

Report on the Outcome of the 2017 Autumn live-capturing Season for Golden Plover and Song Thrush in Malta

February 2018

**Wild Birds Regulation Unit
Ministry for the Environment, Sustainable Development and Climate Change**

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Enclosures

- Annex I - Conservation status assessment, determination of “small numbers” and other legal and technical considerations presented to the Malta Ornithology Committee
- Annex II - Autumn 2017 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-December 2017) (Ecoserv Ltd., 2018)

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, 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 overview of the decision-making process leading up to the application of the live-capturing derogation for Golden Plover and Song Thrush in autumn 2017;
 - (iii) An assessment of the conservation status of the two relevant species, namely Song Thrush (*Turdus philomelos*) and Golden Plover (*Pluvialis apricaria s.l.*);
 - (iv) A summary of the legislative changes and changes to the parameters of the derogation;
 - (v) A summary of institutional controls deployed to oversee compliance with the parameters of the derogation, including special licensing, site registration 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 2017

- 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. Hence, this Article specifically requires Member States to take into account both "cultural" as well as "recreational requirements" when implementing measures to maintain the population of the relevant species.
- 2.3 Therefore, in line with the spirit of the Birds Directive that seeks to reach a balance between the protection of bird species while taking account of cultural and recreational requirements, the Maltese Government has applied a derogation as a means to maintain a traditional and culturally specific method of capture of the relevant species, for the purpose of keeping the birds in captivity as live-decoys and for recreational purposes, in a manner which is strictly regulated and controlled by serious and effective measures of protection, in full conformity with the requirements of the Birds Directive.

- 2.4 Reference is also made to the judgment delivered by the Court of Justice of the European Union (CJEU) with regard to case C-76/08, *Commission of the European Communities v Republic of Malta*, which, in the context of a derogation permitting spring hunting of two species, stated that: “*hunting for Quail and Turtle Doves during the autumn hunting season cannot be regarded as constituting, in Malta, another satisfactory solution, so that the condition that there be no other satisfactory solution, laid down in Article 9(1) of the Directive, should, in principle, be considered met*”¹.
- 2.5 In this respect, the principle established by the Court may also be applicable to the live-capture of the relevant species in autumn, since no other satisfactory solution to the acquisition of birds of the relevant species for use as live-decoys or for recreational purposes exists, other than through their limited live-capture under strictly supervised conditions in the context of a derogation, provided that such an activity does not negatively impact the conservation status of the relevant species. Malta considers that all the prerequisites for the correct application of such derogation, including all of the abovementioned elements, have been met, as demonstrated in the following sections of this document.
- 2.6 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (S.L.549.42), met on 12 April 2017² and on 26 April 2017³ to consider the application of a live-capturing derogation for Golden Plover and Song Thrush during the 2017 autumn season. The Committee considered an updated assessment of the conservation status of the species concerned, the legal basis for the application of a live-capturing derogation, as well as the outcome of the 2016 live-capturing season. This assessment, including a summary of the legal and technical considerations made, is included as Annex I to this report. 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. All legal parameters and special licence conditions applicable during the previous Golden Plover and Song Thrush live-capturing season were recommended to be retained, except for the individual seasonal bag limit of six birds, which the Committee proposed to be removed.
- 2.7 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 2017 Autumn live-Capturing season for Song Thrush and Golden Plover) Regulations (Legal Notice 295 of 2017)⁴ in accordance with the amended Framework Regulations⁵.

¹ Case C-76/08 *Commission v Malta*, ECR I-8213, paragraph 63

² Meeting of the Malta Ornis Committee held on 12 April 2017. Minutes available at: <http://msdec.gov.mt/en/Document%20Repository/WBRU/2017/ornisCommittee/Minutes%2012-04-2017.pdf>

³ Meeting of the Malta Ornis Committee held on 26 April 2017. Minutes available at: <http://msdec.gov.mt/en/Document%20Repository/WBRU/2017/ornisCommittee/Minutes%2026-04-2017.pdf>

⁴ LN 295/2017 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28722&l=1>

⁵ 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. 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 2017 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 Global, Pan-European, EU and 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 altifrons* 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 Latest scientific literature reviewed as part of the assessment indicated both the long-term and short-term trend for Song Thrush as **Increasing** at Pan-European⁶, EU⁷ and reference population levels⁸. The EU population status of *Turdus philomelos* 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).
- 3.6 The Golden Plover breeding population trend in the EU27 is **Increasing** in both the short-term and long-term (EEA, 2014⁹). 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 latest dataset available from the European Bird Census

⁶ Trends of common birds in Europe, 2016 update. Available at: <http://www.ebcc.info/index.php?ID=612>

⁷ European Environment Agency (2014) Article 12 reports for the 2008-2012 reporting period (EU27) Available at: <http://bd.eionet.europa.eu/article12/summary?period=1&subject=A285>

⁸ The “reference population” is the population (minimum breeding pairs) of the relevant species known to migrate over Malta from other EU Member States based on ring recoveries. In the absence of ring recoveries for a particular species, the reference population is typically based on the entire EU population divided by three to account for the three principal flyways. However, in the case of Golden Plover, the literature indicates that the reference population for Malta originates from Finland and Sweden (excluding non-EU countries such as Norway), which collectively had a Stable population trend at the time the report on their conservation status was drafted prior to application of the live-capturing derogation.

⁹ European Environment Agency (2014) Article 12 reports for the 2008-2012 reporting period (EU27) Available at: <http://bd.eionet.europa.eu/article12/summary?period=1&subject=A140>

Council¹⁰ at the time the conservation status of the Golden Plover (*Pluvialis apricaria*) was updated (April 2016), the Northeast European (West Continental) population (Norway, Sweden and Finland) [i.e., Malta's reference population] was considered to be **Stable**, with a reported decrease in both the short-term (1990–2014) and long-term (1980–2014) trends of 25% and 13% respectively when compared with the previous (2015) EBCC update.

- 3.7 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, (ii) that these two species are only present on 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'.

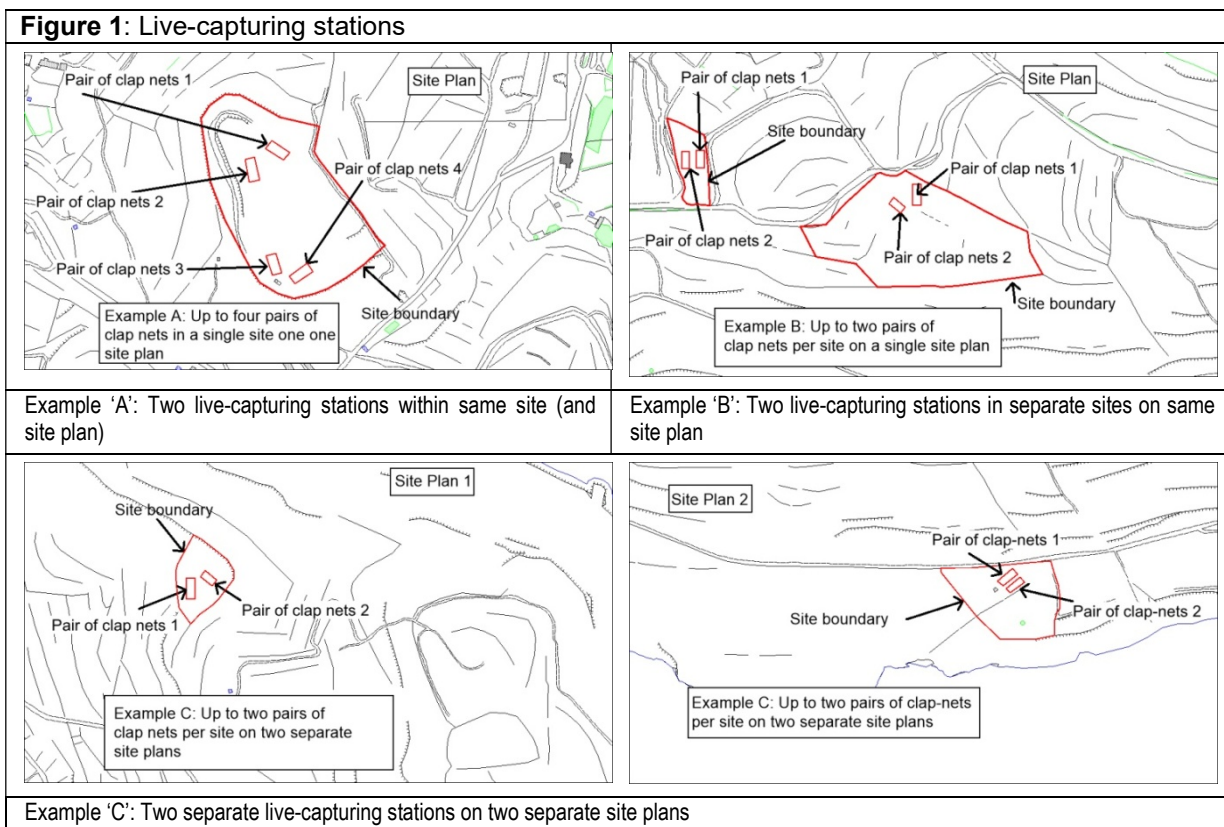
4. Issuance of Autumn 2017 live-capturing licences for Golden Plover and Song Thrush

