, a high variation in counts from day to day may overshadow temporal trends over the two-month period. To aid visual interpretation, a second set of analyses was undertaken by computing a moving average using a rolling 5-day period for the time series count data. This has the effect of smoothing out the day to day fluctuations and hence making longer-term trends in mean daily counts or daily bag counts more apparent, thus facilitating visual interpretation of temporal trends. Note that the analyses based on a moving average do not replace those based on the raw daily counts. Rather, the graphical representations showing a 5-day moving average should be seen in conjunction with those based on daily counts, which are also presented (Ecoserv, 2021).

Golden Plover

8.3 The daily bag counts indicating the number of Golden Plover caught during the 2020 live-capturing season and the mean daily counts of the same species made during the 2020 survey are shown in Figure 6, while Figure 7 presents the 5-day moving average computed from these data. As already noted, the magnitude of the bag counts and those of the mean counts made in the 2020 survey are not directly comparable; consequently the two sets of values are on different scales. Therefore, in Figures 6–7, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2020 survey are plotted on the right-side y-axis.

8.4 Overall, the highest daily counts made during the 2020 survey occurred between mid-November and early January, with a peak on 2 and 3 December. Bag counts in 2020 were nil throughout October when the season was not open, low in early November and increased between mid-November and late December, with a peak on 2 December. Thus, the general trend observed in the bag counts for 2020 and the daily

counts recorded during the 2020 survey is of higher counts starting in mid-November and continuing until early January, with a peak at the beginning of December.

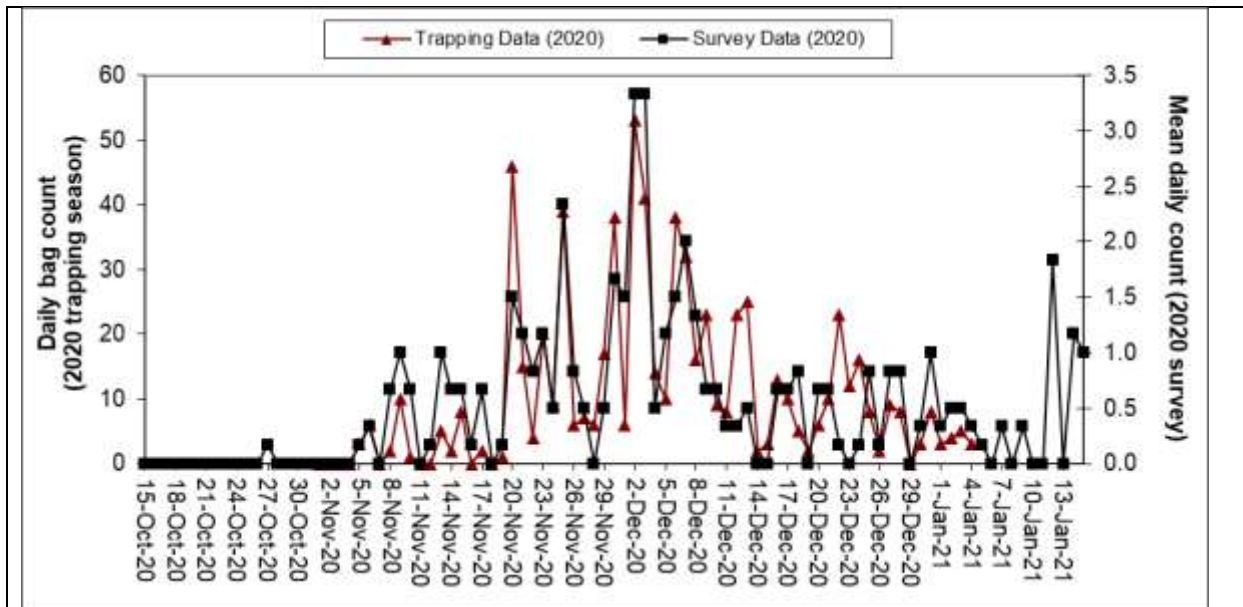


Figure 6: Daily bag count of Golden Plover during period 01 November 2020 to 04 January 2021 (red line; values on left-side y-axis), together with the mean daily counts recorded during the 2020 migration survey (black line; values on right-side y-axis) for the period 15 October 2020 to 15 January 2021.

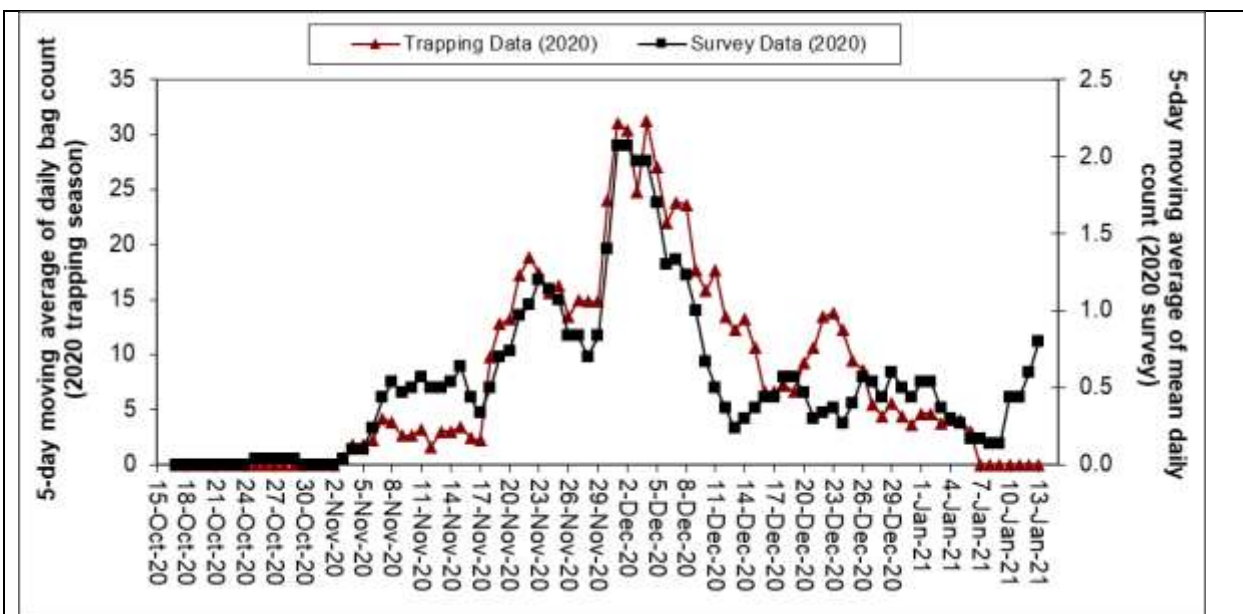


Figure 7: Moving average based on a 5-day rolling time period for the daily bag counts of Golden Plover for the period 01 November 2020 to 04 January 2021 (red line; values on left-side y-axis), and of the mean daily counts recorded during the 2019 migration survey (black line; values on right-side y-axis) for the period 15 October 2020 to 15 January 2021

Song Thrush

8.5 The daily bag counts indicating the number of Song Thrush caught during the 2020 live-capturing season and the mean daily counts of the same species made during the present (2020) survey are shown in Figure 8, while Figure 9 presents the 5-day moving average computed from these data. As already noted, the magnitude of the bag counts and those of the mean counts made in the 2020 survey are not directly comparable, consequently the two sets of values are on different scales. Therefore, in Figures 8–9,

two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2020 survey are plotted on the right-side y-axis.

