

Report on the Outcome of the 2022 Autumn live-capturing Season for Golden Plover and Song Thrush in Malta

March 2023

Wild Birds Regulation Unit

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ENCLOSURES

- Annex I - Conservation status of European Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) 2022 update.
- Annex II – Autumn 2022 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 2022 – January 2023) (Ecoserv Ltd., 2023).

1. INTRODUCTION

1.1 This voluntary report has been prepared in respect 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 2022, 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 Commission Services in view of an ongoing infringement at the time and to follow up on the Court of Justice of the European Union in Case C-557/15 (*Commission v Malta*)¹ 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.

¹ Case C-557/16 *Commission v Malta* [2018] ECLI:EU:C:2018:477.

2. LEGAL AND POLICY BASIS FOR THE APPLICATION OF A DEROGATION PERMITTING AN AUTUMN LIVE-CAPTURING SEASON FOR GOLDEN PLOVER AND SONG THRUSH IN 2022

- 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 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 trapping, and the recommendation of the Malta Ornis Committee (see below), bilateral discussions were held between the European Commission and 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 Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (Subsidiary Legislation 549.74 of the Laws of Malta)² and to the Notice of Derogation, thereby introducing amendments to the Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2018 Live-capturing Season for Song Thrush and Golden Plover) Regulations (Subsidiary Legislation 549.125 of the Laws of Malta).³

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

- The minimum mesh size increased from 30mm x 30mm to 45mm x 45mm.

² These amendments were introduced by virtue of Legal Notice 333 of 2018 which was published in the Government Gazette of Malta (No. 20,072) on 19 October 2018.

³ These amendments were introduced by virtue of Legal Notice 334 of 2018 which was published in the Government Gazette of Malta (No. 20,072) on 19 October 2018.

- 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 live-capturing hours instead of the former ratio of 7 officers per 1,000 licences issued.
- Cooperation with NGOs.
- Publication of co-ordinates of the approved live-capturing 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”.

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

2.4 Derogations pre-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 Ubertu⁴ (KSU) 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 from BirdLife Malta 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 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*”. 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.

⁴ 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>

- 2.7 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 was 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 2019⁵. 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 The Maltese authorities measured the shoulder width of twelve Song Thrushes and submitted video evidence to the European Commission 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 2019⁶)

- 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

⁵ 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>

⁶ Legal Notice 269/2019. Available at: <https://legislation.mt/eli/ln/2019/269/eng>

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.

2.11 The amendments to Subsidiary Legislation 549.74, recommended by the Ornis Committee, were 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 had to 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.

Changes to the Framework Regulations (amended via LN 258 of 2022⁷)

2.12 In 2022, two legal amendments were carried out to the Framework Regulations. The first amendment ensured that the definition of “protected area” reflects the legal definition provided in regulation 2 of the overarching Conservation of Wild Birds Regulations (Subsidiary Legislation 549.42 of the Laws of Malta).⁸ The second amendment removed the words “the general licence to take birds” from regulation 8(2), since only a Court of Law can order the suspension of a general licence.

Malta Ornis Committee meetings

⁷ Legal Notice 258/2022. Available at: <https://legislation.mt/eli/ln/2022/258/eng>

⁸ Subsidiary Legislation 549.42. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

- 2.13 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations, met on 5 October 2022⁹ to consider the application of a live-capturing derogation for Golden Plover and Song Thrush during the 2022 autumn season. The Committee considered the outcome of the 2021 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 satellite tracking project requested by the Commission during a bilateral meeting held on 26 November 2019.
- 2.14 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 Ornis 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 Ornis Committee, the Maltese Government announced the live-capturing season through the Conservation of Wild Birds (Declaration on a Derogation for a 2022 Autumn Live-Capturing season for Song Thrush and Golden Plover) Regulations (Legal Notice 259 of 2022)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 2022 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. Tracking (GPS) data from Song Thrushes fitted with a

⁹ Meeting of the Malta Ornis Committee. Minutes available at: <https://mgoz.gov.mt/en/Pages/WBRU/Ornis-Committee.aspx>

¹⁰LN 259/2022 available at: <https://legislation.mt/eli/ln/2022/259/eng>

¹¹S.L. 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>

satellite-tag is also included in this report. 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, EU28 and Malta's reference-population levels. The same status has also been indicated for Song Thrush (*Turdus philomelos*).
- 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 EU28 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 as at the time the conservation status of the Song Thrush (*Turdus philomelos*) was updated (August 2022), the species trend classification is considered **Moderate Increase**, defined as a “significant increase, but not significantly more than 5% per year”. When compared with the previous EBCC (2020) update, the short-term [ten-year (2010–2019)] trend decreased by 4% [from 20% to 16%], whereas in the long-term trend (1980–2019) the population decreased from 15% to 3% (12% decrease).
- 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 EU28 population or range has not declined by 20% or more since 1980). According to the latest dataset available from the European Bird Census Council (EBCC, 2021), there was a **decrease** in the combined breeding population of the contributing countries (Norway, Sweden, Finland and Estonia) both in the short-term and long-term trends, when compared with the previous EBCC update (Norway, Sweden and Finland only). Due to the inclusion of Estonia in the latest EBCC update,

¹² European Environment Agency (2020) Article 12 reports for the 2013-2018 reporting period (EU28) Available at: <http://bd.eionet.europa.eu/article12/summary?period=1&subject=A140>

¹³ Trends of common birds in Europe, 2021 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 (EU28) Available at: <http://bd.eionet.europa.eu/article12/summary?period=1&subject=A140>

a direct comparison between the current and previous updates should be treated with caution. In the short-term trend [ten-year slope] (2010–2019), the decrease was from 0% to -12% (12% decrease) and from -13% to -27% (14% decrease) in the long-term trend (1980–2019). The current EBCC assessment considers *Pluvialis apricaria* as **Stable** (1981–2019). Malta's reference population of *Pluvialis apricaria altifrons* (Finland and Sweden) remained stable in both the short-term and long-term trends.

- 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.**

4. ISSUANCE OF AUTUMN 2022 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 (WBRU) between the 29 August and 3 September 2022, both dates included. Applications were subject to a €55 special licence fee, payable at the time of application. Same as the procedure adopted in 2020 and 2021, no single-use rings could be purchased during the application period. This procedural change was implemented following bilateral meetings with the services of the European Commission to ensure that only the precise number of rings according to the number of specimens reported by each licensee during the season were issued by the authorities. The special licence was distributed to the applicants prior to the opening of the season via registered mail. In accordance with Legal Notice 255 of 2022,¹⁵ late applications were accepted throughout the season against a €150 late payment fee in addition to the payment of the €55 special licence fee.
- 4.2 During the application period live-capturers were asked to confirm whether they were using the same live-capturing station used during the 2021 season or indicate a different site by submitting an official site plan pre-approved by WBRU with their special licence application form. This spatial data was compiled on a GIS platform to detail the live-capturing sites approved for the season, which was essential for field enforcement purposes. The coordinates of these sites were subsequently published

¹⁵ LN 255/2022 available at: <https://legislation.mt/eli/ln/2022/255/eng>

online¹⁶ before the season opened, in accordance with Regulation 8(7) of Subsidiary Legislation 549.74. This document was updated regularly throughout the season to include any updates and additions to the list of sites occurring through late applications. The number of late applications submitted did not in any way affect the required minimum enforcement deployment required to oversee the season.

- 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 2022 stood at 1,382, registered on 1,277 licensees. Of these, a total of 1,050 registered clap-net pairs were located in Malta whereas 332 clap-net pairs were located in Gozo (Table 1). This figure represents an overall decreasing trend in clap-net pairs when compared with period 2014–2019, 30 more clap-nets pairs when compared to 2020, and the same amount as in the 2021 Golden Plover and Song Thrush live-capturing season (Table 2).

TABLE 1 GOLDEN PLOVER/SONG-THRUSH CLAP-NET PAIRS IN 2022

	Clap-net pairs	Persons issued with a Golden Plover/Song-Thrush special live-capturing licence
Malta	1,050	990
Gozo	332	287
Total	1,382	1,277

TABLE 2 COMPARISON OF CLAP-NET PAIRS AND LICENSEES ACROSS THE YEARS

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Clap-net pairs	3,519	3,310	2,912	2,269	1,849	1,895	1,352	1,382	1,382
Licensees	1,223	1,128	997	1,059	1,542	1,587	1,319	1,365	1,277

- 4.5 By the end of the application process, 1,278 applications for special licence for Golden Plover and Song Thrush were received. Following screening, one application was considered invalid. Consequently, a total of 1,277 special licences were issued, representing a decrease of 88 licensees when compared with the previous season ($n_{2021}=1,365$). 990 licences were issued to persons residing in Malta (*circa* 78%) and

¹⁶ Coordinates of Authorised Clap-Net Pairs Golden Plover & Song Thrush Live-Capturing Season 2022

<https://mgoz.gov.mt/en/Documents/WBRU/autumn%20live%20capture/2022/gpstTraSitCoor2022.pdf>

287 licences were issued to persons residing in Gozo (*circa* 22%), as shown in Table 1.

4.6 A specimen licence for 2022 is enclosed as Annex II to this report. Five special licences remained uncollected by the respective live capturers. The autumn 2022 Live-capturing Licence set a number of conditions for the 2022 live-capturing season, as provided in the Framework Regulations and the Notice of Derogation (Legal Notice 259 of 2022¹⁷). The special 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.
- a 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).
- a requirement to immediately report birds caught through telephonic game reporting system.
- a 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.
- a 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 minimum size of cages in which birds can be kept during live-capturing activity.

