

Report on the Outcome of the 2018 Autumn live-capturing Season for Golden Plover and Song Thrush in Malta

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

Table of Contents

1.	Introduction	1
2.	Legal and policy basis for the application of a derogation permitting an autumn live-capturing season for Golden Plover and Song Thrush in 2018	1
3.	Consideration of the conservation status of Song Thrush and Golden Plover	4
4.	Issuance of autumn 2018 live-capturing licences for Golden Plover and Song Thrush	5
5.	Activity Data (Trapping effort)	8
6.	Real-time game reporting system	9
7.	Migration study	13
8.	Comparison between migration study data and game reporting data	17
9.	Enforcement and strict supervision	21
10.	Conclusions	30

Enclosures

- Annex I - Conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) 2018 update
- Annex II - Autumn 2018 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 2018) (Ecoserv Ltd., 2019)

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 assessment of the conservation status of the two relevant species, namely 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 2018, 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 2018 amendments made to both the Golden Plover and Song Thrush Framework Regulations and Notice of Derogation, following bilateral meetings with the European Commission to discuss Infringement No. 2009-4106 and to follow up on the Court of Justice of the European Union in *Commission v Malta (Case C-557/15)* on finch trapping;
 - (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 2018

- 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 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 Further to the judgment delivered by the Court of Justice of the European Union in *Commission v Malta* (Case C-557/15 on finch trapping)¹, delivered on 21 June 2018 and the recommendation of the Malta Ornithology Committee (see below), the European Commission requested bilateral discussions with the Maltese authorities to address aspects of the Court's judgment that were deemed to have a direct bearing on the Golden Plover and Song Thrush live-capturing derogation regime. On the basis of these discussions, a number of legal amendments were enacted to the Framework Regulations and the Notice of Derogation:

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

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

Changes to the Notice of Derogation (Legal Notice 334 of 2018)

- 2.4 Former notices of derogations up to 2017 consisted solely of the establishment of the season and respective quotas. Further to the bilateral discussions with the European Commission, the notice of derogation was restructured to include:

¹ <http://curia.europa.eu/juris/liste.jsf?td=ALL&language=en&jur=C,T,F&num=c-557/15>

- Reference to the recommendation of the Malta Ornis Committee and an online link to the associated minutes;
- Minister's assertion 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;
- 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 small numbers; and
- Calculation of the 1% of the total annual mortality of the reference population.

Malta Ornis Committee meetings

2.5 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (SL 549.42²), met on 27 June 2018³ and on 25 July 2018⁴ to consider the application of a live-capturing derogation for Golden Plover and Song Thrush during the 2018 autumn season. The Committee considered an updated assessment of the conservation status of the species concerned (included as Annex I to this report), the legal basis for the application of a live-capturing derogation, CJEU's judgment (Case C-557/15) regarding live-capturing of finches, the advice of the Attorney General in relation to this judgment vis-à-vis live-capturing of Golden Plover and Song Thrush, as well as the outcome of the 2017 live-capturing season.

2.6 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 and the discussions held with the European Commission in August and October 2018, the Maltese Government announced the live-capturing season through the Conservation of Wild Birds (Declaration on a Derogation for a 2018 Autumn live-Capturing season for Song Thrush and Golden Plover) Regulations (Legal Notice 334 of 2018)⁵ in accordance with the Framework Regulations⁶ as amended via Legal Notice 333 of 2018⁷.

² Subsidiary Legislation 549.42. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

³ Meeting of the Malta Ornis Committee held on 27th June 2018. Minutes available at: <https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/ornisCommittee/Ornis-Minutes-27jun18.pdf>

⁴ Meeting of the Malta Ornis Committee held on 25th July 2018. Minutes available at: <https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/ornisCommittee/ornisMinutes25Jul18.pdf>

⁵ LN 334/2018 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29309&l=1>

⁶ 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>

⁷ LN 333/2018: Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2018. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29308&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 2018 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* 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 assessment indicated both the long-term and short-term trend for Song Thrush as **Increasing** at Pan-European⁸, EU⁹ and reference population levels¹⁰. 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). According to the latest dataset available from the European Bird Census Council¹¹ at the time the conservation status of the Song Thrush (*Turdus philomelos*) was updated (May 2018), the species trend classification is considered as **Moderate Increase**, defined as a “significant increase, but not significantly more than 5% per year”. In the short-term trend (1990–2015), the change from the previous EBCC (2016) update was from +7% to +22% (**+15% increase**) and from -5% to 0% (**+5% increase**) in the long-term (1980–2015) trend.