- 8.6 Overall, the highest daily counts made during the present 2020 survey occurred between mid-October and mid-November, with counts declining thereafter; most days in December and January were characterized by low or zero counts. The highest bag counts in 2020 also occurred between mid-October and mid-November, with lower bag counts reported thereafter until the end of December. Thus, the general trend observed in the bag counts for 2020 and the daily counts recorded during the 2020 survey is of higher counts in the earlier part of the live-capturing season, up to around mid-November.

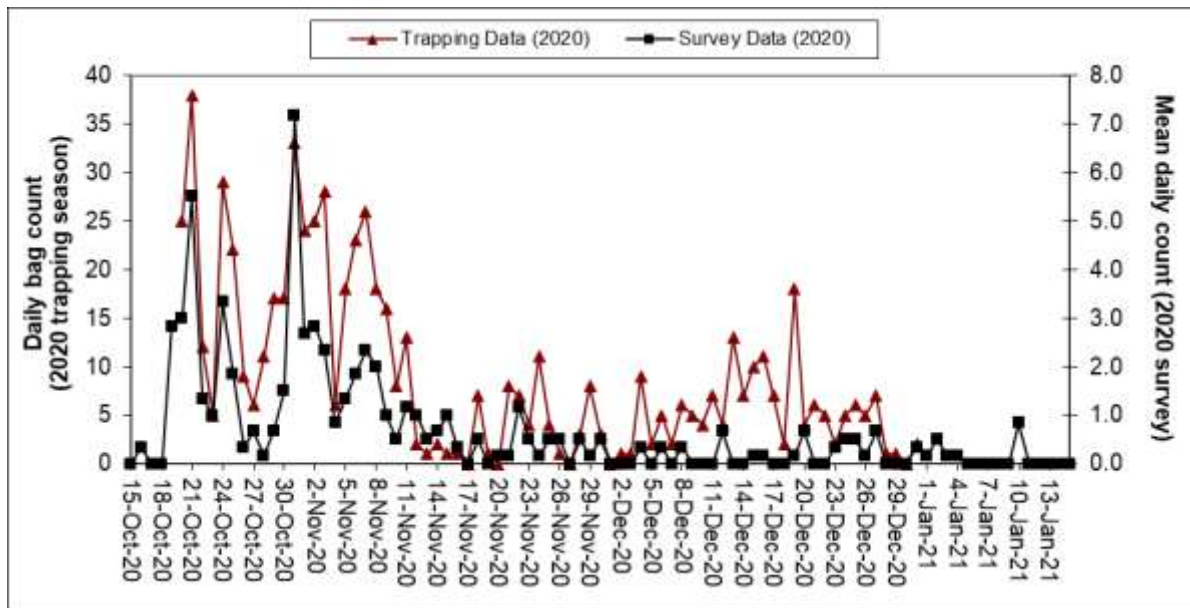


Figure 8: Daily bag count of Song Thrush for the period 20 October 2020 to 31 December 2020 (red line; values on left-side y-axis), together with the mean daily counts recorded during the 2020 migration survey (black line; values on right-side y-axis) for the period 15 October 2020 to 15 January 2021.

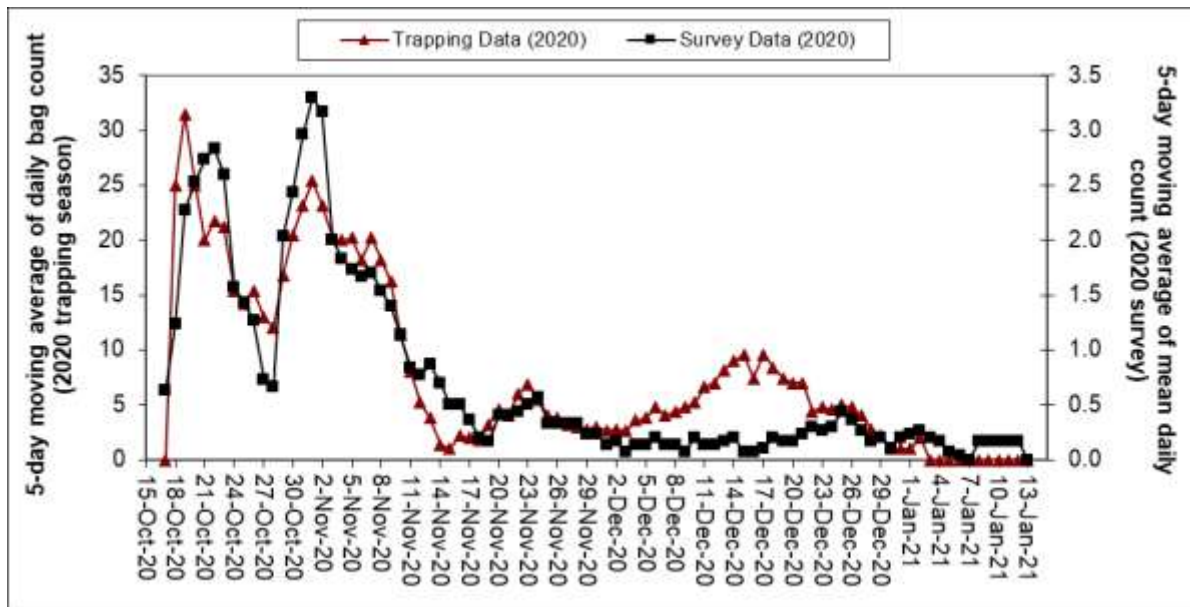


Figure 9: Moving average based on a 5-day rolling time period for the daily bag counts of Song Thrush during for the period 20 October 2020 to 31 December 2020 (red line; values on left-side y-axis), and of the mean daily counts recorded during the 2020 migration survey (black line; values on right-side y-axis) for the period 15 October 2020 to 15 January 2021.

- 8.7 Although the sampling effort deployed during the study was incomparably smaller than the number of live-capturers active in the field, the trends of observed migration of both

species and the trends of reported catches followed an overall similar pattern, with peak reports of catches largely coinciding with the peaks in observations, and vice versa – days with the lowest observations were also days when fewer catches were reported. This close similarity of trends indicates that notwithstanding variations that occurred due to varying sampling effort and methodologies, the reports of catches are validated by the independently observed migration patterns.

9. Enforcement and strict supervision

- 9.1 Prior to the start of the season, enforcement officials detailed to carry out spot-checks received specialised training on enforcement priorities and techniques organised by the Wild Birds Regulation Unit. The 120 attendees were trained in basic field ornithology and avian ecology, as well as on the relevant regulations and licence conditions, inspection techniques, principles of surveillance as well as counter-poaching operations and wildlife crime detection and prosecution techniques.

Overall deployment and field surveillance

- 9.2 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (SL 549.74) stipulates that during all hours for which an autumn live-capturing season is open the total number of police officers, and/or marshals assigned to carry out spot-checks should be in the region of forty (40). The Framework Regulations also specify that, outside these hours, at least two (2) police officers and/or marshals shall be on duty and that the Police shall continue to carry out spot-checks until at least two weeks following the end of an autumn live-capturing season, in order to prevent illegal capture. Moreover, following the closure of the autumn live-capturing season, for every one thousand (1,000) live-capturing licences issued that year a minimum of three (3) police officers shall be on duty during the hours of daylight.
- 9.3 Regulation 8(5) of the Framework Regulations details a standard operating procedure for enforcement, which requests that in pursuance of their duties under these regulations, the Police, assisted by marshals as may be necessary, shall carry out **daily systematic spot-checks** throughout all the season, in all the regions shown in the Second Schedule (Figure 10). The Framework Regulations specify that in Gozo, spot-checks in regions 1 and 3 shall be carried out simultaneously with spot-checks in regions 2 and 4 by separate police officers. Similarly in Malta, spot-checks in regions 5, 6 and 8 shall be carried out simultaneously with spot-checks in regions 7,9 and 10 by separate police officers and that spot-checks within each region in Malta and Gozo shall be carried out daily.