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. Except where the offence consisted of an administrative or minor violation listed in Schedule VIII of

¹⁷LN 259/2022 available at <https://legislation.mt/eli/ln/2022/259/eng>

the said Regulations, any other offences or breaches of licence conditions trigger automatic seizure of the special 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 number 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 and licence condition 17. An official letter was sent by WBRU to each licensee stating the quantity of rings to be purchased and the period during which this statutory requirement had to be fulfilled. A total of 14 licence holders failed to purchase the single-use rings assigned to the number of birds they reported, namely a combined total of 14 red rings and 29 yellow rings. These 14 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 2023.

5. ACTIVITY DATA (TRAPPING EFFORT)

- 5.1 During the 2022 live-capturing season, licensees were required to report their trapping effort through the telephonic system or mobile app whenever they practiced live-capturing, even if they did not catch any Song Thrushes or Golden Plovers. This was stipulated in condition 16 of the special licence. A reported bird was also considered as trapping effort for that live-capturer for that day. **Error! Reference source not found.** shows the daily live-capturing activity during the Golden Plover and Song Thrush season.

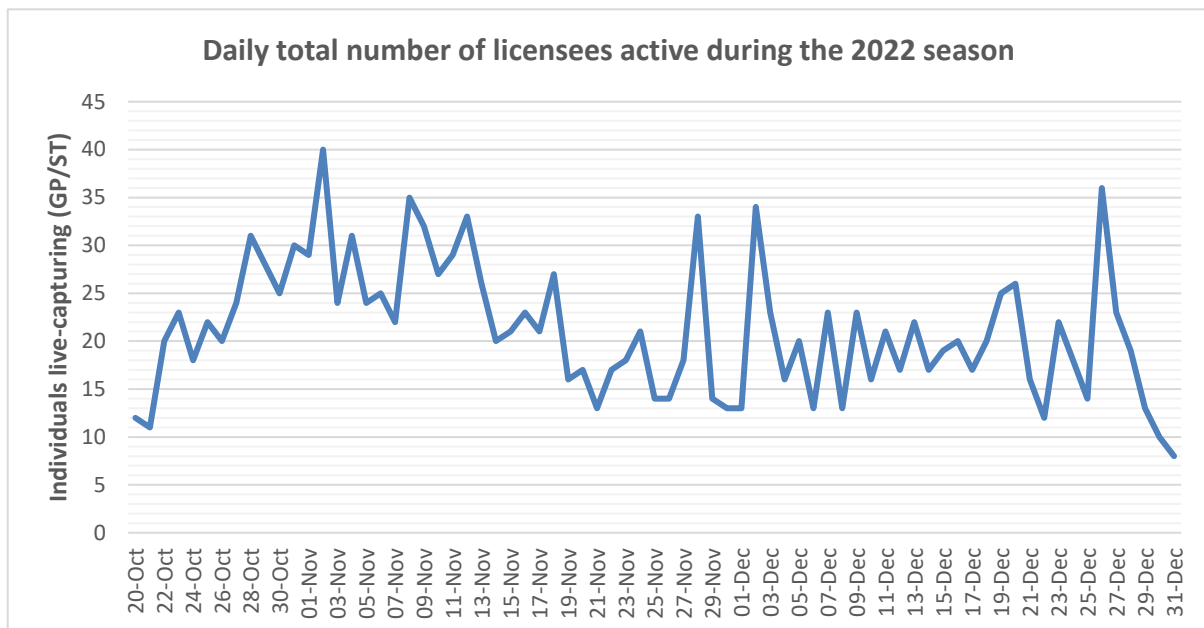


FIGURE 1 LIVE-CAPTURING ACTIVITY DURING THE OPEN SEASON

- 5.2 Data on trapping effort shows that out of a total of 1,277 special licence holders, the maximum number of licensees active *concurrently* on any given day of the season was 40. This does not imply that only 40 licensees reported trapping effort throughout the season but that, whilst not all special licence holders were out during the season, the majority were active at some point on any given day—trapping effort was reported by the majority of licence holders on different days of the season, not by 40 licensees only. Thus, notwithstanding that 1,277 special licences were issued, not all licensees were live-capturing concurrently on each day of the season. This is also corroborated by enforcement data since no individuals were apprehended for not reporting trapping effort (see Section 10 on enforcement and strict supervision).
- 5.3 Both reporting systems requested licensees to specify which species they were targeting on each day. A total of 940 individuals indicated that they were live-capturing for both species during the season; 114 individuals only sought to live-capture Golden Plover and 223 individuals only sought to live-capture Song Thrush. **Error! Reference source not found.** and **Error! Reference source not found.** illustrate the total amount of individuals practicing live capturing for Golden Plover and Song Thrush respectively.

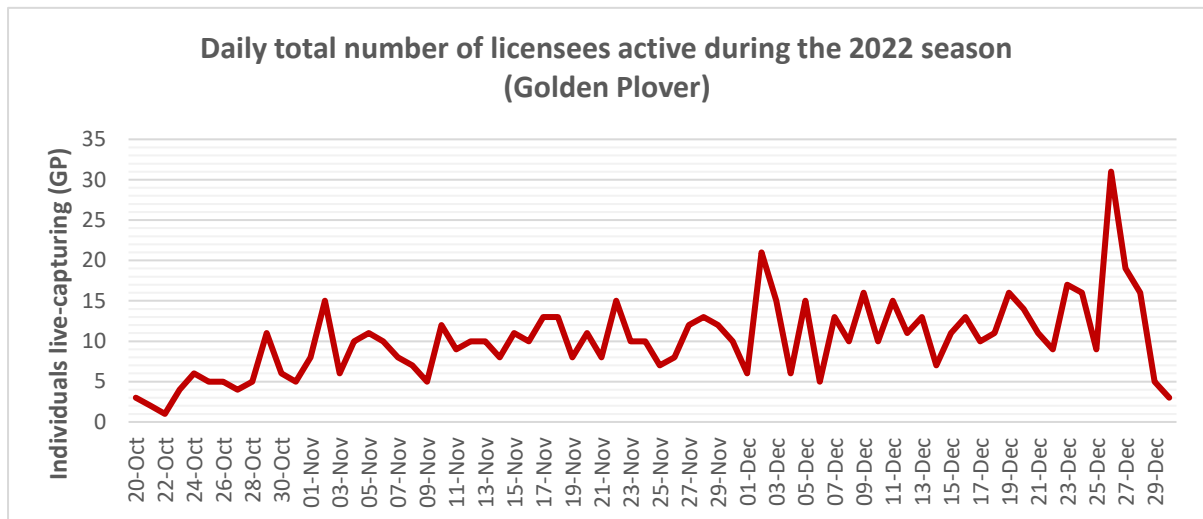


FIGURE 2 LIVE-CAPTURING ACTIVITY FOR GOLDEN PLOVER DURING THE OPEN SEASON

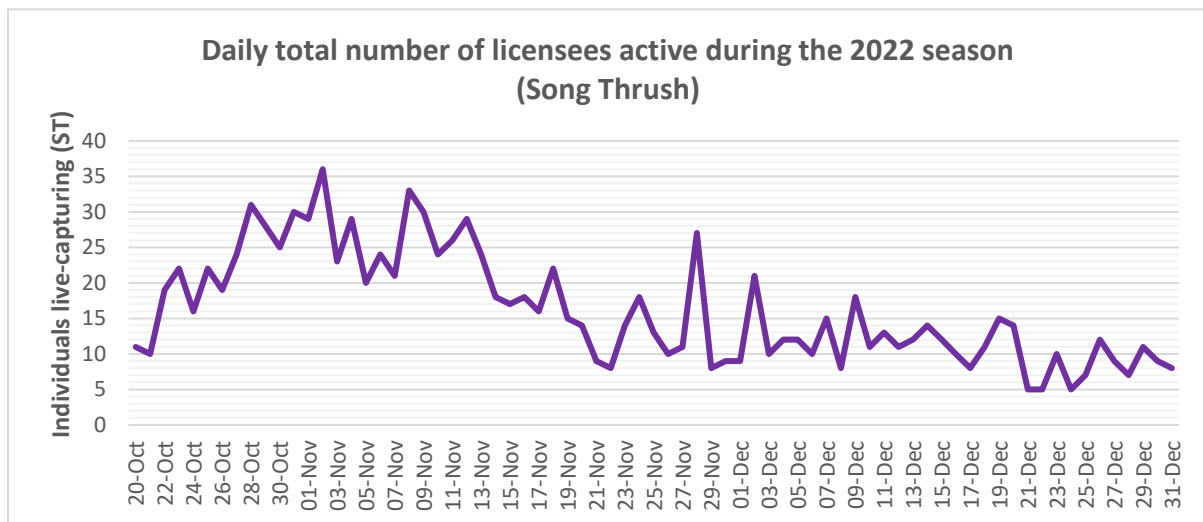


FIGURE 3 LIVE-CAPTURING ACTIVITY FOR SONG THRUSH DURING THE OPEN SEASON

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, licensed live capturers are obliged to immediately report the birds caught to the Wild Birds Regulation Unit’s Game Reporting System either by calling or through a mobile app, as indicated in the special licence. Upon making the call, the licensee would follow voice prompts through the reporting procedure. Live capturers were required to notify the species caught and the quantity. Once a telephonic report was confirmed, the live capturer received a confirmation SMS containing the details of his report. This SMS 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 up to the time of last spot-check. Only the holders of a special live-capturing

licence could access the system, which rejected all calls from land lines and any calls from mobile phone numbers that were not registered to a particular licensee.