- 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 10th and 31st July 2017, both dates included. Applications were subject to a €55 special licence fee, payable at the time of application. The applicants were also required to declare the quantity of special single-use rings approved by the Maltese authorities for the Golden Plovers and Song Thrushes that were to be used as live-decoys. The total number of decoy birds that could be used was of a maximum of ten from the relevant species (any combination of the two species not exceeding ten in total). The limit of 10 live-decoys is linked to the live-capturing station not to each licensee. Thus, irrespective of the number of licence holders registered on the same live-capturing station, the limit of 10 live-decoys could not be exceeded. The applicants were subsequently issued with the required number of rings against a payment of €0.50 per ring.
- 4.2 In 2017, a new web-based GIS platform was developed instead of the former offline system, which relied exclusively on existing hardware (tablet PCs). The new system was fully integrated with the core licensing and reporting database systems and allowed for rapid access to site registration and licensing information from any internet-enabled device, for the purposes of enforcement and verification. All digital geographic information and related metadata pertaining to the previous (2016) live-capturing derogations were transferred onto the web-based system. During application period, live-capturers were instructed not to submit any physical site plans with their special licence application form. Any requests to substitute registered sites submitted in 2016 with other registered sites had to be specified by the applicants during application period (Section E of the application form). Applicants opting to change from one registered site to another were requested to set a personal appointment with the Wild Birds Regulation Unit by not later than 29 September 2017 to ensure that any changes in registered site plans were reflected in the new web-based system. A total of 479 requests to swap registered sites were processed. An administrative fee of €10 was charged in respect of each request in accordance with Schedule X of the Conservation of Wild Birds Regulations.

¹⁰ Trends of common birds in Europe, 2016 update. Available at: <http://www.ebcc.info/index.php?ID=612>

4.3 As was the case in previous years, licensees were only allowed a maximum of two registered live-capturing stations each, either:

- a) two live-capturing stations within the same site, with each live-capturing station having not more than two pairs of clap-nets from one hide (see Figure 1, Example A); or
- b) two separate live-capturing stations on one site plan with each live-capturing station having not more than two pairs of clap-nets from one hide (see Figure 1, Example B); or
- c) two different site plans, with each site plan showing a single live-capturing station containing not more than two pairs of clap-nets from one hide (see Figure 1, Example C).



4.4 The total number of clap-net pairs for live-capturing of Golden Plovers and Song Thrushes in 2017 stood at 2,269, registered on 1,059 licensees (Table 1). This figure represents an overall decreasing trend when compared with the 2014–2016 Golden Plover and Song Thrush live-capturing seasons: $n_{2014} = 3,519$ clap-net pairs, submitted by 1,223 applicants; $n_{2015} = 3,310$ clap-net pairs, submitted by 1,128 applicants; $n_{2016} = 2,912$ clap-net pairs, submitted by 997 applicants. In 2017, a total of 1,846 registered clap-net pairs were located in Malta whereas 423 clap-net pairs were located in Gozo. Out of these two totals, 228 clap-net pairs in Malta and 42 clap-net pairs in Gozo were exclusively used for live-capturing of Golden Plover and Song Thrush. The other registered clap-net pairs (1,618 and 381 respectively) were used for both the Finches and Golden Plover and Song Thrush derogations.

	<u>Clap-net pairs</u>	<u>Licensees</u>
Malta	1,846	872
Gozo	423	187
Total	2,269	1,059

4.5 Following eligibility screening, all applications for the Golden Plover and Song Thrush autumn 2017 live-capturing special licence were considered valid. Consequently, a total of 1,059 special licences were issued, representing an increase of 62 licensees when compared with the previous season ($n_{2016}=997$), a decrease of 69 licensees when compared with the 2015 season ($n_{2015}=1,128$) and a decrease of 164 individuals in comparison with the number of licences issued in 2014 ($n_{2014}=1,223$). 872 licences were issued to persons residing in Malta (*circa* 82%) and 187 licences were issued to persons residing in Gozo (*circa* 18%), as shown in Table 2.

Applications	Total	Malta	Gozo
Persons issued with a Golden Plover / Song Thrush special live-capturing licence only	264	217	47
Persons issued with a Golden Plover / Song Thrush special live-capturing licence <u>and</u> a special finch live-capturing licence (under the terms of separate derogation)	795	655	140
Total	1,059	872	187

Source: Wild Birds Regulation Unit

4.6 A sample of the licence issued is enclosed as Annex II to this Report. All licences were collected to be potentially used during the applicable season. The Autumn 2017 live-capturing licence (vide Annex II) set a number of conditions for the 2017 live-capturing season, as provided in the Framework Regulations (S.L.549.74¹¹) and the Notice of Derogation (S.L.549.118¹²). The licence included, *inter alia*:

- the dates and permitted hours of the season;
- provisions related to location and configuration of live-capturing sites and live-capturing stations;
- restrictions pertaining to mesh size to be used (not less than 30mm × 30mm);
- the maximum footprint of each live-capturing stations (maximum of 60 square metres per clap-net);
- provisions related to the authorised method of capture and prohibition for leaving armed nets during hours when live-capturing is not permitted;
- requirements concerning the use of live-decoys (maximum of 10 live-decoys per live-capturing station—all decoys must be fitted with a special single-use ring supplied by the Wild Birds Regulation Unit);
- requirement to immediately report birds caught through telephonic game reporting system;
- requirement to immediately release birds fitted with scientific ring;

¹¹ SL 549.74 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=1>

¹² SL 549.118 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12715&l=1>

- requirement to immediately release birds not of the relevant species should accidental capture occur;
- requirement to keep relevant documentation, including approved site plans, special licence and the general live-capturing licence card at all times whilst practicing the live-capturing activity or travelling to and from a live-capturing site; and
- restrictions pertaining to permitted 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 (S.L.549.42¹³). Except where the offence consisted solely 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 The applicants were required to declare the quantity of single-use rings up to a maximum of ten per species. Licence holders could opt to use up to 10 Golden Plover decoys **or** a maximum of 10 Song Thrush decoys **or** any combination from the two species up to a combined limit of 10 live-decoys. For the Golden Plover and Song Thrush special licence, the single-use rings were issued in two different sizes bearing the official seal “R16U”. The rings were colour-coded according to the species (and size), as shown in Table 3 and Figure 2.

Species	Ring colour	Ring size
Golden Plover	Red	5.0 mm
Song Thrush	Yellow	4.5 mm

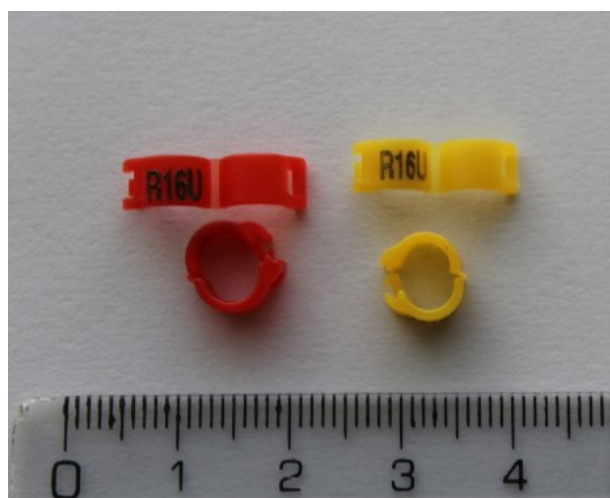


Figure 2: Single-use rings coded “R16U” for Golden Plover (red) and Song Thrush (yellow) live-decoys. Source: Wild Birds Regulation Unit

4.9 The limit imposed on single-use rings corresponded with the maximum number of live-decoys that were permitted to be used within the live-capturing station at any one time (any combination from the two species not exceeding a total of ten live-decoys). In total, the licensees applied for 6,598 Golden Plover (red) single-use rings and 5,255 Song Thrush (yellow) single-use rings

¹³ SL 549.42 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

5. Real-time game reporting system

- 5.1 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 (S.L.549.74), licensed live-capturers are obliged to immediately report the birds caught to the Wild Birds Regulation Unit. This real-time reporting requirement applied immediately after capture of each bird.
- 5.2 During the 2012 and 2013 live-capturing seasons, the immediate reporting requirement was administered via an SMS reporting system. In 2014, this system was re-designed and improved to incorporate better data security and reliability, better user-friendliness and expanded functionality. A real-time telephonic game reporting system was developed to replace the previous SMS system and has thus been used since.
- 5.3 The special live-capturing licence contained a legal obligation for live-capturers to immediately report birds caught by dialling a single number for the Golden Plover and the Song Thrush, as indicated in the special licence. Upon making the call, the licensee would follow voice prompts through the reporting procedure. Song Thrush was assigned code (1) whilst Golden Plover was assigned code (2). 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. The telephonic system also contained a number of messages that reminded callers of their legal obligations. 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.
- 5.4 Throughout the duration of the derogation, the Wild Birds Regulation Unit had access to monitor 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. Enforcement personnel conducting spot-checks on live-capturers in the field had access to the web-based system which allowed for instant verification of any individual licensee's reports.
- 5.5 All data were simultaneously and securely stored on two servers, with automatic back up every five minutes. A total of 12 telephone lines were available at any one time in case of simultaneous reports. The game reporting system generated two types of reports instantly on request. 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 thus allowing for real-time monitoring of the national bag limits of the two species.
- 5.6 During the 2017 live-capturing season between 20 October 2017 and 31 December 2017, a total of 167 Golden Plovers were declared caught, which is 44% less than the number of Golden Plovers reported during the 2016_(n=297) live-capturing season (20 October 2016 – 31 December 2016). A total of 183 Song Thrushes were declared caught between 20 October 2017 and 31 December 2017, which is 20%

less than the number of Song Thrushes reported during the same period in 2016_(n=230).