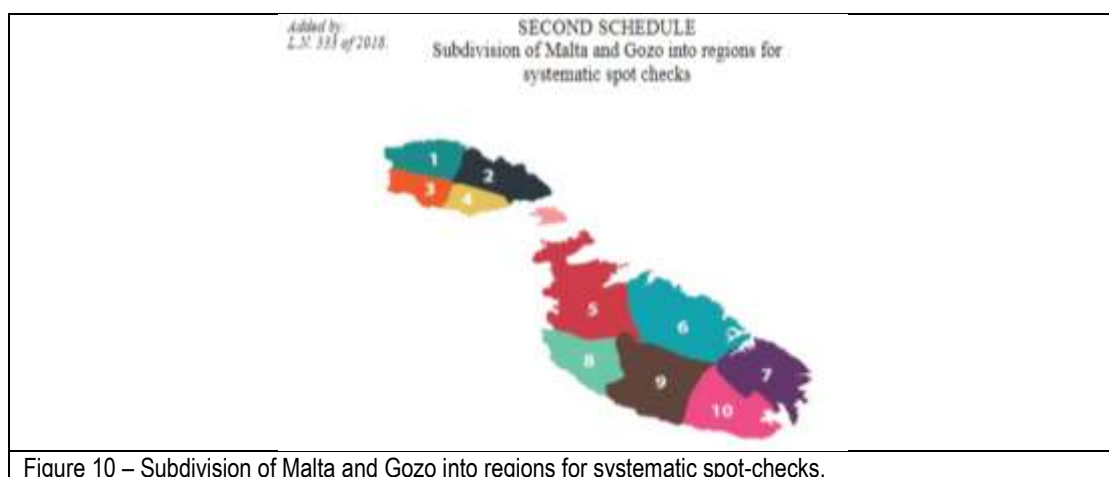


Figure 10 – Subdivision of Malta and Gozo into regions for systematic spot-checks.

9.4 During the autumn 2020 live-capturing season, the enforcement authorities deployed a total overall complement of 73 officers to oversee and supervise the parameters of the derogation (Table 7).

Entity	Number of officers	Duties
Environment Protection Unit (EPU) of the Police	20	Field patrols, surveillance, inspections, investigations and prosecution.
District police officers seconded to the EPU	26	
Gozo police	12	
Armed Forces of Malta	6	Field patrols and surveillance
Environmental rangers	3	Patrols in Terrestrial Natura 2000 sites, other protected and scheduled areas and public ODZ sites, reporting illegal activities to Police
Wild Birds Regulation Unit	6	Verification of compliance with registration conditions; assistance to police in prosecution processes, other expert services
Total	73	

9.5 Police (EPU and District) and Armed Forces of Malta officers maintained a daily field deployment that 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 (Table 8), effectively covering live-capturing activity times. This includes all other non-field staff assigned on-duties related to the supervision of the live-capturing season, but excludes field staff on shift rotation.

9.6 During the period of the derogation, enforcement officers carried out a total of 2,648 spot-checks (1,458²⁰ in Malta and 1,190 in Gozo) on individual licensees. Table 8 lists the number of enforcement officers deployed, number of spot-checks on individual live-capturers per region, offences detected and persons charged.

²⁰ Out of which 83 were road checks.

Table 8 – Daily enforcement statistics during the autumn 2020 live-capturing season

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
20/10/2020	50	10	50	5	1	3	11	6	2	3	16	15	17	14	0	0	0	0
21/10/2020	52	11	52	4	2	1	1	5	8	6	19	2	2	3	0	2 Illegal trapping of finches ²¹	0	0
22/10/2020	50	9	50	7	3	5	4	5	9	8	10	8	12	9	0	0	0	0
23/10/2020	51	9	51	5	2	1	3	5	8	5	5	7	2	1	0	0	0	0
24/10/2020	52	9	50	7	10	3	3	5	6	12	1	4	31	8	0	0	0	0
25/10/2020	52	9	52	7	3	4	6	7	13	15	6	2	1	4	0	0	0	0
26/10/2020	51	9	51	7	2	3	2	3	8	8	4	7	7	3	0	0	0	0
27/10/2020	50	11	50	5	2	1	2	4	4	5	2	1	4	1	1 Illegal trapping of finches ²²	0	1 Court action	0
28/10/2020	50	10	50	5	6	4	7	1	3	9	1	1	4	1	0	0	0	0
29/10/2020	52	10	52	5	4	1	11	1	6	22	4	5	1	7	0	0	0	0

²¹ Cases refer to two unregistered trapping sites found in Xewkija illegally targeting finches. Police seized all trapping paraphernalia including three Common Linnet *Linaria cannabina*, six Common Chaffinch *Fringilla coelebs*, five European Greenfinch *Chloris chloris*, six European Serin *Serinus serinus* and two Hawfinches *Coccothraustes coccothraustes* for further inspection by the government-appointed veterinarian. Following inspection one Chaffinch was found to be wearing a genuine seamless closed ring and was kept for lifetime care whilst the remaining birds were released because they were either fitted with a fake closed ring or not wearing any rings. No further legal action could be taken because the culprits remained unknown to the police.

²² Case refers to a person caught trapping for finches on an unregistered site in Delimara. Police seized all paraphernalia including two European Greenfinch *Chloris chloris*, one European Serin *Serinus serinus* and two Hawfinches *Coccothraustes coccothraustes* for further inspection and confirmation of the legality of the rings by the government-appointed veterinarian. Upon inspection, the veterinarian confirmed that one of the Hawfinches was fitted with a fake closed ring whilst the remaining birds were not fitted with a ring and thus all were illegally possessed. All the birds were released following removal of the fake ring. Legal action has been initiated against the culprit.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
30/10/2020	51	13	51	4	1	3	2	4	2	2	4	12	8	5	0	1 Illegal trapping of finches ²³	0	0
31/10/2020	52	10	52	4	2	1	15	4	10	3	6	4	7	4	1 Use of cage trap ²⁴	0	1 Court action	0
01/11/2020	50	11	50	6	4	1	4	2	4	10	17	5	5	5	0	0	0	0
02/11/2020	50	11	50	6	2	2	1	4	2	2	9	3	8	5	0	1 Trapping without a Special Licence ²⁵ 1 Trapping on an unregistered site ²⁶	0	1 Court action
03/11/2020	51	10	51	6	3	4	3	2	4	6	14	2	7	5	0	0	0	0
04/11/2020	50	11	50	5	4	2	3	4	3	1	7	9	4	17	0	0	0	0
05/11/2020	49	13	49	6	8	2	3	1	4	10	9	11	11	5	0	0	0	0
06/11/2020	51	13	51	6	2	2	10	7	2	2	11	7	13	7	0	0	0	0
07/11/2020	50	10	50	4	1	1	8	5	1	10	11	8	1	3	0	1 Trapping on an unregistered site ²⁷ 1 Illegal trapping of finches ²⁸	0	0
08/11/2020	48	9	48	5	3	2	9	1	11	2	12	3	7	0	0	0	0	0
09/11/2020	51	11	51	6	3	2	6	3	2	4	4	12	2	3	0	2 Trapping on unregistered sites ²⁹	0	0
10/11/2020	50	12	50	6	5	1	6	6	3	1	6	2	8	1	5 Illegal trapping of finches ³⁰	0	0	0

²³ Case refers to an unregistered trapping site found in Xaghra illegally targeting finches. Police seized all trapping paraphernalia including six Common Linnet *Linaria cannabina* and two Common Chaffinch *Fringilla coelebs*, which were immediately released on site because they were not fitted with any rings. No further legal action could be taken because the culprit remained unknown to the police.