- 6.2 In early 2021, the telephonic game reporting system was further improved through the introduction of a game reporting mobile application. This app is linked to the same central database used for the telephonic Game Reporting System which hosts details of licensees and reported game caught. Users are required to log in to this app through the government's eID system which allows the app to identify the person and relay their respective licence/s. Through the app, authorized users can report game caught in fulfilment of their legal obligations and allows the users to view all their past game reports which are also used as proof of reporting to enforcement authorities during spot-checks.
- 6.3 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.
- 6.4 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, in particular, the total number of birds per species caught per day and the national bag limits.
- 6.5 During the 2022 live-capturing season, a total of 700 Golden Plovers were declared caught, which is the same number of Golden Plovers reported during the 2021_(n=700) live-capturing season. A total of 1,014 Song Thrushes were declared caught in 2022, which is 0.8% more than the number of Song Thrushes reported during the same period in 2021_(n=1,006).
- 6.6 The national quota of 700 Golden Plovers was reached on 30th December 2022 at 09:00hrs, 11 days before the statutory closing date (10 January) as had been declared in the notice of derogation. All licensees were immediately informed to stop all their activity through bulk SMS, social media (WBRU Facebook page) and through Government Notice 27 published in Government Gazette no. 20,990¹⁸.
- 6.7 Table 3 below lists daily catches of Golden Plover and Song Thrush reported during the 2022 season in comparison to the corresponding catches reported during the 2018–2021 seasons.

¹⁸Government Notice 27 published in the Government Gazette no. 20,990, available at: <https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2023/01/Government%20Gazette%20-%2013th%20January.pdf>

TABLE 3 DAILY CATCHES OF GOLDEN PLOVER AND SONG THRUSH: COMPARISON BETWEEN THE 2018–2022 SEASONS.

Date	2022 Season		2021 Season		2020 Season		2019 Season		2018 Season	
	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST
20-Oct	-	8	-	12	-	25	-	4	0	7
21-Oct	-	6	-	14	-	38	-	16	0	14
22-Oct	-	20	-	9	-	12	-	46	0	8
23-Oct	-	18	-	16	-	5	-	32	0	6
24-Oct	-	9	-	19	-	29	-	8	0	14
25-Oct	-	17	-	17	-	22	-	29	2	25
26-Oct	-	16	-	24	-	9	-	34	0	28
27-Oct	-	13	-	33	-	6	-	30	0	34
28-Oct	-	38	-	13	-	11	-	33	0	13
29-Oct	-	23	-	21	-	17	-	20	0	8
30-Oct	-	21	-	22	-	17	-	16	0	13
31-Oct	-	39	-	34	-	33	-	14	2	8
01-Nov	0	29	2	37	0	24	0	25	0	11
02-Nov	2	25	1	34	0	25	0	27	1	23
03-Nov	0	28	4	25	0	28	0	22	0	17
04-Nov	2	26	5	34	0	6	0	32	0	19
05-Nov	2	12	11	26	3	18	0	19	1	7
06-Nov	0	20	4	26	6	23	0	12	0	13
07-Nov	0	22	2	42	0	26	0	19	1	10
08-Nov	0	41	0	42	2	18	0	16	0	17
09-Nov	2	43	4	38	10	16	3	5	0	15
10-Nov	4	26	4	34	1	8	1	17	0	7
11-Nov	2	22	8	10	0	13	0	3	3	12
12-Nov	4	34	6	26	0	2	9	0	0	15
13-Nov	2	17	2	34	5	1	5	9	2	7
14-Nov	6	10	8	17	2	2	3	13	2	8
15-Nov	7	8	3	18	8	1	0	11	0	14
16-Nov	7	17	2	23	0	1	2	3	0	6
17-Nov	8	11	1	13	2	0	0	30	16	11
18-Nov	6	18	4	31	0	7	1	4	11	10
19-Nov	2	18	9	10	1	1	1	7	1	7
20-Nov	4	9	8	27	46	0	1	9	2	6
21-Nov	6	3	3	17	15	8	0	10	2	4
22-Nov	15	2	8	7	4	7	1	12	0	7
23-Nov	8	8	4	5	20	4	9	4	6	2

Date	2022 Season		2021 Season		2020 Season		2019 Season		2018 Season	
	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST
24-Nov	3	19	9	5	9	11	5	12	22	7
25-Nov	0	9	9	0	39	4	25	0	4	2
26-Nov	6	9	20	11	6	1	20	10	12	5
27-Nov	12	8	19	5	7	0	21	5	6	5
28-Nov	11	30	10	9	6	3	9	4	7	0
29-Nov	7	2	8	4	17	8	8	6	8	0
30-Nov	5	1	8	5	38	3	46	2	8	11
01-Dec	12	6	11	4	6	0	34	4	3	1
02-Dec	27	19	4	4	53	1	17	3	8	9
03-Dec	16	8	14	6	41	1	9	1	5	1
04-Dec	4	8	21	6	14	9	7	7	5	0
05-Dec	16	3	4	17	10	2	9	3	3	0
06-Dec	8	3	16	3	38	5	15	5	9	2
07-Dec	16	11	6	5	32	2	18	3	2	1
08-Dec	11	4	13	7	16	6	28	3	5	5
09-Dec	9	5	17	2	23	5	8	6	4	1
10-Dec	4	9	23	8	9	4	21	0	3	0
11-Dec	24	9	19	1	8	7	9	3	2	0
12-Dec	7	10	1	9	23	4	21	9	6	3
13-Dec	26	14	5	10	25	13	19	4	3	2
14-Dec	6	11	13	4	2	7	0	2	5	11
15-Dec	11	11	10	7	3	10	22	10	3	0
16-Dec	17	12	35	10	13	11	8	8	3	0
17-Dec	21	6	14	4	10	7	16	0	3	0
18-Dec	13	8	8	3	5	2	14	9	14	0
19-Dec	27	10	25	5	2	18	8	3	1	3
20-Dec	22	19	27	8	6	4	7	0	5	0
21-Dec	19	5	18	2	10	6	11	0	4	0
22-Dec	19	3	32	0	23	5	20	0	4	0
23-Dec	28	8	38	3	12	2	4	0	2	1
24-Dec	33	2	12	8	16	5	10	0	1	0
25-Dec	19	8	4	0	8	6	12	2	2	0
26-Dec	51	3	15	7	2	5	10	2	4	4
27-Dec	43	7	12	2	9	7	15	4	3	2
28-Dec	37	4	20	3	8	1	8	1	2	3
29-Dec	19	9	10	0	0	1	20	0	0	1

Date	2022 Season		2021 Season		2020 Season		2019 Season		2018 Season	
	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST
30-Dec	2	12	26	4	3	0	11	0	0	5
31-Dec	-	12	14	5	8	2	7	0	0	0
01-Jan	-	-	11	-	3	-	10	-	-	-
02-Jan	-	-	4	-	4	-	19	-	-	-
03-Jan	-	-	12	-	5	-	2	-	-	-
04-Jan	-	-	-	-	3	-	15	-	-	-
05-Jan	-	-	-	-	-	-	5	-	-	-
06-Jan	-	-	-	-	-	-	10	-	-	-
07-Jan	-	-	-	-	-	-	9	-	-	-
08-Jan	-	-	-	-	-	-	22	-	-	-
09-Jan	-	-	-	-	-	-	12	-	-	-
10-Jan	-	-	-	-	-	-	8	-	-	-
Total	700	1,014	700	1,006	700	651	700	722	233	511

6.8 During the 2022 season, the total number of Song Thrushes captured was substantially lower than the permitted national bag limit while the national bag limit for Golden Plover was reached before the statutory closing date, as has been the case since 2019. In the case of Golden Plover, the total number of 700 live-captured birds equates to 100% of the limit permitted by law. In the case of Song Thrush, the total number of 1,014 birds declared captured amounts to 20.28% 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 per live capturer	Number of licensed live capturers
0	983
1	22
2	54
3	37
4	26
5	30
6	27
>6	98
Total	1,277

7. RING RECOVERIES

- 7.1 Licensees were legally required to check if any of the Golden Plovers and Song Thrushes they caught were fitted with a scientific ring (“controlled”) and to write down the ring details and the details of the specimen together with the date/location of capture on the scientific ring recovery form included with the special licence, followed by the immediate release of the specimen. The same legal requirement related to the immediate release applied to specimens fitted with a geo-tag (satellite tag). Capture of these specimens did not count towards national quota uptake given that they are released.
- 7.2 During the 2022 live-capturing season, a licensee reported a ring recovery pertaining to Golden Plover. The Wild Birds Regulation Unit forwarded the data to the National Ringing Scheme for cross-verification with the EURING database. Table 5 lists the ring recovery as confirmed by EURING. The specimen’s biometrics (e.g., weight, wing length) were not communicated to the national ringing scheme.