- 5.7 Table 4 below lists daily catches of Golden Plover and Song Thrush reported during the 2017 season in comparison to the corresponding catches reported during the previous three seasons.

Table 4: Daily catches of Golden Plover and Song Thrush: comparison between the 2014–2017 seasons

Date of capture	2017 Season (20/10/2017 - 31/12/2017)		2016 Season (20/10/2016 - 31/12/2016)		2015 Season (20/10/2015 - 31/12/2015)		2014 Season (20/10/2014 - 31/12/2014)	
	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush
20-Oct	0	0	0	1	0	0	0	1
21-Oct	0	0	0	2	0	0	0	1
22-Oct	0	0	0	2	0	2	0	1
23-Oct	0	3	0	2	0	0	0	5
24-Oct	0	4	0	2	0	2	0	2
25-Oct	0	3	0	13	0	6	0	4
26-Oct	0	5	0	5	0	11	0	7
27-Oct	0	6	0	11	0	8	0	6
28-Oct	0	15	0	2	0	7	0	3
29-Oct	0	4	0	2	0	8	0	8
30-Oct	0	3	0	7	0	8	0	16
31-Oct	0	4	0	12	1	2	0	7
01-Nov	0	2	0	4	0	1	0	10
02-Nov	0	9	0	16	1	6	1	12
03-Nov	0	7	0	5	2	10	0	7
04-Nov	0	3	0	8	0	11	0	9
05-Nov	0	4	0	11	0	7	0	5
06-Nov	0	10	0	5	0	8	0	5
07-Nov	0	5	0	5	0	9	0	2
08-Nov	0	7	0	2	0	6	0	4
09-Nov	0	7	0	4	0	9	0	15
10-Nov	0	1	0	1	0	4	0	9
11-Nov	0	0	0	2	0	7	0	4
12-Nov	1	0	1	6	0	4	2	13
13-Nov	1	2	4	7	0	3	0	2
14-Nov	0	4	8	6	2	3	2	8
15-Nov	0	1	12	2	1	7	0	8
16-Nov	1	5	5	7	0	1	1	5
17-Nov	2	3	5	5	1	2	0	7
18-Nov	0	5	7	4	4	1	0	3
19-Nov	0	1	2	5	1	1	0	6

Table 4: Daily catches of Golden Plover and Song Thrush: comparison between the 2014–2017 seasons

Date of capture	2017 Season (20/10/2017 - 31/12/2017)		2016 Season (20/10/2016 - 31/12/2016)		2015 Season (20/10/2015 - 31/12/2015)		2014 Season (20/10/2014 - 31/12/2014)	
	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush
20-Nov	0	7	4	5	0	1	0	4
21-Nov	0	0	4	5	0	1	0	3
22-Nov	0	4	5	3	0	2	0	5
23-Nov	0	1	1	1	1	7	1	4
24-Nov	0	2	3	3	2	21	0	4
25-Nov	0	0	0	2	3	3	7	1
26-Nov	1	0	2	0	2	2	7	5
27-Nov	1	2	0	0	6	3	4	0
28-Nov	0	0	3	4	7	4	2	0
29-Nov	0	2	5	0	10	2	5	1
30-Nov	0	0	7	4	14	1	8	1
01-Dec	1	2	12	0	5	3	7	4
02-Dec	0	0	1	0	1	1	6	0
03-Dec	2	1	8	0	5	0	9	0
04-Dec	1	2	5	1	6	0	13	2
05-Dec	1	6	1	0	4	2	8	2
06-Dec	4	0	8	2	6	3	10	1
07-Dec	8	0	8	3	4	2	8	0
08-Dec	2	3	11	0	4	1	7	1
09-Dec	14	10	5	3	3	2	7	3
10-Dec	3	0	4	7	3	0	2	1
11-Dec	6	0	8	2	6	3	11	4
12-Dec	3	0	3	0	7	4	6	1
13-Dec	0	2	7	0	10	3	14	2
14-Dec	10	0	6	0	3	1	9	0
15-Dec	0	0	0	0	1	0	7	1
16-Dec	2	0	15	0	6	3	7	0
17-Dec	13	3	2	0	16	0	10	0
18-Dec	7	0	7	1	4	1	4	2
19-Dec	0	0	6	5	12	0	3	1
20-Dec	1	1	9	0	3	1	17	4
21-Dec	3	0	4	0	7	1	13	1
22-Dec	12	0	2	0	6	2	12	1
23-Dec	9	2	4	1	3	4	9	5
24-Dec	20	3	21	2	4	4	9	4
25-Dec	6	0	6	0	5	0	1	3
26-Dec	7	0	13	3	7	0	9	1

Table 4: Daily catches of Golden Plover and Song Thrush: comparison between the 2014–2017 seasons

Date of capture	2017 Season (20/10/2017 - 31/12/2017)		2016 Season (20/10/2016 - 31/12/2016)		2015 Season (20/10/2015 - 31/12/2015)		2014 Season (20/10/2014 - 31/12/2014)	
	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush
27-Dec	3	0	2	3	14	1	16	3
28-Dec	7	1	16	0	16	0	13	0
29-Dec	2	0	2	2	18	2	30	0
30-Dec	12	0	4	1	20	2	26	13
31-Dec	1	6	19	1	54	1	75	9
Total	167	183	297	230	321	248	418	292

Source: Wild Birds Regulation Unit

5.8 During the 2017 season, the total number of birds captured was substantially lower than the permitted national bag limits. In the case of Golden Plover, the total number of 167 live-captured birds equates to 24% of the limit permitted by law (700). In the case of Song Thrush, the total number of 183 birds declared captured amounts to 4% of the total bag limit permitted by law (5,000). Table 5 below represents the number of birds reported by the licensees.

Number of birds declared caught throughout season	Number of licensed live-capturers
0	924
1	41
2	41
3	26
4	14
5	5
6	3
>6	5
Total	1,059

Source: Wild Birds Regulation Unit

6. Migration study

6.1 As was the case in previous years, an independent scientific study on the migration of Golden Plovers and Song Thrushes over the Maltese Islands was carried out between 20 October and 31 December 2017, both dates included. The study sought to obtain an estimate of migratory influxes of the two species during the 2017 derogation period. The study, carried out by Ecoserv (2018), was commissioned by the Wild Birds Regulation Unit.

6.2 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 Autumn/Winter 2017 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 2017 with the influxes recorded during the previous studies (reports of such past studies are available online from:
<http://environment.gov.mt/en/Pages/WBRU/livecapturingder.aspx>);
- f) A comparative analysis of the results obtained with the bag data extracted from live-capturers' telephonic report for the 2017 derogation period.

6.3 The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (Malta, Gozo and Comino), with data gathered during an 11-week period from 20 October until 31 December 2017. 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. The survey report is attached in Annex III, with key conclusions summarised below.

6.4 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 each active observation station. 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. The study site at Comino was included in the six sites surveyed on any one day, such that this site was surveyed on a daily basis. However, whenever 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 6.

Table 6: Total daily counts of Golden Plovers and Song Thrushes compiled through the autumn 2017 migration study (Data source: Ecoserv, 2018).