²⁴ Case refers to a person found making use of a cage trap and subsequently issued with an administrative fine of €250. The payment was not settled within the 21 days and thus case referred for court action in line with Regulation 27A (2) of SL 549.42.

²⁵ Case refers to an individual found trapping for finches in San Dimitri, limits of Gharb, without a special licence. Police seized all trapping paraphernalia including two European Greenfinch *Chloris chloris*, two Common Linnet *Linaria cannabina*, three Common Chaffinch *Fringilla coelebs* and a European Goldfinch *Carduelis carduelis*. Most of the birds were released on site because they were not fitted with a ring whilst the two European Greenfinch *Chloris chloris* were taken to the government-appointed veterinarian for confirmation of legality of rings, which were confirmed to be split rings and thus released. Legal action has been initiated against the culprit.

²⁶ Case refers to an unregistered trapping site at San Dimitri, limits of Gharb, where police seized all trapping paraphernalia. No further legal action could be taken because culprit remained unknown to the police.

²⁷ Case refers to an unregistered trapping site at Qala where police seized all trapping paraphernalia. No further legal action could be taken because culprit remained unknown to the police.

²⁸ Case refers to an unregistered trapping site found in Żebbuġ illegally targeting finches. Police seized all trapping paraphernalia including ten finches, five of which were released on site because they were not fitted with any rings whilst two Common Linnet *Linaria cannabina* and three Common Chaffinch *Fringilla coelebs* were taken to the government-appointed veterinarian for further inspection. All birds were subsequently released because they were fitted with a fake closed ring. No legal action could be taken because the culprit remained unknown to the police.

²⁹ Cases refer to unregistered trapping sites at San Lawrenz and Kerċem where police seized all trapping paraphernalia including two mist-nets and a bird-caller. No further legal action could be taken because the culprits remained unknown to the police.

³⁰ Cases refer to five unregistered trapping sites found in Hal-Ghaxaq illegally targeting finches. Police seized all trapping paraphernalia including five pairs of trapping nets, 28 shell cartridges and 5 Common Linnet *Linaria cannabina*, 4 Common Chaffinch *Fringilla coelebs*, 9 European Greenfinch *Chloris chloris*, a Eurasian Siskin *Spinus spinus* and 2 Hawfinch *Coccothraustes coccothraustes* for further inspection by the government-appointed veterinarian. Following inspection, one European Greenfinch *Chloris chloris* was confirmed to be captive-bred (fitted with a genuine seamless closed ring). The remaining birds were released because they were either fitted with a fake closed ring or not fitted with any rings. No legal action could be taken because the culprits remained unknown to the police.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken		
11/11/2020	50	9	50	5	3	1	1	1	1	1	16	7	3	1	1	2 Illegal trapping of finches ³¹	0	1 Court action	0
12/11/2020	51	11	51	5	1	1	3	2	2	1	11	6	11	6	0	0	0	0	
13/11/2020	49	12	49	5	3	2	2	1	2	2	2	6	5	2	4	2 Illegal use of bird callers ³²	0	2 Administrative fines	0
14/11/2020	50	11	50	4	7	1	9	7	5	2	1	3	4	1	1 Illegal use of bird caller ³³	0	1 Administrative fine	0	
15/11/2020	50	9	50	5	4	2	1	1	9	3	1	7	5	10	1 Illegal trapping of finches ³⁴	0	1 Court action	0	
16/11/2020	49	9	49	5	1	2	2	16	1	2	11	2	6	18	0	0	0	0	
17/11/2020	50	9	50	5	2	1	1	2	1	3	1	1	1	1	1 Illegal use of bird caller ³⁵	0	1 Administrative fine	0	
18/11/2020	51	12	51	6	2	1	2	4	2	5	8	1	5	2	1 Illegal trapping of finches ³⁶	0	0	0	
19/11/2020	50	9	50	7	2	1	2	1	1	2	4	1	2	1	1 Illegal use of bird caller ³⁷	0	1 Administrative fine	0	
20/11/2020	51	10	51	4	1	1	2	1	1	2	6	5	1	1	3 Illegal use of bird callers ³⁸	0	3 Administrative fines	0	
															2 Trapping on unregistered site ³⁹ s				
21/11/2020	49	10	49	6	2	5	7	2	2	7	8	8	3	3	1 Illegal use of bird callers ⁴⁰	0	1 Administrative fine	0	
															1 Trapping without a Special Licence ⁴¹		1 Court action		
22/11/2020	49	9	49	6	1	8	10	5	4	6	9	2	1	2	5 Illegal use of bird callers ⁴²	0	5 Administrative fines	0	
23/11/2020	51	13	51	5	4	1	6	1	1	4	3	2	1	1	2 Illegal use of bird callers ⁴³	0	2 Administrative fines	0	
24/11/2020	49	10	49	5	1	1	7	1	1	2	5	8	5	1	2 Illegal use of bird callers ⁴⁴	0	2 Administrative fines	0	

³¹ Case refers to a person found illegally trapping for finches. Police seized all paraphernalia including four Common Chaffinch *Fringilla coelebs*, three Eurasian Siskin *Spinus spinus*, one Common Linnet *Linaria cannabina* and two European Greenfinch *Chloris chloris* for further inspection by the government-appointed veterinarian who later confirmed that all birds were illegally possessed and subsequently released. Legal action has been initiated against the perpetrator. The second case refers to an unattended trapping site from which police seized and released two European Greenfinch *Chloris chloris* and a European Goldfinch *Carduelis carduelis* which were not fitted with a ring. No further legal action could be taken because culprit remained unknown to the police.

³² Cases refer to two persons found using prerecorded bird-calls of European Golden Plover and Song Thrush. Police seized both bird-callers and culprits were issued with an administrative fine which payment was settled within 21 days.

³³ Case refers to the use of pre-recorded bird-calls for European Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

³⁴ Case refers to a person found trapping for finches on an unregistered site. Police seized all trapping paraphernalia and initiated legal action against the culprit.

³⁵ Case refers to the use of pre-recorded bird-calls for European Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

³⁶ Case refers to an unregistered trapping site where Police seized all trapping paraphernalia including a European Greenfinch *Chloris chloris* and a Common Chaffinch *Fringilla coelebs*. The government-appointed veterinarian confirmed that both birds were fitted with a fake closed ring which was removed before release. No further legal action could be taken because the culprit remained unknown to the police.

³⁷ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird caller and culprit was issued with an administrative fine which payment was settled within 21 days.

³⁸ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

³⁹ Cases refer to two unregistered trapping sites found in Swatar. Police seized all trapping paraphernalia however no further no legal action could be taken because the culprits remained unknown to the Police.

⁴⁰ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁴¹ Case refers to an individual found trapping for Golden Plovers without a special licence. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the culprit.