TABLE 5 SCIENTIFIC RINGS RECOVERED IN 2022

Ring recovery			Species	Ring details			
Date	Time	Location		Ring Number	Country	Date when ringed	Age
19/12/2022	08:45	Għajnsielem, Gozo	European Golden Plover	1561875 Holland	The Netherlands	24/09/2013	First year

8. MIGRATION STUDY

- 8.1 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 2022 and 15 January 2023, both dates included. This study, which sought to obtain an estimate of migratory influxes of the two species, overlapped with the 2022 autumn/winter live-capturing season, that is, 20 October 2022 to 31 December 2022 for Song Thrush and 01 November 2022 to 10 January 2023 for Golden Plover. The migration study for Golden Plover continued until 15 January 2023, as per contractual agreement, notwithstanding that the national bag limit for Golden Plover was reached on 30 December 2022 and hence the live-capturing season was closed on this date. The study carried out by Ecoserv (2023) was commissioned by the Wild Birds Regulation Unit through an open tendering procedure.
- 8.2 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 2022/2023 migration season which includes:

- a. List of monitoring stations which recorded high/low counts.
- b. Dates which showed high/low peaks in the migration of each of the bird species.
- c. A daily estimate of the influx of each of the bird 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. A comparative analysis of the results obtained during the past studies; and
- f. A comparative assessment of the results obtained with the bag data extracted from telephonic and mobile app reports for 2022/2023.

8.3 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 2022 and 15 January 2023. 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.

8.4 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.

8.5 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 sea transport services to Comino were unavailable due to inclement weather, count surveys were undertaken at an alternative site at the northern tip of Malta and located as close as possible to the former. Golden Plover and Song Thrush counts obtained across this network of observation stations over the survey period are given in Table 6.

TABLE 6 TOTAL DAILY COUNTS OF GOLDEN PLOVERS AND SONG THRUSHES COMPILED THROUGH THE AUTUMN 2022/2023 MIGRATION STUDY

Date	Total daily counts	
	Golden Plover	Song Thrush
15-Oct-22	0	0
16-Oct-22	0	5
17-Oct-22	0	28
18-Oct-22	0	20
19-Oct-22	0	7

Date	Total daily counts	
	Golden Plover	Song Thrush
20-Oct-22	0	17
21-Oct-22	0	9
22-Oct-22	0	10
23-Oct-22	0	9
24-Oct-22	0	5
25-Oct-22	0	6
26-Oct-22	0	5
27-Oct-22	0	24
28-Oct-22	1	24
29-Oct-22	0	21
30-Oct-22	0	23
31-Oct-22	0	9
1-Nov-22	0	15
2-Nov-22	0	11
3-Nov-22	0	6
4-Nov-22	0	5
5-Nov-22	0	8
6-Nov-22	2	10
7-Nov-22	0	2
8-Nov-22	0	9
9-Nov-22	0	24
10-Nov-22	2	6
11-Nov-22	0	7
12-Nov-22	0	11
13-Nov-22	0	27
14-Nov-22	2	7
15-Nov-22	1	1
16-Nov-22	1	5
17-Nov-22	5	5
18-Nov-22	3	2
19-Nov-22	2	1
20-Nov-22	8	5
21-Nov-22	3	1
22-Nov-22	0	0
23-Nov-22	6	4

Date	Total daily counts	
	Golden Plover	Song Thrush
24-Nov-22	1	0
25-Nov-22	6	7
26-Nov-22	3	2
27-Nov-22	5	0
28-Nov-22	2	4
29-Nov-22	3	2
30-Nov-22	3	3
1-Dec-22	3	4
2-Dec-22	0	6
3-Dec-22	3	11
4-Dec-22	1	3
5-Dec-22	0	1
6-Dec-22	1	6
7-Dec-22	0	4
8-Dec-22	1	10
9-Dec-22	4	0
10-Dec-22	0	4
11-Dec-22	2	3
12-Dec-22	0	2
13-Dec-22	2	0
14-Dec-22	1	1
15-Dec-22	7	3
16-Dec-22	5	0
17-Dec-22	2	8
18-Dec-22	1	4
19-Dec-22	0	4
20-Dec-22	4	0
21-Dec-22	0	0
22-Dec-22	2	0
23-Dec-22	5	1
24-Dec-22	0	0
25-Dec-22	0	2
26-Dec-22	0	0
27-Dec-22	0	0
28-Dec-22	1	2

Date	Total daily counts	
	Golden Plover	Song Thrush
29-Dec-22	2	4
30-Dec-22	1	0
31-Dec-22	0	2
01-Jan-23	1	1
02-Jan-23	0	2
03-Jan-23	0	0
04-Jan-23	0	1
05-Jan-23	1	1
06-Jan-23	1	1
07-Jan-23	1	4
08-Jan-23	0	2
09-Jan-23	0	0
10-Jan-23	1	0
11-Jan-23	0	0
12-Jan-23	0	1
13-Jan-23	1	0
14-Jan-23	1	0
15-Jan-23	0	0
Total counts	114	510

- 8.6 Raw daily counts for Golden Plover recorded from the 21 sites during the 2022 study varied between 0 and a maximum of 8, while the mean daily counts ranged between 0 and 1.33. 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 early January. 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), did not vary appreciably between the different sites: at the lower end, only one individual was recorded throughout the survey period from the site at grid location 4268, while at the higher end, 12 individuals were recorded from the site at grid location 3292.
- 8.7 Raw daily counts for Song Thrush recorded from the 21 sites during the 2022 study varied between 0 and a maximum of 28, while the mean daily counts ranged between 0 and 4.67. Higher counts were recorded between late October and mid-November, with low counts recorded during the rest of the survey period. 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 3 individuals were recorded throughout the survey period from the site at grid location 6069, while at the higher end 75 individuals were recorded from the site at grid location 4085 (which was surveyed daily), and 63 individuals were recorded from the site at grid location 3292.

8.8 Overall, count values for Golden Plover from the autumn/winter 2022 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). Overall, count values for Song Thrush from the autumn/winter 2022 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).

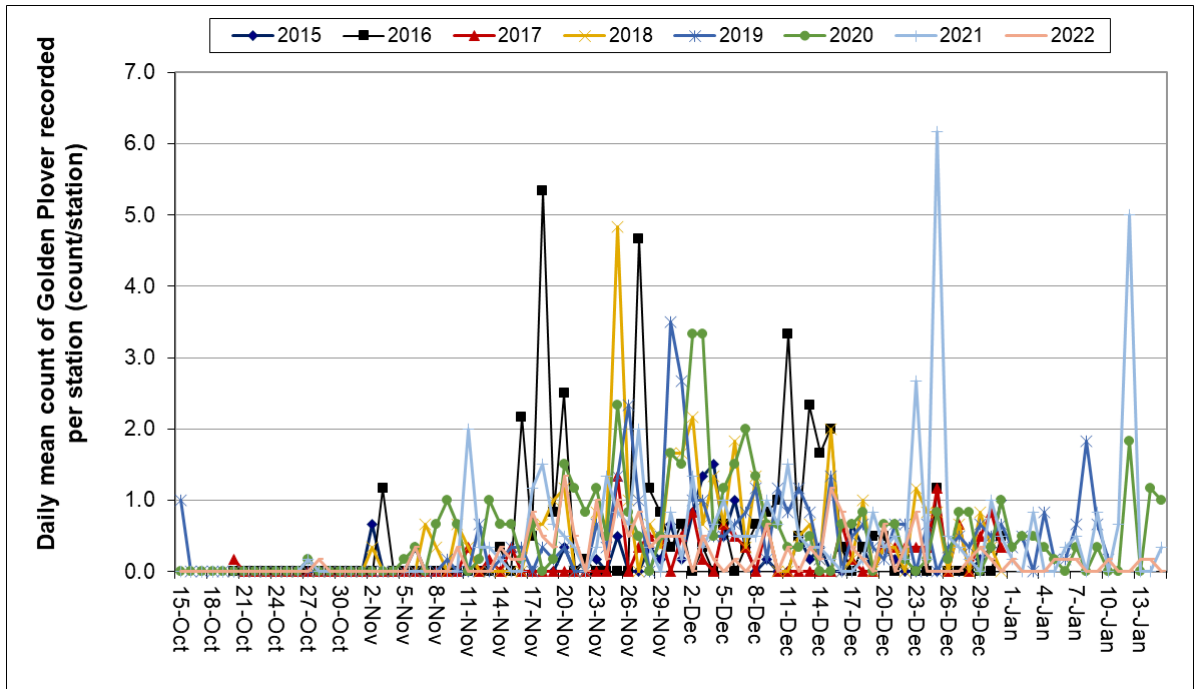


FIGURE 4 DAILY MEAN COUNTS OF GOLDEN PLOVER PER STATION (= SITE) RECORDED BETWEEN 15 OCTOBER AND 15 JANUARY DURING THE 2022, 2021 AND 2020 SURVEYS, BETWEEN 15 OCTOBER 2019 AND 10 JANUARY 2020 DURING THE 2019 SURVEY, AND BETWEEN 20 OCTOBER AND 31 DECEMBER DURING PREVIOUS (2014, 2015, 2016, 2017, 2018) SURVEYS.