Date	Total daily counts	
	Golden Plover	Song Thrush
20-Oct-17	1	6
21-Oct-17	0	5
22-Oct-17	0	4
23-Oct-17	0	3
24-Oct-17	0	5
25-Oct-17	0	2
26-Oct-17	0	18
27-Oct-17	0	32
28-Oct-17	0	59
29-Oct-17	0	14

Date	Total daily counts	
	Golden Plover	Song Thrush
30-Oct-17	0	6
31-Oct-17	0	13
1-Nov-17	0	13
2-Nov-17	0	23
3-Nov-17	0	10
4-Nov-17	0	34
5-Nov-17	0	21
6-Nov-17	0	10
7-Nov-17	0	6
8-Nov-17	0	4
9-Nov-17	0	4
10-Nov-17	0	3
11-Nov-17	2	10
12-Nov-17	0	6
13-Nov-17	1	7
14-Nov-17	0	5
15-Nov-17	2	5
16-Nov-17	0	1
17-Nov-17	0	3
18-Nov-17	0	0
19-Nov-17	0	0
20-Nov-17	0	1
21-Nov-17	0	4
22-Nov-17	0	6
23-Nov-17	0	4
24-Nov-17	0	0
25-Nov-17	8	6
26-Nov-17	0	3
27-Nov-17	2	0
28-Nov-17	3	0
29-Nov-17	3	2
30-Nov-17	0	0
1-Dec-17	3	2
2-Dec-17	5	0
3-Dec-17	1	0
4-Dec-17	0	0
5-Dec-17	4	0
6-Dec-17	3	1
7-Dec-17	2	5
8-Dec-17	0	0

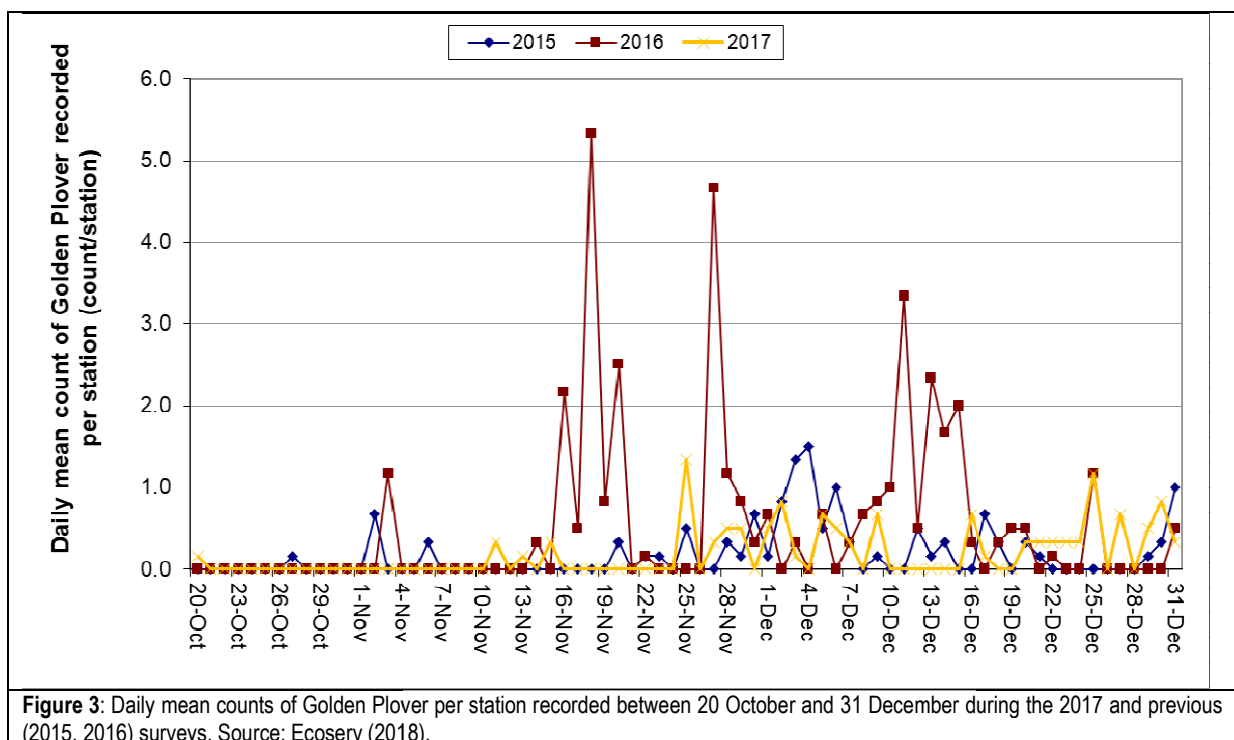
Date	Total daily counts	
	Golden Plover	Song Thrush
9-Dec-17	4	0
10-Dec-17	0	2
11-Dec-17	0	0
12-Dec-17	0	0
13-Dec-17	0	1
14-Dec-17	0	0
15-Dec-17	0	2
16-Dec-17	4	0
17-Dec-17	1	0
18-Dec-17	0	0
19-Dec-17	0	1
20-Dec-17	2	1
21-Dec-17	2	0
22-Dec-17	2	3
23-Dec-17	2	2
24-Dec-17	2	0
25-Dec-17	7	0
26-Dec-17	0	0
27-Dec-17	4	2
28-Dec-17	0	0
29-Dec-17	3	0
30-Dec-17	5	0
31-Dec-17	2	0
Total counts	80	380

6.5 Raw daily counts for Golden Plover recorded from the 21 sites during the present study varied between 0 and a maximum of 5, while the mean daily counts ranged between 0 and 1.33. Most of the counts for this species were recorded between late November and late December. The total counts, i.e. the total number of Golden Plover, recorded from a given grid location (= study site) during the whole study period (73 days), did not vary appreciably between the different sites: at the lower end, no individuals were recorded throughout the survey period from each of the sites at grid locations 3292, 6069, 5064, 3881 and 5663, while at the higher end, 18 Golden Plover individuals were recorded from the site at grid location 4073. The highest mean count for Golden Plover was recorded from Fomm ir-Riĥ (Grid 4073) located in western Malta, while a relatively high count was also recorded from Ghallis (Grid 4878) located on the north-eastern coast of Malta. Low or zero counts for this species were recorded from all the other study sites (located in southern Gozo, and in northern and south-eastern Malta).

6.6 Raw daily counts for Song Thrush recorded from the 21 sites during the present study varied between 0 and a maximum of 25, while the mean daily counts ranged between 0 and 9.83. Comparatively higher counts were recorded during the period 26 October to 8 November 2017. The total count, i.e. the total number of Song

Thrush, recorded from a given grid location (= study site) during the whole study period (73 days), varied appreciably between the different sites: at the lower end only one individual was recorded throughout the survey period from the site at grid location 4878, while at the higher end 91 Song Thrush individuals were recorded from the site at grid location 4085. The highest mean count was recorded from Marsalforn (Grid 3292) in northern Gozo, while comparatively high mean counts were also recorded from Dingli (Grid 4268) located on the western coast of Malta and from the other study sites in Gozo. The lowest counts for this species were recorded from study sites in the north-eastern and southern coasts of Malta.

6.7 Overall, count values for Golden Plover from the autumn 2017 survey show a similar trend to those recorded in the previous autumn 2015 and 2016 surveys, with higher count values recorded during the period mid-November to mid-December. However, no migratory peaks as recorded in autumn 2016 were noted in the 2017 survey (Figure 3). Count values for Song Thrush from the autumn 2017 survey also show a similar trend to those recorded in the previous autumn 2015 and 2016 surveys, with higher count values recorded during the period late October to mid-November (Figure 4).



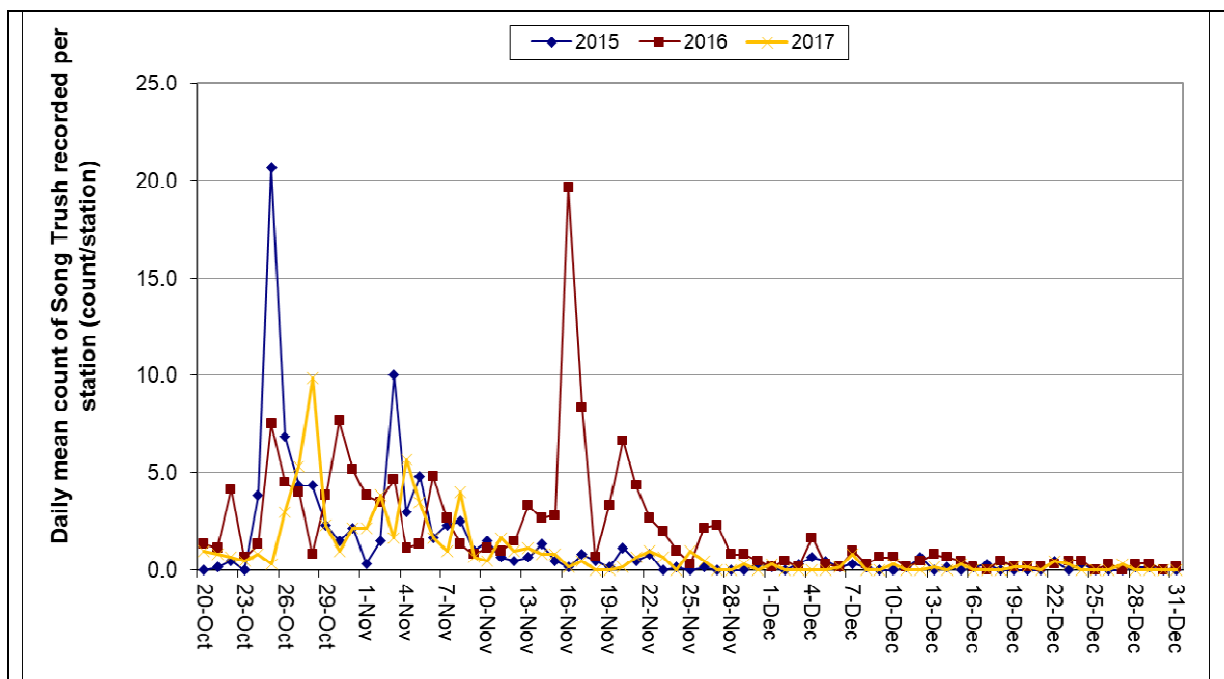


Figure 4: Daily mean counts of Song Thrush per station recorded between 20 October and 31 December during 2017 and previous (2015, 2016) surveys. Source: Ecoserv (2018)

6.8 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.