⁴² Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁴³ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁴⁴ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
25/11/2020	50	11	50	7	2	2	6	5	6	2	5	2	2	2	1 Trapping on an unregistered site ⁴⁵			
															1 Trapping on an unregistered site ⁴⁶	0	0	0
26/11/2020	51	12	51	5	3	2	2	1	1	3	3	2	8	1	3 Illegal use of bird callers ⁴⁷		3 Administrative fines	
															2 Illegal Trapping of Finches ⁴⁸	0	2 Court action	0
27/11/2020	49	10	49	4	1	2	1	1	5	1	5	3	1	2	1 Unattended trapping site ⁴⁹		1 Court action	
															2 Trapping on unregistered sites ⁵⁰	0		0
28/11/2020	49	13	49	5	8	2	2	1	1	1	8	3	1	3	0	0	0	0
29/11/2020	49	9	49	6	2	1	6	1	2	3	4	2	5	1	1 Illegal use of bird caller ⁵¹	0	1 Administrative fine	0
30/11/2020	50	9	50	7	2	4	6	4	2	6	5	5	6	5	1 Illegal use of bird caller ⁵²	0	1 Court action	0
01/12/2020	49	10	49	5	1	2	1	1	6	4	5	3	1	2	2 Illegal trapping of finches ⁵³		3 Court action	
															1 Trapping without a Special Licence ⁵⁴	0		0
02/12/2020	50	10	50	4	6	5	1	1	1	1	5	3	2	6	1 Illegal use of bird caller ⁵⁵			
															2 Trapping on unregistered sites ⁵⁶	0	1 Administrative fine	0
															1 Trapping for Waders ⁵⁷			

⁴⁵ Case refers to an unregistered trapping site at Haż-Zabbar where police seized all trapping paraphernalia. No further legal action could be taken because culprit remained unknown to the police.

⁴⁶ Case refers to an unregistered trapping site at Mellieha where police seized all trapping paraphernalia. No further legal action could be taken because culprit remained unknown to the police.

⁴⁷ Cases refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁴⁸ Cases refer to illegal trapping of finches where police seized all paraphernalia including a Common Linnet *Linaria cannabina*, three European Greenfinch *Chloris chloris*, four Eurasian Siskins *Spinus spinus* and a European Goldfinch *Carduelis carduelis* for further inspection by the government-appointed veterinarian who later confirmed that all birds were illegally possessed because they were not fitted with a ring. Legal action has been initiated against both culprits.

⁴⁹ Case refers to a registered unattended trapping site. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁵⁰ Cases refer to unregistered trapping sites at Mellieha, limits of Torri l-Ahmar, where police seized all paraphernalia. No further legal action could be taken because culprits remained unknown to the police.

⁵¹ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁵² Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was not settled within 21 days and thus referred for court action.

⁵³ Cases refer to trapping of finches on unregistered sites. From these sites, police seized twelve Common Linnet *Linaria cannabina*, five Common Chaffinch *Fringilla coelebs*, five European Greenfinch *Chloris chloris*, four Eurasian Siskin *Spinus spinus*, two European Goldfinch *Carduelis carduelis* and three European Serin *Serinus serinus* for further inspection by the government-appointed veterinarian. The veterinarian confirmed that nine of these birds were fitted with a genuine seamless closed ring thus legally possessed. The remaining 22 finches (ten Common Linnet *Linaria cannabina*, three Common Chaffinch *Fringilla coelebs*, three European Greenfinch *Chloris chloris*, three Eurasian Siskin *Spinus spinus*, one European Goldfinch *Carduelis carduelis* and two European Serin *Serinus serinus*) were either not fitted with a ring or fitted with fake closed rings. These birds had the ring removed and released.

⁵⁴ Case refers to an individual found trapping for Golden Plovers without a special licence. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the culprit.

⁵⁵ Case refers to illegal use of bird callers for Golden Plover and Song Thrush. Fine was paid within 21 days

⁵⁶ Cases refer to two unregistered trapping sites found at Bahrija where police seized all trapping paraphernalia. No further legal action could be taken because culprits remained unknown to the police.

⁵⁷ Case refers to an unregistered trapping site found at Tal-Virtù targeting waders. Police seized all trapping paraphernalia including four Little Ringed Plovers *Charadrius dubius*, four Wood Sandpipers *Tringa glareola*, three Little Stints *Calidris minuta*, 2 Green Sandpipers *Tringa ochropus* and 2 Common Sandpipers *Actitis hypoleucos* for further inspection by the government-appointed veterinarian. The veterinarian confirmed that one Wood Sandpiper was wearing a genuine seamless closed ring whilst the remaining birds were released because they were not wearing a closed ring. No further legal action could be taken because culprits remained unknown to the police.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
03/12/2020	50	9	50	5	2	1	14	3	4	7	1	2	2	1	5 Illegal use of bird callers ⁵⁸	0	4 Administrative fines	0
															1 Trapping on unregistered site ⁵⁹		1 Court action	
04/12/2020	49	9	49	5	1	1	2	2	5	2	5	2	7	1	1 Unattended trapping site ⁶⁰	0	3 Court action	0
															1 Trapping on an unregistered site ⁶¹			
															1 Trapping without a Special Licence ⁶²			
															3 Illegal trapping of finches ⁶³			
05/12/2020	50	9	50	6	3	1	21	1	1	2	10	2	1	3	3 Unattended trapping sites ⁶⁴	0	3 Court action	0
															2 Trapping on unregistered sites ⁶⁵			
															2 Illegal trapping of finches ⁶⁶			
06/12/2020	49	9	49	5	1	2	1	3	2	4	7	7	1	3	2 Illegal use of bird callers ⁶⁷	0	2 Administrative fines	0
															1 Unattended trapping site ⁶⁸		1 Court action	
07/12/2020	50	9	50	5	1	1	1	2	1	1	1	1	1	2	1 Illegal use of bird caller ⁶⁹	1 Illegal trapping of finches ⁷⁰	1 Administrative fine	0
08/12/2020	49	12	50	4	1	2	1	9	13	1	4	4	1	2	3 Illegal use of bird callers ⁷¹	0	3 Administrative fines	0
09/12/2020	50	9	50	5	1	1	1	1	2	1	1	1	1	2	0	0	0	0
10/12/2020	49	9	49	5	1	2	1	1	1	1	2	1	1	2	1 Illegal use of bird caller ⁷²	0	1 Administrative fine	0
11/12/2020	49	10	49	4	1	1	1	1	1	1	1	1	2	1	0	0	0	0

⁵⁸ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine of which four were settled within 21 days and one referred to court.

⁵⁹ Case refers to unregistered trapping site at Hal-Far. Police seized all trapping paraphernalia but no further legal action could be taken because the culprit remained unknown to the police

⁶⁰ Case refers to a registered unattended trapping site. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁶¹ Case refers to a person found trapping on a different site than the one registered for use during the season. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁶² Case refers to an individual found trapping for finches without a special licence. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the culprit

⁶³ Cases refer to three unregistered sites targeting finches. Police seized all paraphernalia including one Common Chaffinch *Fringilla coelebs*, five European Greenfinch *Chloris chloris*, a European Goldfinch *Carduelis carduelis*, and a Hawfinch *Coccothraustes coccothraustes* for further inspection by the government-appointed veterinarian who later confirmed that all birds were illegally possessed because these were not fitted with a genuine closed ring. All birds were released however no further legal action could be taken because the culprit remained unknown to the police.

⁶⁴ Cases refer to an unattended registered trapping site in Haž-Žabbar set up with decoys of Golden Plover and Northern Lapwing *Vanellus vanellus*, another site in the same locality targeting finches and a third site in Hal-Ghaxaq targeting Golden Plover. Police seized all trapping paraphernalia, including bird callers and decoys of protected birds and initiated legal action against the culprits.

⁶⁵ Cases refer to unregistered trapping sites at Hal-Ghaxaq targeting Golden Plover. Police seized all trapping paraphernalia however no further legal action could be taken because the culprits remained unknown to the police.