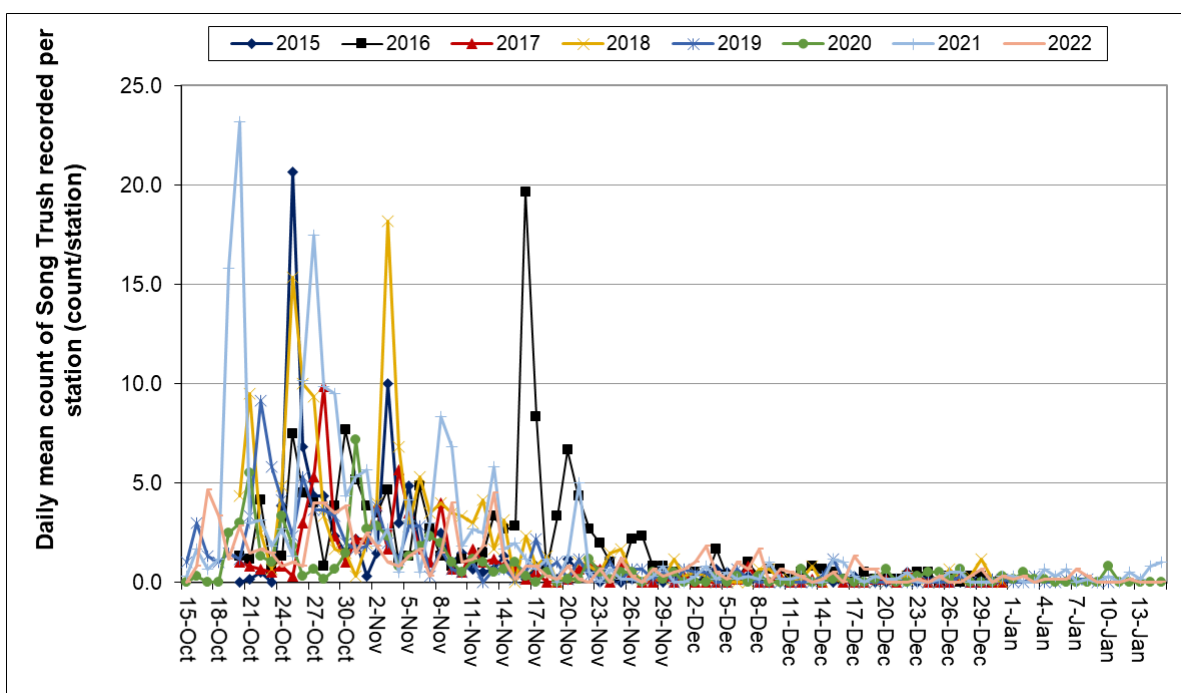


FIGURE 5 DAILY MEAN COUNTS OF SONG THRUSH PER STATION (= SITE) RECORDED BETWEEN 15 OCTOBER AND 15 JANUARY DURING THE 2022, 2021 AND 2020 SURVEYS, BETWEEN 15 OCTOBER 2019 AND 10 JANUARY 2020 DURING THE 2019 SURVEY, AND BETWEEN 20 OCTOBER AND 31 DECEMBER DURING PREVIOUS (2014, 2015, 2016, 2017, 2018) SURVEYS.

8.9 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 7). These estimates should be treated with caution, given the inherent limitations and assumptions which are detailed in the migration study report.

TABLE 7 DAILY COUNTS AND EXTRAPOLATED DATA

	Daily counts		Extrapolated data		
	Min	Max	Daily Min	Daily Max	Total estimated influx over survey period
Golden Plover	0	8	0	723	10,299
Song Thrush	0	28	0	2,531	46,105

9. COMPARISON BETWEEN MIGRATORY STUDY DATA AND GAME REPORTING DATA

9.1 A comparative analysis of the results obtained during the 2022/2023 Golden Plover and Song Thrush migration study with the game reporting data for the 2022/2023 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 (2022/2023). 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, 2023).

- 9.2 Graphical representations of the mean daily counts made during the 2022 migration survey and the daily bag counts for the same time period (15 October 2022 – 15 January 2023) 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 five-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 five-day moving average should be considered in conjunction with those based on daily counts, which are also presented (Ecoserv, 2023).

Golden Plover

- 9.3 The daily bag counts indicating the number of Golden Plover caught during the 2022 live-capturing season and the mean daily counts of the same species made during the 2022 survey are shown in Figure 6, while Figure 7 presents the five 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 2022 survey are not directly comparable; consequently, the two (2) sets of values are on different scales. Therefore, in Figure 6/FIGURE 7, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2022 survey are plotted on the right-side y-axis.
- 9.4 Overall, the daily counts made during the 2022 survey were low until early November and then increased until end December, with peak counts on 20 November and 15 December. Bag counts in 2022 were nil throughout October when the season was not open, low in early November and increased between mid-November and end December, with a peak on 26 December. Thus, the general trend observed in the bag counts for 2022 and the daily counts recorded during the 2022 survey is of higher counts starting in mid-November and continuing until end January. However, the temporal pattern was not identical in the two data sets, since in the daily counts recorded during the 2022 survey the main periods of elevated counts were 17–27 November and 15 December, while the highest bag counts occurred between 24 and 28 December.

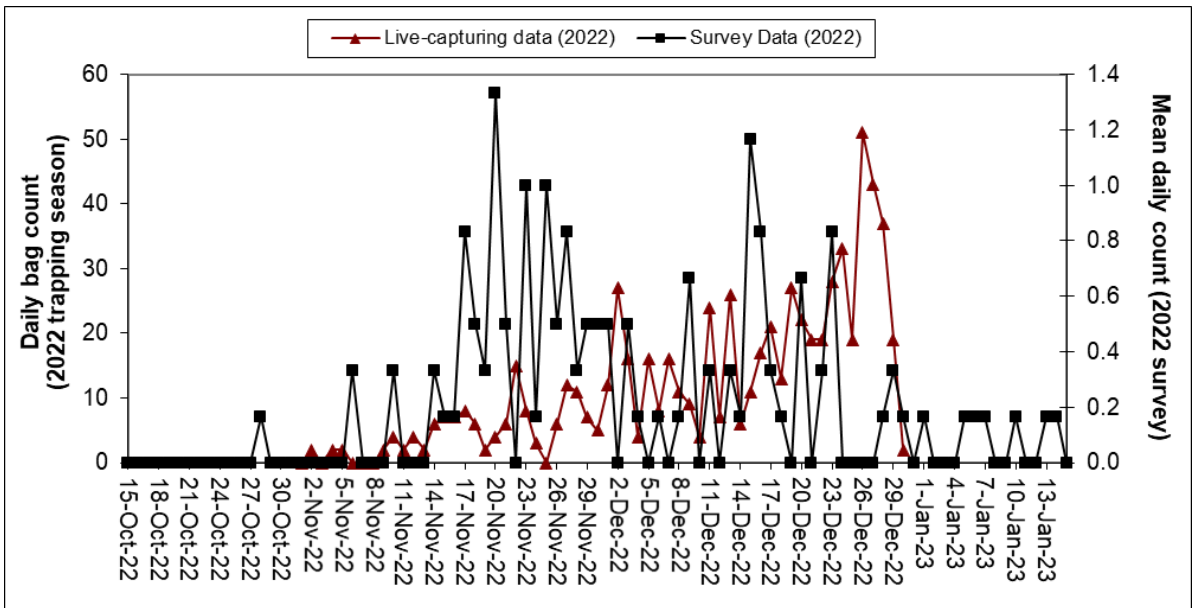


Figure 6 DAILY BAG COUNT OF GOLDEN PLOVER FOR THE PERIOD 01 NOVEMBER 2022 TO 30 DECEMBER 2022 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MEAN DAILY COUNTS RECORDED DURING THE 2022 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2022 TO 15 JANUARY 2023.

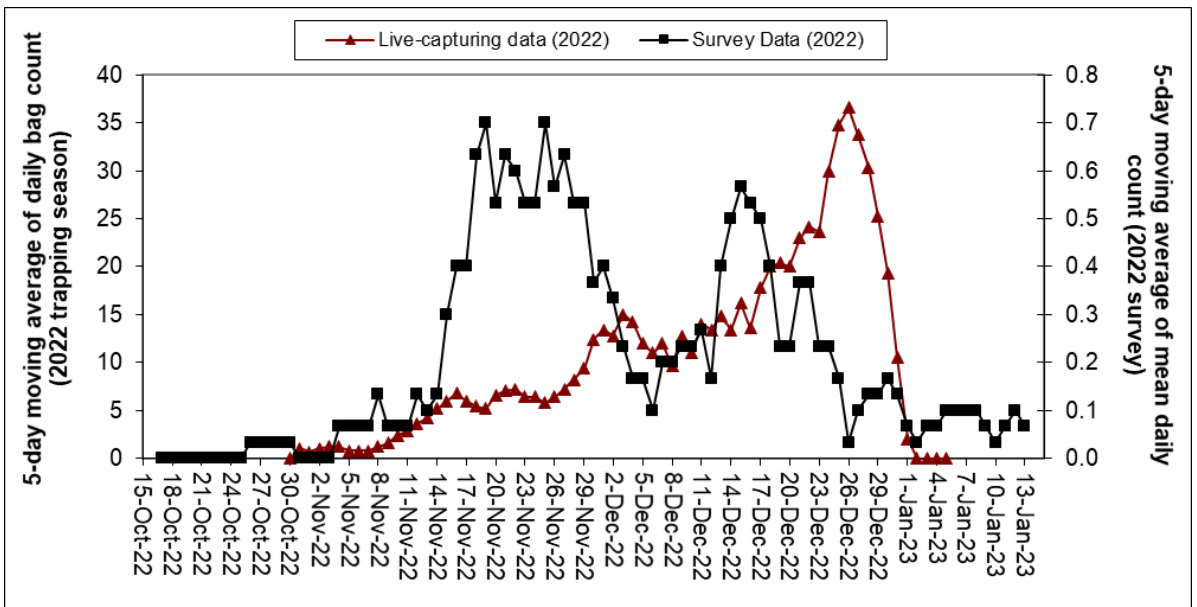


Figure 7 MOVING AVERAGE BASED ON A 5-DAY ROLLING TIME PERIOD OF THE DAILY BAG COUNTS OF GOLDEN PLOVER FOR THE PERIOD 01 NOVEMBER 2022 TO 30 DECEMBER 2022 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MOVING AVERAGE FOR THE MEAN DAILY COUNTS RECORDED DURING THE 2022 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2022 TO 15 JANUARY 2023.