	Daily counts		Extrapolated data		
	Min	Max	Daily Min	Daily Max	Total estimated influx over survey period
Golden Plover	0	8	0	723	7,233
Song Thrush	0	59	0	5,334	36,159

7. Comparison between migratory study data and game reporting data

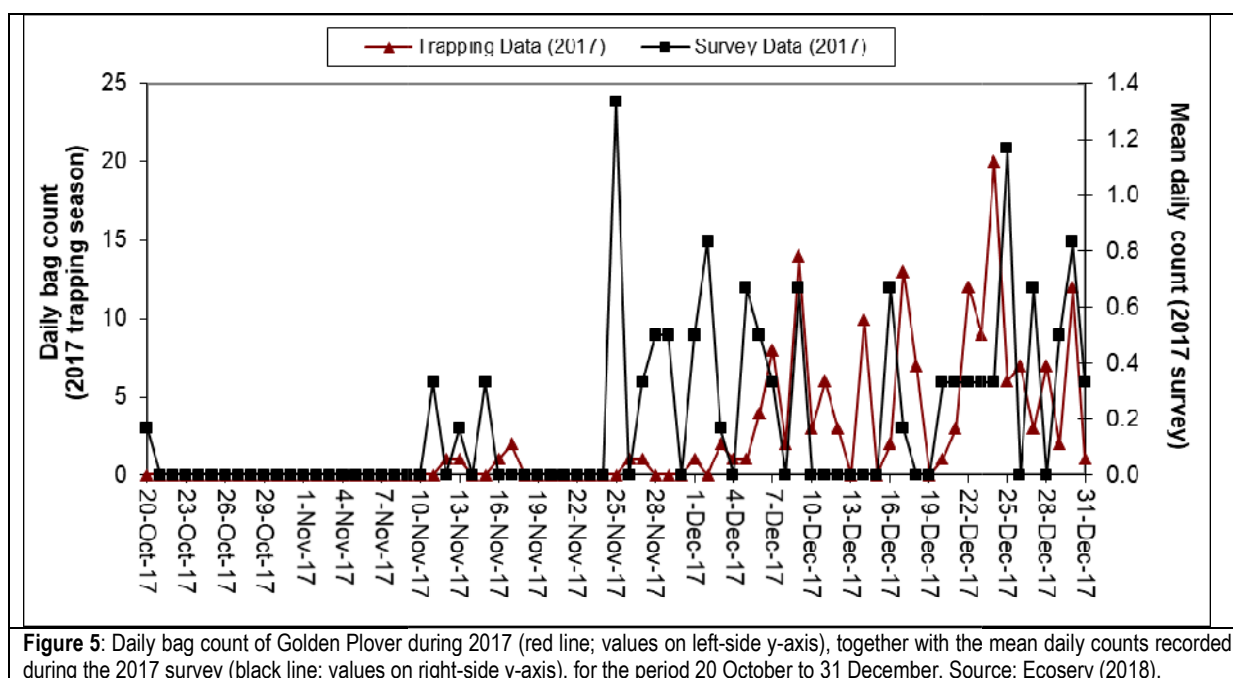
7.1 A comparative analysis of the results obtained during the 2017 Golden Plover and Song Thrush migration study with the game reporting data for the 2017 derogation period was carried out. It should be stated from the outset that the two sets of data were collected for different purposes, using very 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 2017 survey should broadly follow the days when higher numbers of Golden Plovers and Song Thrushes were captured (and reported in the bag data) in the same year (2017). 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, 2018).

7.2 Graphical representations of the mean daily counts made during the 2017 migration survey and the daily bag counts for the same time period (20 October – 31 December 2017) for each of the two bird species were prepared to compare temporal trends among the two different data sets. 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 analysis 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, 2018).

Golden Plover

7.3 The daily bag counts indicating the number of Golden Plovers caught during the 2017 live-capturing season and the mean daily counts of the same species made during the 2017 survey are shown in Figure 5, while Figure 6 presents the 5-day moving average computed from these data. The magnitude of the bag counts and those of the mean counts made in the 2017 survey are not directly comparable. In fact, the two sets of values are on different scales. Therefore, in Figures 5–6, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2017 survey are plotted on the right-side y-axis.

7.4 Overall, the highest daily counts made during the 2017 survey occurred between late November and late December, particularly during the periods 25 November to 9 December, and 20–31 December. Bag counts in 2017 were low throughout October and November and increased in December, remaining high until the end of the month. Thus, the general trend observed in the bag counts for 2017 and the daily counts recorded during the 2017 survey is of higher counts in the later part of the live-capturing season, from mid-November onwards in the case of the survey data and from early December onwards in the case of the bag counts.



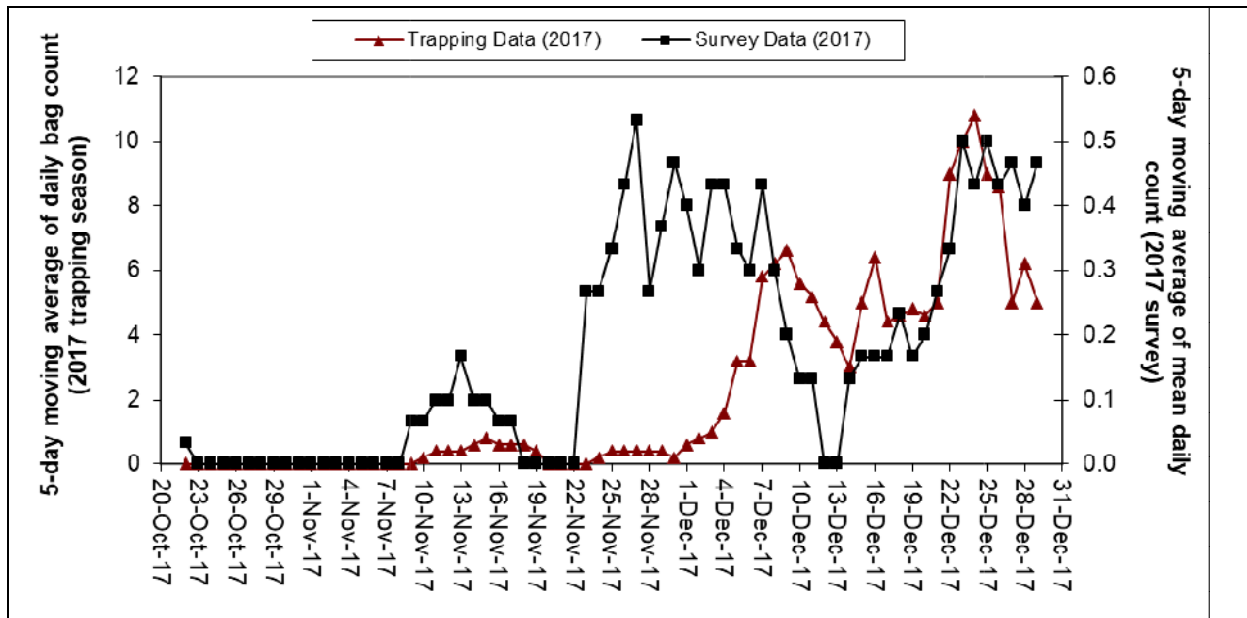


Figure 6: Moving average based on a 5-day rolling time period for the daily bag counts of Golden Plover during 2017 (red line; values on left-side y-axis), and for the mean daily counts recorded during the 2017 survey (black line; values on right-side y-axis), for the period 20 October to 31 December. Source: Ecoserv (2018).

Song Thrush

- 7.5 The daily bag counts indicating the number of Song Thrushes caught during the 2017 live-capturing season and the mean daily counts of the same species made during the 2017 survey are shown in Figure 7, while Figure 8 presents the 5-day moving average computed from these data. The magnitude of the bag counts and those of the mean counts made in the 2017 survey are not directly comparable. In fact, the two sets of values are on different scales. Therefore, in Figures 7–8, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2017 survey are plotted on the right-side y-axis.
- 7.6 Overall, the highest daily counts made during the 2017 survey occurred between late October and early November, with counts declining thereafter; most days in December were characterised by zero counts. The highest bag counts in 2017 also occurred in late October and early November, but the 2017 bag data included some additional peaks in mid-November and early December. Thus, the general trend observed in the bag counts for 2017 and the daily counts recorded during the 2017 survey is of higher counts in the earlier part of the live-capturing season, up to around mid-November.