⁶⁶ Cases refer to unregistered trapping sites at Hal-Ghaxaq targeting finches. Police seized all trapping paraphernalia however no further legal action could be taken because the culprits remained unknown to the police.

⁶⁷ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁶⁸ Case refers to a registered unattended trapping site in Marsaskala. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁶⁹ Case refers to the illegal use of bird caller for Golden Plover and Song Thrush. The fine was not paid within 21 days and case referred for court action.

⁷⁰ Cases refer to unregistered trapping sites at Għarb targeting finches. Police seized all trapping paraphernalia however no further legal action could be taken because the culprits remained unknown to the police.

⁷¹ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁷² Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
12/12/2020	50	9	50	5	1	2	2	1	2	5	3	2	4	3	1 Illegal use of bird caller ⁷³	0	1 Administrative fine	0
13/12/2020	49	9	49	5	1	3	4	2	1	1	3	2	1	1	1 Trapping during closed season (prohibited hours) ⁷⁴	0	2 Court action	0
															1 Trapping for protected birds ⁷⁵			
14/12/2020	50	10	50	4	4	1	1	9	1	1	5	2	1	3	1 Unattended Trapping site ⁷⁶	0	1 Court action	0
15/12/2020	49	9	49	5	1	1	2	2	1	1	5	1	1	2	0	2 Trapping on unregistered sites ⁷⁷	0	0
16/12/2020	50	9	50	5	1	1	1	1	3	1	1	2	2	4	0	0	0	0
17/12/2020	49	10	49	4	1	2	2	5	1	1	5	2	1	1	2 Illegal use of bird callers ⁷⁸	0	2 Administrative fines	0
18/12/2020	50	10	50	4	1	1	1	7	1	1	1	1	3	1	0	0	0	0
19/12/2020	49	9	49	5	7	1	1	3	2	2	1	2	1	1	1 Illegal use of bird caller ⁷⁹		2 Court action	0
															1 Illegal possession of birds ⁸⁰	1 Trapping on an unregistered site ⁸²		
															1 Trapping on an unregistered site ⁸¹			
20/12/2020	49	9	49	5	1	1	1	1	6	3	1	1	1	1	1 Illegal use of bird caller ⁸³	0	1 Administrative fine	0
21/12/2020	50	6	50	8	1	1	1	1	1	1	1	1	1	1	1 Trapping during closed season (prohibited hours) ⁸⁴	0	1 Court action	0
22/12/2020	49	10	49	4	1	1	1	2	1	1	1	1	1	1	1 Trapping on an unregistered site ⁸⁵	0	0	0
23/12/2020	50	10	50	4	1	1	1	1	1	1	1	2	1	1	0	0	0	0
24/12/2020	49	8	49	6	2	1	1	1	1	1	1	1	1	1	0	0	0	0
25/12/2020	49	8	49	6	1	1	4	1	1	1	1	2	2	1	0	0	0	0
26/12/2020	50	10	50	4	1	1	1	1	1	1	1	1	1	2	0	0	0	0
27/12/2020	50	9	50	5	1	1	1	1	1	1	1	1	1	1	0	0	0	0

⁷³ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁷⁴ Case refers to trapping for Golden Plover during prohibited hours in Dingli. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the culprit.

⁷⁵ Case refers to a trapping site in Rabat with plastic decoys of Northern Lapwing. Police seized all trapping paraphernalia including a bird caller, a fire-arm, multiple cartridges and the plastic decoys and initiated legal action against the culprit.

⁷⁶ Case refers to an unattended finch trapping site in Marsaskala. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁷⁷ Cases refer to unregistered trapping sites at Wied il-Ghasri. Police seized all trapping paraphernalia but no further legal action could be taken because the culprits remained unknown to the police

⁷⁸ Cases refer to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprits were issued with an administrative fine which payment was settled within 21 days.

⁷⁹ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was not settled within 21 days and thus referred for court action.

⁸⁰ Case refers to the illegal possession of finches found on a trapping site in Attard. Police seized all paraphernalia including two Common Linnet *Linaria cannabina*, two Common Chaffinch *Fringilla coelebs* and a Eurasian Siskin *Spinus spinus* for further inspection by the government-appointed veterinarian. The veterinarian confirmed that one Common Linnet *Linaria cannabina* and a Common Chaffinch *Fringilla coelebs* were fitted with a fake single-use ring and subsequently released. The remaining birds were confirmed to be legally possessed. Legal action has been initiated against the culprit.

⁸¹ Case refers to an unregistered trapping site in Birzebbuga targeting Golden Plover. Police seized all trapping paraphernalia including a live Golden Plover, which was released on site, and a bird caller, however no further legal action could be taken because the culprit remained unknown to the police.

⁸² Case refers to an unregistered trapping site in Xaghra. Police seized all trapping paraphernalia however no further legal action could be taken because the culprit remained unknown to the police.

⁸³ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁸⁴ Case refers to trapping for Golden Plover during prohibited hours in Mgarr. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the culprit.

⁸⁵ Case refers to an unregistered trapping site at Buskett. Police seized all trapping paraphernalia however no further legal action could be taken because the culprit remained unknown to the police.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken		
28/12/2020	49	8	49	6	1	1	1	1	1	1	1	1	1	2	2	1 Illegal use of bird callers ⁸⁶	0	1 Administrative fine	0
29/12/2020	49	10	49	4	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0
30/12/2020	49	10	49	4	1	1	1	1	1	1	1	1	1	2	1	0	0	0	0
31/12/2020	49	10	49	4	1	1	1	1	1	1	1	1	1	2	2	0	1 Trapping on an unregistered site ⁸⁷	0	0
01/01/2021	50	10	50	4	1	1	1	1	1	1	1	2	1	1	0	0	0	0	
02/01/2021	50	10	50	5	1	2	2	1	1	1	1	1	1	2	1	1 Illegal use of bird callers ⁸⁸	0	1 Administrative fine	0
03/01/2021	49	10	49	4	1	3	1	4	1	1	3	1	2	1	0	0	0	0	
04/01/2021	49	13	49	4	1	1	1	2	2	2	1	1	1	1	0	0	0	0	
05/01/2021	50	9	50	5	1	1	1	1	1	4	1	1	2	2	1 Unattended trapping site ⁸⁹	0	1 Court action	0	
06/01/2021	49	9	49	7	1	1	2	1	1	3	1	1	1	1	5 Trapping during closed season ⁹⁰	0	5 Court action	0	
															1 Trapping on an unregistered site ⁹¹				
07/01/2021	49	12	49	4	2	1	1	1	1	2	1	1	2	2	1 Trapping on an unregistered site ⁹²	0	0	0	
08/01/2021	49	10	49	4	1	1	1	2	1	2	1	1	1	1	1 Trapping during closed season ⁹³	0	1 Court action	0	
															1 Trapping on an unregistered site ⁹⁴				
09/01/2021	49	6	49	8	1	1	1	2	1	1	1	2	1	2	0	0	0	0	
10/01/2021	48	9	48	5	1	2	1	1	2	1	1	1	1	1	0	0	0	0	
	Average	Average	Average	Average	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
	50	10	50	5	185	147	284	227	243	289	379	268	297	246	102 ⁹⁵	14 ⁹⁶	73 ⁹⁷	1 ⁹⁸	

⁸⁶ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁸⁷ Case refers to an unregistered trapping site targeting Golden Plover at Gharb. Police seized all trapping paraphernalia including six plastic decoys, two live European Golden Plover *Pluvialis apricaria*, which were released on site, and a bird caller, however no further legal action could be taken because the culprit remained unknown to the police.