Song Thrush

9.5 The daily bag counts indicating the number of Song Thrush caught during the 2022 live-capturing season and the mean daily counts of the same species made during the 2022 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 2022 survey are not directly comparable, consequently the two sets of values are on different scales. Therefore, in Figure 8 - Figure 9, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2022 survey are plotted on the right-side y-axis.

9.6 Overall, the highest daily counts made during the 2022 survey occurred between mid-October and mid-November, with counts declining thereafter; most days in December and January were characterised by low counts. The highest bag counts in 2022 occurred between late 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 2022 and the daily counts recorded during the 2022 survey is of higher counts in the earlier part of the live-capturing season, until around mid-November.

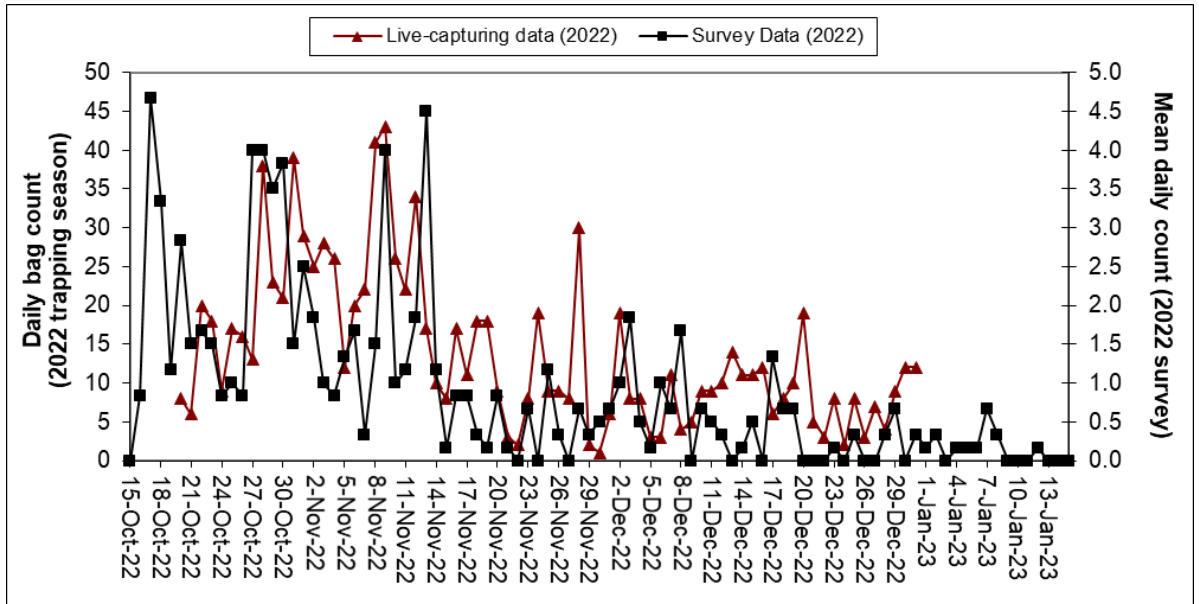


FIGURE 8 DAILY BAG COUNT OF SONG THRUSH FOR THE PERIOD 20 OCTOBER 2022 TO 31 DECEMBER 2022 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MEAN DAILY COUNTS RECORDED DURING THE 2022 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2022 TO 15 JANUARY 2023.

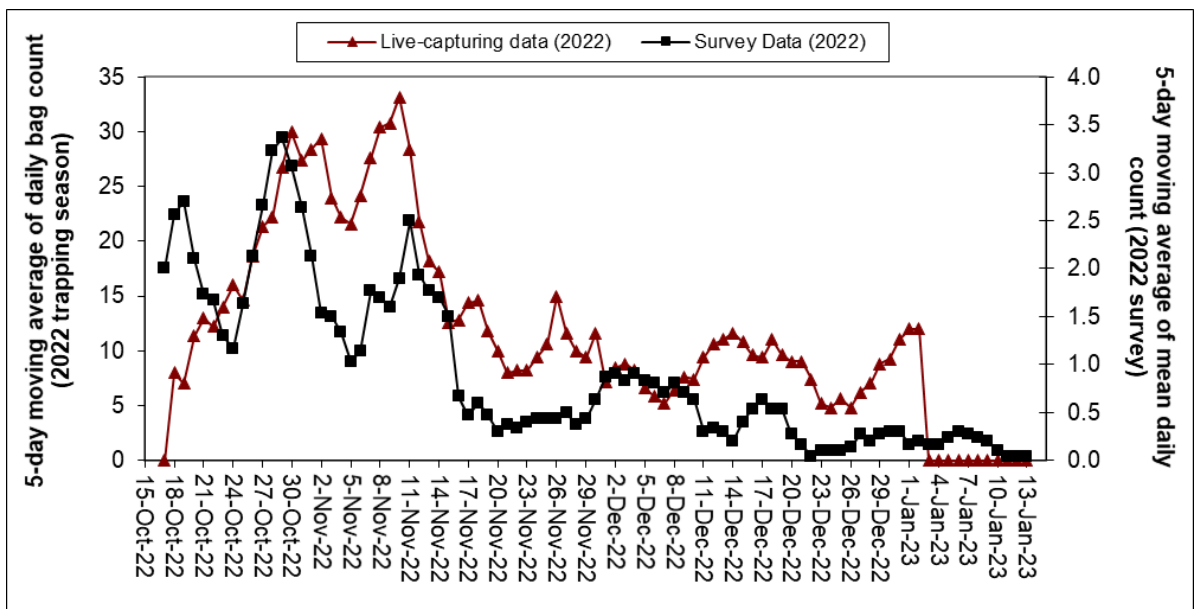


FIGURE 9 MOVING AVERAGE BASED ON A 5-DAY ROLLING TIME PERIOD OF THE DAILY BAG COUNTS OF SONG THRUSH FOR THE PERIOD 01 NOVEMBER 2022 TO 31 DECEMBER 2022 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MOVING AVERAGE FOR THE MEAN DAILY COUNTS RECORDED DURING THE 2022 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2022 TO 15 JANUARY 2023.

10. ENFORCEMENT AND STRICT SUPERVISION

- 10.1 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. Participants 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

- 10.2 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations 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, to prevent illegal capture. Moreover, following the closure of the autumn live-capturing season, for every 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.
- 10.3 Regulation 8(5) of the Framework Regulations details a standard operating procedure for enforcement, which requires 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 Subdivision of Malta and Gozo into regions for systematic spot-checks. 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.

SECOND SCHEDULE
Subdivision of Malta and Gozo into regions for
systematic spot checks



FIGURE 10 SUBDIVISION OF MALTA AND GOZO INTO REGIONS FOR SYSTEMATIC SPOT-CHECKS.

10.4 During the autumn 2022 live-capturing season, the enforcement authorities deployed a total overall complement of 59 officers to oversee and supervise the parameters of the derogation (Table 8 Deployment of enforcement officers during the autumn 2022 live-capturing season Table 8).

TABLE 8 DEPLOYMENT OF ENFORCEMENT OFFICERS DURING THE AUTUMN 2022 LIVE-CAPTURING SEASON

Entity	Number of officers	Duties
Environment Protection Unit (EPU) of the Police	18	Field patrols, surveillance, inspections, spot-checks, investigations and prosecution.
District police officers seconded to the EPU	10	
Gozo police	14	
Armed Forces of Malta	8	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	59	
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- 10.5 Police (EPU, District and Gozo police) and Armed Forces of Malta officers maintained a daily field deployment, the daily field deployment ranged between a maximum of 56 officers and a minimum of 42 **Error! Bookmark not defined.** officers in the field at any point in time from 05:00hrs to 15:00hrs and a maximum of 55 officers and a minimum of 38 officers in the field at any point in time from 15:00hrs to 21:00hrs. This included all other non-field staff assigned on duties related to the supervision of the live-capturing season but excludes field staff on shift rotation. In addition to this complement, the three Environmental rangers were deployed on a twelve-hour shift from 06:30hrs to 18:30hrs on patrols in terrestrial Natura 2000 sites, other protected and scheduled areas and public ODZ sites, whilst WBRU officers were active daily from 07:15hrs to 16:00hrs as well as on-call during other hours. These officers reported illegal activities directly to the Executive Police.
- 10.6 During the derogation period, enforcement officers carried out a total of 2,558 spot-checks (1,756 in Malta and 802 in Gozo) on individual licensees. This equates to a daily enforcement effort of nine spot-checks for every ten active licensees¹⁹. Table 9 lists the number of enforcement officers deployed, number of spot-checks on individual live capturers per region, offences detected, and persons charged. Spot-checks on individual licensees outweighed the number of special licences issued (1,277) at a ratio of 2:1 such that even if all licensees were active at some point during the season, on average, each licensee / live-capturing site was spot-checked twice throughout the whole season.