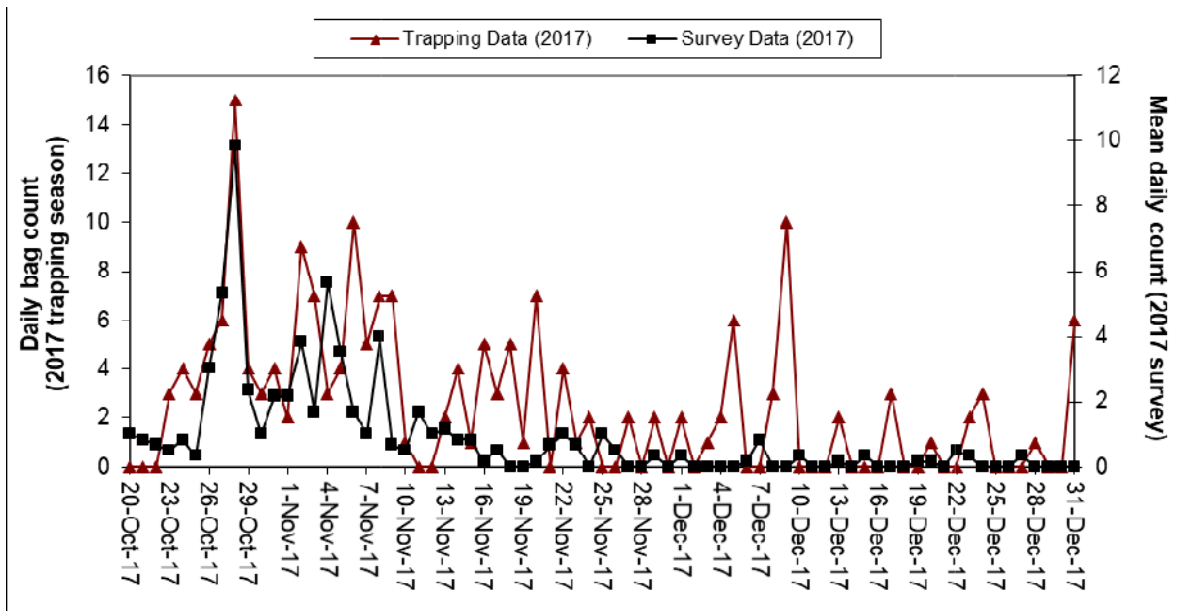


Figure 7: Daily bag count of Song Thrush during 2017 (red line; values on left-side y-axis), together with the mean daily counts recorded during the 2017 survey (black line; values on right-side y-axis), for the period 20 October to 31 December. Source: Ecoserv (2018).

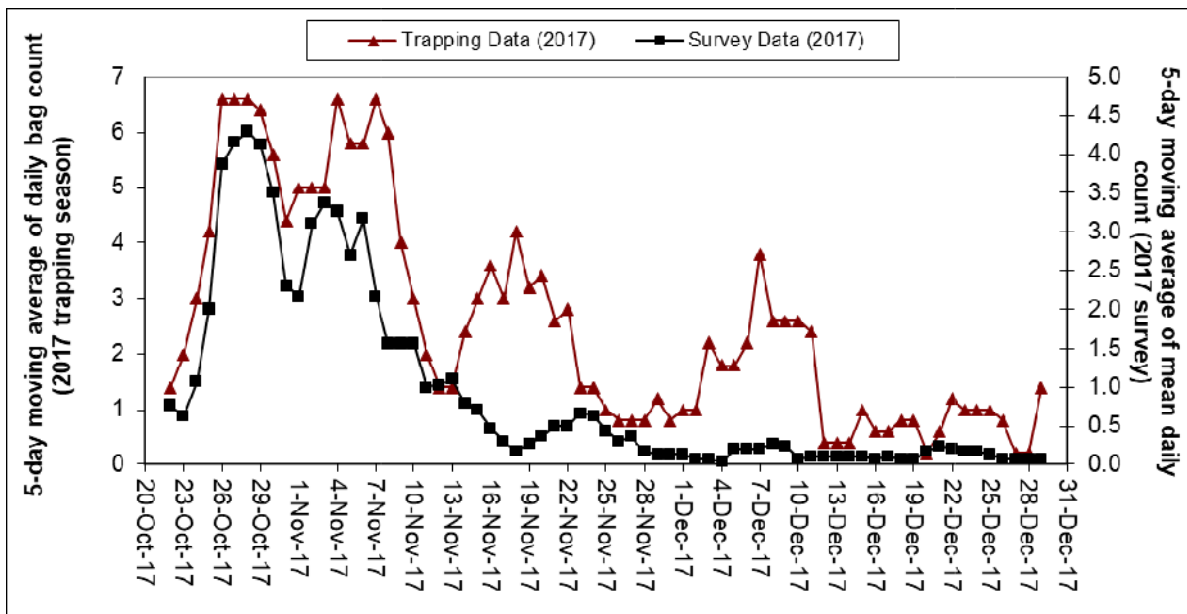


Figure 8: Moving average based on a 5-day rolling time period for the daily bag counts of Song Thrush during 2017 (red line; values on left-side y-axis), and for the mean daily counts recorded during the 2017 survey (black line; values on right-side y-axis), for the period 20 October to 31 December. Source: Ecoserv (2018).

7.7 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 remarkably 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.

8. Enforcement and strict supervision

8.1 Prior to the start of the season, enforcement officials detailed to carry out controls in the field received specialised training on enforcement priorities and techniques organised by the Wild Birds Regulation Unit. Twenty officers attended the first training session in Gozo on 6 September 2017 (Figure 9) whereas 40 officers attended the second training session in Malta, which was held on 13 October 2017 (Figure 10). The 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.



Figure 9: Training seminar held in Gozo on 6 September 2017



Figure 10: Training seminar held in Malta on 13 October 2017

Overall deployment and field surveillance

- 8.2 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (S.L.549.74) stipulates that for every one thousand (1,000) licences issued in accordance with these regulations, there shall be a minimum of seven (7) officers and/or marshals on duty during all hours for which an Autumn live-capturing season is open. The Framework Regulations also specify that, outside these hours, if applicable, at least two (2) police officers and/or marshals shall be on duty during the hours of daylight. The Regulations also specify that the Police shall continue to carry out on-the-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 season, for every one thousand (1,000) Autumn live-capturing licences issued that year, a minimum of three (3) police officers shall be on duty during the hours of daylight.
- 8.3 Given that there were 1,059 licences issued to capture Golden Plovers and Song Thrushes, this translates to a minimum requirement of 7 officers during permitted hours of the derogation. However, also taking into account that in parallel with the Golden Plover/Song Thrush live-capturing season there was also a separate derogation concerning live-capturing of seven finch species, under which a further 3,715 special licences were issued to finch live-capturers (i.e. the total number of licensed persons participating in either one or in both derogations was 3,979¹⁴), the total deployment requirement translated to a minimum of 28 officers. The Maltese authorities opted to exceed this requirement to ensure for the strictest supervision possible.
- 8.4 During the Autumn 2017 live-capturing season (20 October 2017 to 31 December 2017), the enforcement authorities deployed a total overall complement of 74 officers to oversee and supervise the parameters of the derogation (Table 8).

Entity	Number of officers	Duties
Administrative Law Enforcement Unit (ALE) of the Police	17	Field patrols, surveillance, inspections, investigations, prosecution
District police officers seconded to the (ALE)	26	Field patrols, surveillance, inspections, investigations, prosecution
Armed Forces of Malta	28	Field patrols and surveillance
Wild Birds Regulation Unit	3	Verification of compliance with registration conditions; field inspection of sites; assistance to police in prosecution processes, other expert services
Total	74	

- 8.5 Police and Armed Forces of Malta officers maintained a daily field deployment that ranged between a maximum of 43 officers and a minimum of 28 officers in the field at any point in time from 05:00hrs to 21:30hrs, effectively covering live-capturing activity times. This excludes all other non-field staff assigned on-duties related to supervision of the live-capturing season, or field staff on shift rotation.

¹⁴ 3,715 finch live-capturing licences + 1,059 Golden Plover and Song Thrush licences less 795 persons in possession of both categories of licence = 3,979 licensed live-capturers

8.6 During the period of the derogation enforcement officers carried out 19,099 field inspections in various localities around the Maltese Islands (14,688 in Malta and 4,411 in Gozo)—the highest enforcement effort since 2012, as shown in Figure 11 below. It should be noted that the number of on-site inspections in Gozo represents a fivefold increase when compared with the previous year ($n_{2016}=795$).