⁸⁸ Case refers to the use of pre-recorded bird-calls for Golden Plover and Song Thrush. Police seized the bird callers and culprit was issued with an administrative fine which payment was settled within 21 days.

⁸⁹ Case refers to an unattended registered trapping site for Golden plover and Song Thrush at Birzebbuga. Police seized all trapping paraphernalia including plastic decoys and initiated legal action against the culprit.

⁹⁰ Cases refer to illegal trapping of finches and four cases of trapping for Golden Plover following the lapse of the seasonal quota, which was reached on the 4 January 2021. Police seized all trapping paraphernalia and initiated legal action against the culprits.

⁹¹ Case refers to an unregistered trapping site targeting Golden Plover at Rabat. Police seized all trapping paraphernalia however no further legal action could be taken because the culprit remained unknown to the police.

⁹² Case refers to an unregistered trapping site. Police seized all trapping paraphernalia however no further legal action could be taken because the culprit remained unknown to the police.

⁹³ Case refers to trapping for Golden Plover in Mellieha following the lapse of the seasonal quota which was reached on 4 January 2021. Police seized all trapping paraphernalia including plastic decoys and initiated legal action against the culprit.

⁹⁴ Case refers to an unregistered trapping site where police seized all paraphernalia however no further legal action could be taken because the culprit remained unknown to the police.

⁹⁵ 29 cases of unknown culprits, 73 cases of known culprits.

⁹⁶ 13 cases of unknown culprits, 1 cases of known culprits.

⁹⁷ 40 administrative fines and 33 court actions.

⁹⁸ 1 court action.

- 9.7 During spot-checks, the Malta Police Force was responsible for ensuring the lawful operation of live-capturing practices. They were, *inter alia*, instructed to:
- Verify that live-capturers were in possession of all requisite documents;
 - Verify that live-decoys were fitted with a single-use ring provided by the Wild Birds Regulation Unit as per licence conditions;
 - Verify that any captured birds had been immediately reported *via* mobile phone;
 - Ensure compliance with time restrictions;
 - Ensure that no species other than those that could be captured under the specific licences were being targeted;
 - Verify that the live-capturing site in use was the one that had been approved by the Wild Birds Regulation Unit;
 - Verify that the conditions of the licence, such as, the maximum limit of decoys present on site and the maximum number of allowed clap-nets and their respective footprint/mesh-size were being complied with; and
 - Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (SL 549.42) and other applicable legislation.
- 9.8 In order to facilitate the conduct of their duties, enforcement officers had 15 vehicles. All vehicles were equipped with radio communication facilities, in order to enable contact with police officers from other sections/districts, and in order to allow for continuous liaison and coordination with the Police Headquarters. Police officers were also equipped with binoculars to facilitate their investigations on the ground. Police were also provided with a list of licensed live-capturers and access to real-time licensing and reporting database which facilitated the immediate identification of any live-capturers not in possession of the requisite autumn live-capturing licence as well as the immediate verification of telephonic reports of birds caught.
- 9.9 Officers conducting spot-checks were also provided with portable tablet computers with a pre-installed Geographic Information System, GPS link capability and geo-tagging photography capability. These devices were loaded with a database of the spatial location of registered trapping sites and the personal details of individual licensees registered on each individual site. During spot-checks, police officers made extensive use of these devices, which have proven to be a very effective way of instantly verifying regulatory information pertaining to each licensee's permitted location. In the past, verification of live-capturers' registration and licensing information necessitated time-consuming retrieval of physical documentation and site plans from office archives. With the introduction of a digital GPS-enabled system, this process takes only a few seconds. Due to the introduction of this technology, enforcement officers were able to dedicate considerable more time to actual field surveillance duties, as opposed to documentation retrieval.
- 9.10 During the live-capturing season, environmental NGOs carried out various independent patrols and surveillance activities in the countryside. In their 2020 Annual Report⁹⁹, CABS reported that in November 2020, joint teams from CABS and BirdLife Malta spent a week searching for sites for the illegal capture of finches. A total of six unregistered trapping sites and two cage traps were reported to the police and a total of 31 finches (Chaffinches, Linnets, Serins and Hawfinches) were seized and released by police. BirdLife Malta also implemented the #NoMoreCallers public campaign to collect information about the illegal use of electronic bird callers. It reported that in a month and a half nearly 400 reports were received from the public, an average of eight a day¹⁰⁰. Police has taken action on all reports received and this assistance has aided

⁹⁹ CABS Annual Report 2020 available at: <https://www.komitee.de/en/campaigns-and-operations/annual-reports/>

¹⁰⁰ BirdLife Malta Press Release: Hunting and trapping seasons now closed, five months of illegalities and lack of enforcement <https://birdlifemalta.org/2020/02/hunting-and-trapping-seasons-now-closed-five-months-of-illegalities-and-lack-of-enforcement/>

enforcement authorities in the disclosure of offences and swift legal action against offenders.

Infringements detected

- 9.11 During the course of inspections carried out by enforcement staff throughout the derogation period, a total of 116 live-capturing infringements were detected. A total of 44 persons were issued with an administrative fine of €250 each, 43 for the illegal use of pre-recorded bird callers whilst trapping for Golden Plover and Song Thrush and one for the use of a cage trap. All illicit devices were seized and destroyed. 40 offenders paid the fine within 21 days from notification, whilst four offenders have been referred to the police for court action for failure to pay the fine within the stipulated period.
- 9.12 Court action is being taken against 34¹⁰¹ individuals whilst no further legal action could be taken in relation to the remaining 42 illegalities since the person/s committing the illegality remained unknown to the police, in particular cases involving unregistered trapping sites. The nature of all infringements detected during the derogation period are outlined in Table 9 below, which also presents a comparison with the same statistics for the Golden Plover and Song Thrush derogations since 2013. In all cases of illegal trapping of finches, the culprits were using nets with a mesh size of 18mm x 18mm. The species and number of birds seized by police during this season is outlined in Table 10 below.

¹⁰¹ 30 offences subject to court proceedings and 4 administrative fines escalated to court.

Table 9: Offences disclosed during autumn live-capturing seasons

	2014			2015			2016			2017			2018			2019			2020			
	(20.10.14–31.12.14)			(20.10.15–31.12.15)			(20.10.16–31.12.16)			(20.10.17–31.12.17)			(20.10.17–31.12.17)			(20.10.19–10.01.20)			(20.10.20-10.01.21)			
	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	
Trapping for protected birds	0	0	0	2	0	2	0	0	0	0	0	0	17	14	31	18	10	29	21	5	26	Decrease
Use of illegal means (e.g. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	17	3	20	27	6	33	17	6	23	8	0	8	4	0	4	8	3	11	44	0	44	Increase
Trapping for species under derogation using nets of prohibited mesh size	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No Change
Using in excess of 10 live-decoys (Song Thrush / Golden Plover) while trapping	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	No Change
Trapping during prohibited hours	0	0	0	0	1	1	2	0	2	0	0	0	0	0	0	0	0	0	2	0	2	Increase
Trapping within bird sanctuaries	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No Change
Trapping on unregistered sites	2	0	2	4	1	5	1	2	3	0	1	1	3	23	26	1	8	9	17	8	25	Increase

Trapping using unmarked decoys	9	6	15	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1 ¹⁰²	0	1	Increase
Exceeding the individual seasonal quota ¹⁰³	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No change
Trapping following lapse of seasonal quota ¹⁰⁴	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	6	0	6	Increase
Failure to report captured bird	4	0	4	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No change
Trapping without licence	3	0	3	8	1	9	0	0	0	0	0	0	0	0	0	0	0	0	3	1	4	Increase
Nets left uncovered when unattended	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	2	2	0	0	0	8	0	8	Increase
Total offences	41	13	54	50	12	62	20	11	31	8	1	9	24	39	63	27	22	49	102	14	116	Increase
Number of persons apprehended	29	9	38	46	12	58	21	9	30	8	0	8	17	5	22	19	7	26	73	1	74	Increase

Source: Wild Birds Regulation Unit & Malta Police Force, 2021

¹⁰² Case refers to the illegal possession of finches without the adequate closed ring or single-use ring required by the Finches research derogation.