¹⁹ Calculated as follows: 2,558 total spot-checks / 72 days of the open season = 35.53 daily spot-checks / max. 40 active licensees on any given day = 0.89 spot-checks per licensee x 10 licensees = ratio of 9:10.

TABLE 9 DAILY ENFORCEMENT STATISTICS DURING THE AUTUMN 2022 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 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
20/10/2022	41	11	38	9	8	1	2	3	6	4	7	10	4	5				
21/10/2022	37	13	39	9	6	2	3	6	5	1	3	5	2	3				
22/10/2022	37	11	38	12	6	1	4	8	3	2	5	2	2	1				
23/10/2022	43	11	41	9	7	2	2	4	2	3	2	3	1	4				
24/10/2022	39	12	42	9	4	1	9	2	3	4	6	1	3	1				
25/10/2022	42	11	42	10	7	2	8	2	4	2	3	5	6	7				
26/10/2022	35	14	37	14	6	2	7	4	9	3	5	2	3	6				
27/10/2022	39	12	41	10	3	1	2	8	7	6	3	3	1	1				
28/10/2022	37	12	42	13	2	4	4	9	11	6	6	1	8	4				
29/10/2022	37	14	41	9	5	2	2	2	7	12	1	4	4	3				
30/10/2022	38	9	40	11	3	1	7	2	6	2	1	2	3	1				

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 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
31/10/2022	36	13	37	12	4	2	1	2	7	5	5	1	2	3				
01/11/2022	41	12	41	12	6	1	7	4	2	2	7	2	5	3				
02/11/2022	36	15	38	13	5	1	3	4	6	8	8	4	1	3				
03/11/2022	42	9	41	8	9	2	8	4	2	9	2	1	3	2				
04/11/2022	36	14	37	13	7	2	4	3	5	10	3	7	4	1				
05/11/2022	35	13	38	13	1	1	2	2	3	5	6	2	3	5				
06/11/2022	40	13	40	14	5	4	5	2	7	9	3	1	2	4				
07/11/2022	39	15	42	13	4	2	5	2	1	2	2	6	7	3	1 Use of illegal means ²⁰		1 Administrative fine	
08/11/2022	35	14	38	12	9	2	2	2	6	8	3	1	4	2	1 Trapping on unregistered sites ²¹		1 Court action	

²⁰ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Qrendi. Police seized the bird caller and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

²¹ Case refers to an individual caught trapping for Song Thrush on an unregistered trapping site at Kalafrana, Birżebbuġa. Police seized all trapping paraphernalia and three Song Thrushes (*Turdus philomelos*) and initiated legal action against the individual.

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 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
09/11/2022	36	14	38	12	8	1	4	8	3	7	4	4	6	3				
10/11/2022	37	14	39	14	7	3	2	2	4	6	3	2	3	1				
11/11/2022	36	14	39	12	3	3	4	3	9	8	4	2	4	2	1 Trapping on unregistered site ²²		1 Court action	
12/11/2022	36	15	39	12	2	1	10	7	2	3	3	2	4	4				
13/11/2022	42	11	42	12	2	2	3	5	5	2	7	5	8	3	1 Use of illegal means ²³		1 Administrative fine	
14/11/2022	36	13	41	12	4	5	3	9	9	11	3	2	1	1				
15/11/2022	36	15	39	12	3	2	9	5	5	12	6	2	3	3				
16/11/2022	37	16	40	12	7	5	11	8	13	5	2	2	5	1				

²² Case refers to an individual caught trapping for Song Thrush on an unregistered trapping site at Kalafrana, Birzebbuga. Police seized all trapping paraphernalia and initiated legal action against the individual.

²³ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing at Dingli. Police seized the bird caller and individual was issued with an administrative fine which payment was settled within the stipulated timeframe.

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 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
17/11/2022	36	15	40	10	3	4	9	5	7	8	7	1	4	3	1 Use of illegal means ²⁴		1 Administrative fine	
18/11/2022	35	13	39	10	2	8	4	9	3	5	5	3	1	3				
19/11/2022	35	14	40	10	3	4	3	8	3	4	7	4	4	3				
20/11/2022	37	14	40	12	7	6	7	8	3	3	2	4	4	2				
21/11/2022	36	15	39	13	6	2	4	9	4	2	2	2	5	3				
22/11/2022	39	14	41	12	2	4	9	7	5	9	5	4	3	1				
23/11/2022	37	13	41	10	2	6	7	8	4	3	5	2	1	5				
24/11/2022	43	11	40	9	4	2	7	5	6	2	6	3	2	2				
25/11/2022	36	15	37	13	2	1	9	3	5	4	3	3	2	1				

²⁴ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing at Attard. Police seized the bird caller and individual was issued with an administrative fine which payment was settled within the stipulated timeframe.

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 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
26/11/2022	38	11	37	13	3	5	1	4	3	6	2	3	4	1				
27/11/2022	36	15	38	14	1	1	6	6	4	6	2	1	1	3				
28/11/2022	35	14	40	10	4	3	3	5	6	9	2	1	4	2	1 Use of illegal means ²⁵		1 Administrative fine	
29/11/2022	37	13	41	10	3	1	3	4	6	6	1	2	3	2	1 Unattended trapping site ²⁶		0 Court action	
30/11/2022	36	15	39	11	6	1	4	3	2	7	1	5	2	2				
01/12/2022	38	13	40	9	4	2	5	7	2	6	1	3	3	1				
02/12/2022	44	10	40	11	3	3	5	5	6	2	1	2	4	1				
03/12/2022	36	14	41	10	2	1	9	2	7	4	10	3	3	2	1 Use of illegal means ²⁷		1 Administrative fine	

²⁵ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Birżebbuġa. Police seized the bird caller and individual was issued with an administrative fine which payment was settled within the stipulated timeframe.

²⁶ Case refers to the discovery of an unattended trapping site and an electronic device with pre-recorded bird calls for Golden Plovers in Mellieħa. Police seized all trapping paraphernalia and bird caller however no further legal action could be taken since the offender remains unknown to the police.

²⁷ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Naxxar. Police seized the bird caller, and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

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 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
04/12/2022	35	15	40	10	2	2	5	6	9	3	2	2	2	1				
05/12/2022	38	14	37	14	6	2	6	3	3	3	3	1	4	2	1 Trapping on unregistered site ²⁸		0 Court action	
06/12/2022	36	15	36	15	5	2	1	4	4	4	3	4	1	3	1 Trapping during closed season (prohibited hours) ²⁹		1 Court action	
07/12/2022	39	14	39	12	3	4	5	1	9	3	1	3	2	2				
08/12/2022	38	12	41	13	4	3	2	3	7	3	1	1	1	1	1 Use of illegal means ³⁰		1 Administrative fine	
09/12/2022	37	13	39	10	3	2	5	2	5	2	2	1	1	1	2 Trapping on unregistered site ³¹		1 Court action	
10/12/2022	36	13	38	13	4	4	7	3	2	3	1	3	3	1	1 Trapping during closed season (prohibited hours) ³²		1 Court action	

²⁸ Case refers to the discovery of an unregistered trapping site for Golden Plover in Ғal Ghaxaq. Police seized all trapping paraphernalia however no further legal action could be taken since the offender remained unknown to the police.

²⁹ Case refers to an individual caught trapping for Golden Plover during prohibited hours in Ғal Ghaxaq. Police seized all trapping paraphernalia including two bird callers and initiated legal action against the individual.

³⁰ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Birżebbuġa. Police seized the bird caller, and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

³¹ Case refers to an individual caught trapping and making use of pre-recorded bird calls whilst live capturing for Golden Plovers from an unregistered trapping site in Siġġiewi. Police seized all trapping paraphernalia and bird caller and initiated legal action against the individual. The second case refers to an unregistered and unattended trapping site in Marsaxlokk. The police seized all trapping paraphernalia however no further legal action could be taken since the offender remained unknown to the police.

³² Case refers to an individual caught trapping for Golden Plover during prohibited hours in Żurrieq. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the individual.

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 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
11/12/2022	34	17	42	9	3	1	3	6	4	2	2	2	2	2	1 Trapping during closed season (prohibited hours) ³³		1 Court action	
12/12/2022	39	10	40	10	6	5	5	1	6	1	3	2	3	1	2 Trapping during closed season (prohibited hours) ³⁴		2 Court action	
13/12/2022	34	15	36	14	5	1	6	14	2	2	1	2	1	4	1 Unattended trapping site ³⁵		0 Court action	
14/12/2022	36	15	37	12	5	2	5	6	6	3	1	2	5	1	1 Use of illegal means ³⁶		1 Administrative fine	
15/12/2022	34	15	41	11	6	3	6	4	4	6	3	1	1	2	1 Use of illegal means ³⁷		1 Administrative fine	
16/12/2022	34	14	35	14	3	1	2	2	6	3	3	1	1	1				
17/12/2022	36	15	34	15	4	2	3	3	2	6	4	2	1	1				

³³ Case refers to an individual caught trapping for Golden Plover during prohibited hours in Mġarr. Police seized all trapping paraphernalia including a bird caller and initiated legal action against the individual.