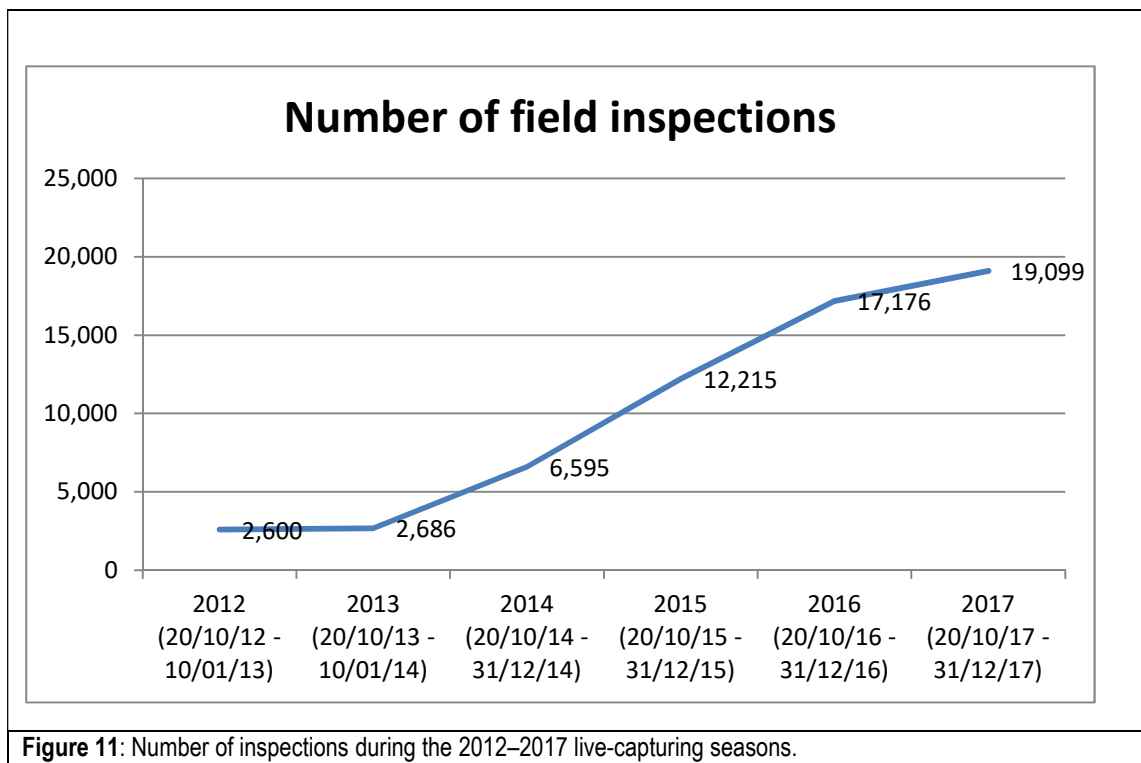


Figure 11: Number of inspections during the 2012–2017 live-capturing seasons.

Source: Wild Birds Regulation Unit and Malta Police Force, 2018

8.7 In addition to site inspections, a total of 1,629 spot-checks (1,193¹⁵ in Malta and 436 in Gozo) were conducted on individual licensees whilst they were carrying out their activity. Table 9 lists the number of enforcement officers deployed, number of field inspections conducted, spot-checks on individual live-capturers, offences detected and persons charged.

¹⁵ Out of which 428 were road blocks/road checks.

Table 9 – Daily enforcement statistics during autumn live-capturing season

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual live-capturers		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken	
	Malta	Gozo	Malta	Gozo	Malta	Gozo	Malta	Gozo	Malta	Gozo	Malta	Gozo
20/10/2017	15	6	14	3	204	86	6	20	0	0	0	0
21/10/2017	14	2	14	3	204	63	26	13	0	0	0	0
22/10/2017	15	4	15	2	204	49	42	9	0	0	0	0
23/10/2017	13	5	14	2	204	80	17	12	0	0	0	0
24/10/2017	15	2	14	3	204	61	18	17	0	0	0	0
25/10/2017	15	2	14	3	204	73	18	13	0	1: trapping on unregistered site ¹⁶	0	0
26/10/2017	15	3	14	3	204	46	85	12	0	0	0	0
27/10/2017	15	5	16	2	204	115	31	20	0	0	0	0
28/10/2017	16	5	14	2	204	75	45	6	0	0	0	0
29/10/2017	15	2	14	2	204	78	47	12	0	0	0	0
30/10/2017	16	5	15	2	204	25	46	6	1: illegal use of bird caller	0	1 person subjected to administrative fine of €250	0

¹⁶ Case refers to an unattended unregistered trapping site—all trapping paraphernalia including one Chaffinch were seized. The Chaffinch was handed over to the Government Experimental Farm in Xewkija for life time care since it was fitted with a genuine closed ring.

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual live-capturers		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken	
31/10/2017	15	3	14	4	204	96	77	20	0	0	0	0
01/11/2017	12	2	16	3	204	24	25	2	0	0	0	0
02/11/2017	14	2	14	2	204	25	51	10	0	0	0	0
03/11/2017	14	2	13	3	204	59	17	7	0	0	0	0
04/11/2017	14	2	14	3	204	81	23	16	0	0	0	0
05/11/2017	13	2	14	4	204	71	26	9	0	0	0	0
06/11/2017	15	3	14	2	204	82	66	12	0	0	0	0
07/11/2017	13	4	14	4	204	78	46	13	0	0	0	0
08/11/2017	14	3	13	5	204	99	30	3	0	0	0	0
09/11/2017	14	2	14	3	204	54	2	14	1: illegal use of bird caller	0	1 person subjected to administrative fine of €250	0
10/11/2017	14	2	12	3	204	86	33	7	0	0	0	0
11/11/2017	13	5	14	3	204	76	34	10	0	0	0	0
12/11/2017	15	3	13	4	204	127	6	14	0	0	0	0
13/11/2017	15	3	14	3	204	47	9	7	0	0	0	0
14/11/2017	13	3	12	3	204	94	3	3	0	0	0	0
15/11/2017	13	3	14	3	204	15	8	4	0	0	0	0
16/11/2017	15	2	13	3	204	91	15	4	0	0	0	0
17/11/2017	16	4	14	2	204	55	34	23	0	0	0	0
18/11/2017	14	2	14	3	204	109	58	8	0	0	0	0

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual live-capturers		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken	
19/11/2017	15	5	14	3	204	61	15	2	0	0	0	0
20/11/2017	14	4	13	3	204	120	5	4	0	0	0	0
21/11/2017	14	2	14	3	204	70	21	13	0	0	0	0
22/11/2017	15	2	14	3	204	86	25	5	1: illegal use of bird caller	0	1 person subjected to administrative fine of €250	0
23/11/2017	14	3	14	5	204	66	15	9	0	0	0	0
24/11/2017	15	3	14	2	204	42	2	4	0	0	0	0
25/11/2017	15	2	15	3	204	19	1	9	0	0	0	0
26/11/2017	16	2	15	2	204	99	11	5	0	0	0	0
27/11/2017	15	5	14	5	204	98	4	4	0	0	0	0
28/11/2017	14	3	14	3	204	131	9	5	0	0	0	0
29/11/2017	14	2	14	3	204	13	0	4	0	0	0	0
30/11/2017	15	2	12	3	204	89	3	5	1: illegal use of bird caller	0	1 person subjected to administrative fine of €250	0
01/12/2017	14	6	14	3	204	82	5	2	0	0	0	0
02/12/2017	12	2	14	2	204	86	6	2	1: illegal use of bird caller	0	1 person subjected to	0

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual live-capturers		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken		
												administrative fine of €250	
03/12/2017	15	4	14	4	204	50	4	2	0	0	0	0	
04/12/2017	13	4	14	4	204	50	14	2	1: illegal use of bird caller	0	1 person subjected to administrative fine of €250	0	
05/12/2017	14	2	13	2	204	6	0	3	0	0	0	0	
06/12/2017	13	5	13	3	204	38	3	1	0	0	0	0	
07/12/2017	14	2	12	2	204	20	1	0	0	0	0	0	
08/12/2017	12	2	13	2	204	43	17	2	0	0	0	0	
09/12/2017	12	2	14	2	204	91	0	3	0	0	0	0	
10/12/2017	12	4	14	2	204	26	3	5	0	0	0	0	
11/12/2017	13	2	12	2	204	57	1	0	0	0	0	0	
12/12/2017	13	2	12	3	204	11	0	3	0	0	0	0	
13/12/2017	12	3	14	2	204	70	3	0	0	0	0	0	
14/12/2017	12	3	12	2	204	100	15	2	0	0	0	0	
15/12/2017	13	2	12	2	204	8	0	0	0	0	0	0	
16/12/2017	12	2	12	3	204	23	21	3	0	0	0	0	
17/12/2017	13	6	14	3	204	78	0	0	0	0	0	0	
18/12/2017	12	5	13	3	204	56	0	1	0	0	0	0	
19/12/2017	12	2	12	3	204	53	2	0	0	0	0	0	