¹⁰³ As from 2017, the individual seasonal quota for Golden Plover and Song Thrush was removed whilst the national bag limit of 700 Golden Plovers and 5,000 Song Thrushes was retained

¹⁰⁴ The seasonal quota was not reached between 2014 and 2018.

- 9.13 Although the national quota for Golden Plover was reached on 4 January 2021, the same enforcement effort and adherence to the minimum deployment regime was maintained between 5 and 10 January 2021, as detailed in Table 8 above. In line with the Framework Regulations, spot-checks continued for two weeks following the closure of the live-capturing season. During these inspections, police seized a cage trap containing a European Robin *Erithacus rubecula*, which was immediately released, and dismantled an unregistered trapping site. Both cases are of unknown culprits thus no further legal action could be taken.
- 9.14 The number of spot-checks on individual licensees amounts to at least two spot-checks on each licensed live-capturer / live-capturing site throughout the whole season.
- 9.15 When compared with the previous live-capturing seasons, the rate of disclosure for most types of violations has increased. The majority of offences concerning the Golden Plover and Song Thrush derogation relate to the illegal use of bird callers. In effort to curb these illegalities, the government is in the process of amending the Conservation of Wild Birds Regulations SL549.42 to upscale the prosecution process of these offences from an administrative fine to court procedure. Through this legal amendment, offenders will be liable to court prosecution and higher penalties in line with Regulation 27(2). The increase in the number of persons charged substantiates the effectiveness of the enforcement system adopted by enforcement authorities.
- 9.16 Following the ban on live-capturing of finches¹⁰⁵ as a result of the judgment of the Court of Justice of the European Union (CJEU), in Case C-557/15 of June 2018, incidents of illegal trapping of finches have persisted. In this regard, and contrary to what is often stated in reports by other organisations, the enforcement statistics published in this report show that these infringements have not gone unnoticed—the Executive Police have dismantled illegal sites and took legal action against all known culprits. It should be reiterated that in all cases of illegal trapping of finches, the perpetrators were using finch nets with mesh-size measuring 18mm x 18mm. As discussed with the services of the European Commission during the November 2019 bilateral meeting, the use of illegal finch nets has no bearing on the selectivity component of the nets permitted under derogation for live-capturing of Song Thrush (35mm x 35mm) and Golden Plover (45mm x 45mm) since the latter two sizes are too large to capture finches, as detailed in the July 2019 report on selectivity and mesh size¹⁰⁶.
- 9.17 The below table lists the number of birds seized by police during the autumn 2020 live-capturing season. Legal action has been initiated concerning all types of birds involved in cases of known culprits as already detailed above.

Table 10: Number of birds seized during the autumn 2020 live-capturing season

Species	Number of birds seized	
	Malta	Gozo
Common Linnet <i>Linaria cannabina</i>	18	14
Common Chaffinch <i>Fringilla coelebs</i>	16	12
European Greenfinch <i>Chloris chloris</i>	25	7
Eurasian Siskin <i>Spinus spinus</i>	11	0
European Goldfinch <i>Carduelis carduelis</i>	4	1
European Serin <i>Serinus serinus</i>	3	6

¹⁰⁵ LN 383 of 2018: Framework for Allowing a Derogation Opening An Autumn Live-Capturing Season For Finches (Revocation) Regulations, 2018. Available at: <https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/legislationAndPolicy/ln383.pdf>

¹⁰⁶ The July 2019 report *Selectivity and mesh size: an assessment of the methods used for live-capturing* is included as Annex A to the Malta Ormis Committee minutes of the 31 July 2019 meeting, available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ormis%20Committee/Minutes%202019/oMinThirtstJul19.pdf>

Hawfinch <i>Coccothraustes coccothraustes</i>	5	2
European Golden Plover <i>Pluvialis apricaria</i>	1	2
Song Thrush <i>Turdus philomelos</i>	0	0
Little Ringed Plover <i>Charadrius dubius</i>	4	0
Wood Sandpiper <i>Tringa glareola</i>	3	0
Little Stint <i>Calidris minuta</i>	3	0
Green Sandpiper <i>Tringa ochropus</i>	2	0
Common Sandpiper <i>Actitis hypoleucos</i>	2	0
Unspecified	0	5
Subtotal	97	49
Total	146	

9.18 As evidenced throughout the enforcement chapter of this report, the Maltese Government, with the assistance of the Executive Police, is committed to maintain adequate deterrents against illegalities to ensure that the derogation regime is properly implemented under strictly supervised conditions, by adopting strict enforcement operations to monitor compliance and effectively prosecute all infringements detected.

10. Conclusions

10.1 The application of the Golden Plover and Song Thrush live-capturing derogation in autumn 2020 was preceded by a series of in-depth analyses that considered all relevant legal, scientific and technical aspects pertaining to this derogation regime, as well as by an open and transparent discussion with all stakeholders. Following discussions with the European Commission, both the Framework Regulations and Notice of Derogation were revamped in 2018 and 2019 to address the concerns raised by the European Commission, taking into material account aspects of relevance following the C-557/15 judgment, in particular, judicious use, selectivity and strict supervision.

10.2 As a result of these processes, the decision to apply the derogation was made with full confidence that the following critical prerequisites will be met, without reservation:

- a. The derogation satisfies all the relevant parameters and spirit of the Birds Directive; and,
- b. The actual implementation of the derogation on the ground ensures that the relevant legal parameters enacted in pursuance of point (a) above are respected in the field through an effective and robust enforcement regime.

10.3 The Maltese authorities continued to ensure that the above two prerequisites were met both legally and in practice. Supervision on the ground was ensured through the deployment of appropriately trained and suitably equipped field officers that have exponentially increased the intensity of systematic spot-checks. The use of the latest state-of-the-art technology (GIS, GPS, portable tablet PCs, electronic game reporting system, etc), has resulted in a greater efficiency of the overall supervision process. In terms of game reporting, whilst NGOs may claim that Malta has “[a] failed game reporting system, with the authorities failing to have any form of control over legally hunted or trapped birds”¹⁰⁷, the immediate closure of the season following uptake of national quota for Golden Plover proves otherwise (see Section 6 of this report). It

¹⁰⁷ BirdLife Malta Press Release: Hunting and trapping seasons now closed, five months of illegalities and lack of enforcement <https://birdlifemalta.org/2020/02/hunting-and-trapping-seasons-now-closed-five-months-of-illegalities-and-lack-of-enforcement/>

remains clear that the game reporting system continues to prove pivotal in real-time monitoring of quotas during the live-capturing season.

- 10.4 Regulatory rigour such as pre-screening, registration and digitalization of all site plans, and greater efforts at promoting education and regulatory awareness, coupled with a higher rate of spot-checks as set out in the Framework Regulations S.L. 549.74, have worked in tandem to ensure compliance during the live-capturing season.