³⁴ Cases refer to two individuals caught trapping for Golden Plover during prohibited hours, one in Burmarrad and the other in Żabbar. Police seized all trapping paraphernalia including two bird callers and initiated legal action against the individuals.

³⁵ Case refers to the discovery of an unattended trapping site in Siġġiewi. The police seized all trapping paraphernalia however no further legal action could be taken since the offender remained unknown to the police.

³⁶ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Siġġiewi. Police seized the bird caller, and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

³⁷ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Attard. Police seized the bird caller, and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

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 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
18/12/2022	38	12	39	15	3	1	2	2	4	3	2	1	3	1				
19/12/2022	36	12	38	15	2	3	7	5	3	9	2	2	1	4				
20/12/2022	38	13	39	10	2	2	3	4	2	4	1	2	2	4	2 Use of illegal means ³⁸		2 Administrative fines	
21/12/2022	34	12	32	9	3	2	2	6	3	6	2	3	1	1				
22/12/2022	36	12	38	8	3	2	5	9	6	4	2	1	3	2	1 Trapping during closed season (prohibited hours) ³⁹		1 Court action	
23/12/2022	36	11	32	10	5	1	4	3	2	6	3	2	1	2	1 Use of illegal means ⁴⁰		1 Administrative fine	
24/12/2022	34	11	32	10	4	1	9	3	1	4	2	3	4	1				
25/12/2022	39	17	37	12	2	3	3	3	4	3	3	3	2	1				

³⁸ Cases refer to two individuals caught in possession and making use of pre-recorded bird calls whilst live capturing in Safi. Police seized two bird callers and the individuals were issued with an administrative fine for which both payments were settled within the stipulated timeframe.

³⁹ Case refers to an individual caught trapping during prohibited hours and making use of pre-recorded bird calls for Golden Plover (*Pluvialis apricaria*) and Northern Lapwing (*Vanellus vanellus*) in Marsaxlokk. Police seized all trapping paraphernalia including bird caller and initiated legal action against the individual.

⁴⁰ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Birżebbuġa. Police seized the bird caller and the individual was issued with an administrative fine for which payment was settled within the stipulated timeframe.

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 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
26/12/2022	37	11	37	9	4	3	4	2	3	2	1	2	5	3				
27/12/2022	34	13	32	10	6	1	2	1	1	7	5	1	3	1				
28/12/2022	30	12	30	10	3	1	1	3	3	1	2	4	1	5	1 Unattended trapping site ⁴¹		1 Court action	
29/12/2022	33	10	28	10	7	3	2	2	2	3	2	1	3	2				
30/12/2022	34	12	37	9	2	2	3	3	1	2	2	5	1	3				
The national bag limit for Golden Plover was reached on 30 December 2022.																		
31/12/2022	36	12	32	9	1	2	5	2	6	1	2	3	1	4				
	Average				Total													
	37	13	38	11	304	140	334	313	326	339	227	190	211	174	25 ⁴²	0	21 ⁴³	0

⁴¹ Case refers to an individual that left his trapping site active and unattended in Delimara. Police confiscated all trapping paraphernalia and initiated legal action against the individual.

⁴² 21 offences were committed by known individuals and four offences were committed by unknown offenders.

⁴³ 11 cases of administrative fines and ten court actions.

- 10.7 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 for that season.
 - 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 (S.L. 549.42) and other applicable legislation.
- 10.8 To facilitate the execution of their duties, enforcement officers had 16 vehicles made available to them. All vehicles were equipped with radio communication facilities, to enable contact with police officers from other sections/districts, and 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 the 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.
- 10.9 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 considerably more time to actual field surveillance duties, as opposed to documentation retrieval.

Infringements detected

- 10.10 During spot-checks carried out by enforcement staff throughout the derogation period, a total of 25 live-capturing infringements were detected. This equates to an illegality for every 100 spot-checks on individual live capturers ($25/2558 = 0.0098 \times 100$). A total of 11 persons were issued with an administrative fine of €250 each, all for the illegal use of pre-recorded bird callers whilst trapping for Golden Plover and/or Song Thrush. Penalty points were also added to their general live-capturing licence as set out in regulation 27A and Schedule VIII of Subsidiary Legislative 549.42. All offenders paid the fine within 21 days from notification. All illicit devices were seized and destroyed by the Police.
- 10.11 Court action is being taken against ten individuals. The nature of all infringements detected during the derogation period are outlined in Table 10 below. The species and number of birds seized by police during this season is outlined in Table 11 below.

TABLE 10 OFFENCES DISCLOSED DURING AUTUMN LIVE-CAPTURING SEASON

	2022		
	(20.10.22-31.12.23)		
	Cases in Malta	Cases in Gozo	Total number of cases
Use of illegal means (e.g. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	11	0	11
Trapping for species under derogation using nets of prohibited mesh size	0	0	0
Using more than 10 live decoys (Song Thrush / Golden Plover) while trapping	0	0	0
Trapping during prohibited hours	6	0	6
Trapping within bird sanctuaries	0	0	0
Trapping on unregistered sites	5	0	5
Trapping using unmarked decoys	0	0	0
Trapping following lapse of seasonal quota	0	0	0
Failure to report captured bird	0	0	0
Trapping without licence	0	0	0
Nets left uncovered when unattended	3	0	3
Total offences	25	0	25
Number of persons apprehended	21	0	21

- 10.12 Although the national quota for Golden Plover was reached on 30 December 2022, the same enforcement effort and adherence to the minimum deployment regime was maintained between 31 December 2022 and 10 January 2023. Additionally, in line with

the Framework Regulations patrols continued for two weeks following the closure of the live-capturing season. No offences were detected during these latter patrols.

10.13 The most common offence concerning the Golden Plover and Song Thrush derogation remains the illegal use of pre-recorded bird calls, although there was a noticeable decline during the 2022 live-capturing season in comparison with the previous two years.⁴⁴This decline is contributed to the publication of a legal amendment to the Conservation of Wild Birds Regulations via Legal Notice 86 of 2022.⁴⁵ This amendment saw the introduction of a twelve-point penalty system for all the administrative offences listed in Schedule VIII of the Subsidiary Legislation 549.42 and each category of offence is assigned a number of points ranging from two to four according to the Schedule, for example four points for the use or possession of any electrical or electronic bird caller. Once an individual accumulates twelve or more points over a two-year period, his general licence (that associated with the offences committed in the event of having more than one licence) is suspended by the Wild Birds Regulation Unit and the Police for a period of one year.

10.14 During the suspension period of the relevant general licence, the licensee will not be eligible to apply for a special licence associated with the relevant general licence which has been suspended and will also be considered ineligible to apply for a licence or permission to participate in any research activity. Points will be set to zero if the licensee does not commit other administrative offences within two years from the date of the last offence. In addition, if the licensee appeals the administrative fine to the Administrative Review Tribunal and until the Tribunal decides whether or not to revoke or change the administrative penalty, the two-year period remains in force and the penalty points relating to that offence in question are added to any penalty points which the accused accumulates. These points are subsequently deducted from the total only if penalty issued against him is revoked by the Administrative Review Tribunal.

10.15 The following table lists the number of birds seized by police during the autumn 2022 live-capturing season.

TABLE 11 NUMBER OF BIRDS SEIZED DURING THE AUTUMN 2022 LIVE-CAPTURING SEASON

Species	Number of birds seized	
	Malta	Gozo
Song Thrush (<i>Turdus philomelos</i>)	3	0
Subtotal	3	0
Total	3	

10.16 As evidenced throughout the enforcement section of this report, the Maltese Government, with the assistance of the Executive Police, is committed to maintain

⁴⁴ 11 cases of illegal use of bird-callers whilst live-capturing Golden Plover and/or Song Thrush in 2022 compared to 27 in 2021 and 43 in 2020 (see corresponding tables in the enforcement section of the respective derogation reports).

⁴⁵ LN 86 of 2022: Conservation of Wild Birds (Amendment) Regulations, 2022. Available at: <https://legislation.mt/eli/ln/2022/86/eng>. Published on 18 February 2022.

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.

11. CONCLUSIONS

- 11.1 The application of the Golden Plover and Song Thrush live-capturing derogation in autumn 2022 was preceded by a series of in-depth analyses that considered all relevant legal, scientific, and technical aspects. Following bilateral discussions with the European Commission, both the Framework Regulations and Notice of Derogation were revamped in 2018 and 2019 to address the concerns, taking into material account aspects of relevance following the C-557/15 judgment, in particular, the conditions related to “judicious use”, “selectivity”, “small numbers” and “strict supervision”.
- 11.2 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.
 - 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.
- 11.3 The Maltese authorities continued to ensure that the above two prerequisites were met. 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, new game reporting mobile app etc), has resulted in a greater efficiency of the overall supervision process.
- 11.4 It is clear that the game reporting system continues to prove pivotal in real-time monitoring of quotas during the live-capturing season.
- 11.5 Regulatory rigour such as pre-screening, registration and digitisation 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 (Subsidiary Legislation 549.74), have worked in tandem in maintaining a sustained commitment to ensure effective compliance throughout the live-capturing season and thus proper implementation of the derogation regime provided by the Bi