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of field inspections conducted (visits to specific areas)		Number of spot-checks on individual live-capturers		Offences detected (number of cases and nature of offence)		Number of persons charged and nature of action taken	
20/12/2017	12	2	13	3	204	107	12	1	2: illegal use of bird caller	0	2 persons subjected to administrative fine of €250 each	0
21/12/2017	13	3	14	3	204	53	0	0	0	0	0	0
22/12/2017	14	2	13	2	204	11	9	2	0	0	0	0
23/12/2017	12	3	13	3	204	13	4	0	0	0	0	0
24/12/2017	12	2	14	2	204	84	3	1	0	0	0	0
25/12/2017	13	2	14	2	204	10	0	1	0	0	0	0
26/12/2017	14	3	12	3	204	13	0	0	0	0	0	0
27/12/2017	12	2	13	2	204	7	10	2	0	0	0	0
28/12/2017	12	3	12	3	204	15	4	1	0	0	0	0
30/12/2017	12	3	12	3	204	84	1	1	0	0	0	0
31/12/2017	13	2	14	2	204	52	0	1	0	0	0	0
					Total	Total	Total	Total	Total	Total	Total	Total
					14,688	4,411	1,193	436	8	1	8	0

- 8.8 During inspections, the Malta Police Force were 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 any captured birds had been immediately reported via mobile phone and fitted with a single use ring;
 - 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 sizes, 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.
- 8.9 In order to facilitate the conduct of their duties, enforcement officers had 11 vehicles and four horses at their disposal. 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.
- 8.10 Patrolling officers were also provided with portable tablet computers with mobile internet for access to enforcement web-based GIS, a pre-installed GIS as back-up in case mobile internet access was not possible in any specific location, as well as GPS link capability and geo-tagging photography capability. During inspections, 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 greater share of their time to actual field surveillance duties, as opposed to documentation retrieval.
- 8.11 Further general information concerning enforcement deployment and relevant checks routinely conducted during field patrols and inspections is found in the video¹⁷ available under the following link: <https://www.youtube.com/watch?v=JNeUFfX6Uqc>.
- 8.12 The Specialist Enforcement Branch of the Wild Birds Regulation Unit assisted the police in the coordination of overall enforcement effort, as well as conducted inspections and spot-checks both jointly and complimentarily to police operations. Officers utilized various techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual live-capturers.

¹⁷ The video shows patrols and spot-checks conducted on licensed finch live-capturers during the finch live-capturing derogation. However, since the enforcement and strict supervision component is common for both derogations, the visual illustration of enforcement operations is relevant for the purposes of this report.

- 8.13 In addition to surveillance and inspection effort provided by the police, prior to the opening of the season, WBRU enforcement officers carried out five targeted patrols in various localities in Malta and Gozo to detect any infringements related to live-capturing outside season. During the derogation period, WBRU enforcement officers conducted 19 spot-checks and performed 30 patrols and 20 covert observations covering multiple live-capturing sites. Following closure of the autumn live-capturing season, inspections by the ALE, Gozo Police and WBRU Specialist Enforcement Branch continued until the end of January 2018, extending the statutory minimum spot-check requirement of two weeks to a full month. An overview of the infringements detected is provided in the following section.

Infringements detected

- 8.14 Two trapping-related infringements were detected before the season opened—an active trapping site was detected and dismantled by WBRU enforcement officers in Gozo (Figure 12), whilst in a separate operation, the ALE seized two live Hawfinches¹⁸ and a cage-trap in Malta. Court action against two offenders has been initiated in relation to these cases. No infringements specifically related to the Golden Plover and Song Thrush derogation were detected during this period.
- 8.15 During the inspections carried out by enforcement staff throughout the derogation period, a total of nine live-capturing infringements were detected. Eight persons were issued with an automatic administrative fine of €250 each for illegal use of pre-recorded bird callers whilst trapping. All illicit devices were seized and destroyed. No legal action could be taken in relation to the other illegality since the person/s making use of the unregistered trapping site could not be traced (Figure 13). The nature of all disclosed infringements during the derogation period is outlined in Table 10 below, which also presents a comparison with the same statistics for the Golden Plover and Song Thrush derogations since 2013.
- 8.16 Following closure of the live-capturing season, WBRU's Specialist Enforcement Branch detected three active finch live-capturing sites which were subsequently dismantled in the presence of police officials (Figures 14–16). Six finches were seized from one of the live-capturing sites and released following removal of forged closed rings. No offences specifically related to the Golden Plover and Song Thrush derogation were detected following closure of the live-capturing season.
- 8.17 As at February 2018, legal action was in the process of being taken against one offender found to be illegally trapping finches before the season opened, while investigations on five infringements detected outside season were still ongoing at the time this report was drafted, including one case of illegal trapping within a bird sanctuary (Figure 14), two cases of illegal trapping of finches (Figures 15–16), one case of illegal use of bird caller seized from a dismantled trapping site and another case of illegal use of cage traps for finches. Given that these cases were detected outside of the period of live-capturing derogations, the aforementioned data has been excluded from Tables 9 and 10.

¹⁸ The two Hawfinches were fitted with closed rings having an internal diameter larger than the required standard for this species. Both specimens were released on the same day by WBRU officers in the presence of ALE after all relevant details were documented.



Figure 12: Active illegal trapping site at Ta' Ċenċ, Gozo. Photo taken on 16 October 2017.



Figure 13: Pair of clap-nets within an unregistered site dismantled by WBRU enforcement officers in the presence of ALE. Photo taken on 30 November 2017 at Has-Saptan, l/o Hal-Ghaxaq.



Figure 14: Active illegal trapping site in Buskett Bird Sanctuary dismantled by WBRU enforcement officers in the presence of ALE. Photo taken on 16 January 2018.



Figure 15: Pair of clap-nets dismantled by WBRU enforcement officers on 25 January 2018 in the presence of Gozo Police. Site at Xlendi, Gozo.



Figure 16: Pair of clap-nets and finches seized by WBRU officers on 25 January 2018 in the presence of Gozo Police. Site at Xlendi, Gozo.

Table 10: Offences disclosed during autumn live-capturing seasons¹⁹

	2013 (20.10.13–10.01.14)			2014 (20.10.14–31.12.14)			2015 (20.10.15–31.12.15)			2016 (20.10.16–31.12.16)			2017 (20.10.17–31.12.17)			
	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	13	5	18	0	0	0	2	0	2	0	0	0	0	0	0	Decrease
Use of illegal means (eg. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	10	4	14	17	3	20	27	6	33	17	6	23	8	0	8	Decrease
Trapping using nets of prohibited mesh size	6	4	10	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	0	0	0	1	0	1	0	0	0	Decrease
Trapping during unpermitted hours	0	0	0	0	0	0	0	1	1	2	0	2	0	0	0	Decrease

¹⁹ Since enforcement was carried out concurrently for both Finches and Golden Plover / Song Thrush derogations, this table includes statistics related to offences under both live-capturing regimes

Trapping within bird sanctuaries	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	No Change
Trapping on unregistered sites	0	0	0	2	0	2	4	1	5	1	2	3	0	1	1	Decrease
Trapping using unmarked decoys	2	0	2	9	6	15	1	0	1	0	0	0	0	0	0	No Change
Exceeding the seasonal quota of captured birds ²⁰	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A	N/A
Failure to report captured bird	0	0	0	4	0	4	2	0	2	0	0	0	0	0	0	No Change
Trapping without licence	7	5	13	3	0	3	8	1	9	0	0	0	0	0	0	No Change
Total	38	18	57	41	13	54	50	12	62	20	11	31	8	1	9	Decrease
Number of persons apprehended	16	5	21	29	9	38	46	12	58	21	9	30	8	0	8	Decrease

Source: Wild Birds Regulation Unit & Malta Police Force, 2018

²⁰ In 2017 the individual seasonal quota for Golden Plover and Song Thrush was removed whilst the National Bag Limit of 700 Golden Plover and 5,000 Song Thrush was retained.

- 8.18 When compared with the 2013–2016 live-capturing seasons, the rate of disclosure for most types of violations in 2017 decreased. The above decrease in disclosed illegalities is, apart from improvements in field deployment, attributable also to the heightened awareness of regulations and threat of considerable legal deterrents against abuse.

9. Conclusions

- 9.1 The application of the Golden Plover and Song Thrush live-capturing derogation in autumn 2017 was preceded by a series of in-depth analyses that considered all relevant legal, scientific and technical aspects pertaining to this derogation, as well as by an open and transparent discussion with all stakeholders.
- 9.2 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 of the Birds Directive, and specifically the parameters stipulated in Article 9(1)(c); 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 elaborate and robust enforcement regime.
- 9.3 The Maltese authorities have subsequently ensured that the above two prerequisites were met in practice. After ascertaining that there is no other satisfactory solution other than the application of this limited and strictly controlled derogation, the authorities applied a robust legal and regulatory regime that ensured that the scientific considerations pertaining to small numbers and conservation status of the species in question were being implemented in practice and that the relevant parameters of the derogation were fully respected.
- 9.4 Supervision on the ground was ensured through the deployment of appropriately trained and suitably equipped field officers that have exponentially increased the intensity of field inspections in comparison with previous derogations. 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. This was aided further by very high levels of legal deterrents against wildlife crime in force since 2014, regulatory rigour (e.g. pre-screening, registration and digitalization of all site plans), and ongoing efforts at promoting education and regulatory awareness. The above efforts paid off in terms of a sustained reduction in the incidence of serious trapping-related violations that were prevalent in the past years.