⁸ Trends of common birds in Europe, 2017 update. Available at: <http://www.ebcc.info/index.php?ID=631>

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=A285>

¹⁰ The “reference population” is the population (minimum breeding pairs) of the relevant species from other EU Member States based on ring recoveries. In the absence of ring recoveries for a particular species, the reference population was formerly 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 (Wetlands International, 2009) indicates that the reference population for Malta originates from Finland and Sweden (excluding non-EU countries such as Norway).

¹¹ Trends of common birds in Europe, 2017 update. Available at: <http://www.ebcc.info/index.php?ID=631>

- 3.6 The Golden Plover breeding population trend within the territory of the European Union is **Increasing** in both the short-term and long-term (EEA, 2014¹²). The EU population status of *Pluvialis apricaria* was assessed as **Secure**, because the species does not meet any of the IUCN Red List criteria for Threatened or Near Threatened, or the criteria for Depleted or Declining (the EU27 population or range has not declined by 20% or more since 1980). According to the European Bird Census Council¹³, the Northeast European (West Continental) population (Norway, Sweden and Finland) [i.e., Malta's reference population] of the Golden Plover (*Pluvialis apricaria altifrons*) has **Increased** both in the short-term (1990–2015) and long-term (1980–2015) trends with +22% and +8% respectively when compared with the previous (2016) 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, neither in the wild nor in captivity, (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 2018 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 20th August and 5th September 2018, 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 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 (any combination of the two species not exceeding ten in total). The limit of ten 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 ten live-decoys could not be exceeded. The applicants were issued with the required number of rings against a payment of €0.50 per ring.
- 4.2 In 2017, a web-based GIS platform was developed instead of the former offline system, utilising existing hardware (tablet PCs). During application period, live-capturers were instructed to submit one official site plan, pre-approved by WBRU, with their special licence application form. The new GIS platform incorporates spatial data and the corresponding licensee's personal details with the real-time game reporting system, for field enforcement purposes.

¹² 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>

¹³ Trends of common birds in Europe, 2017 update. Available at: <http://www.ebcc.info/index.php?ID=631>

- 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, licensees will now only allow for 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 2018 stood at 1,849, registered on 1,542 licensees (Table 1). This figure represents an overall decreasing trend when compared with the 2014–2017 Golden Plover and Song Thrush live-capturing seasons: $n_{2014}=3,519$ clap-net pairs, submitted by 1,223 licensees; $n_{2015}=3,310$ clap-net pairs, submitted by 1,128 licensees; $n_{2016}=2,912$ clap-net pairs, submitted by 997 licensees, $n_{2017}=2,269$ clap-net pairs, submitted by 1,059 licensees. In 2018, a total of 1,408 registered clap-net pairs were located in Malta whereas 441 clap-net pairs were located in Gozo.

	<u>Clap-net pairs</u>	<u>Licensees</u>
Malta	1,408	1,191
Gozo	441	351
Total	1,849	1,542
Source: Wild Birds Regulation Unit		

- 4.5 By the end of the application process, 1,547 applications for Special Licence for Golden Plover and Song Thrush were received. Following screening, five applications were considered invalid as the applicants submitted site-plans that were previously revoked. Consequently, a total of 1,542 Special Licences were issued, representing an increase of 483 licensees when compared with the previous season ($n_{2017}=1,059$), an increase of 550 licensees when compared with the 2016 season ($n_{2016}=997$), an increase of 414 licensees when compared with the 2015 season ($n_{2015}=1,128$) and an increase of 324 individuals in comparison with the number of licences issued in 2014 ($n_{2014}=1,223$). 1,191 licences were issued to persons residing in Malta (*circa* 77%) and 351 licences were issued to persons residing in Gozo (*circa* 23%), as shown in Table 2.

Applications	Total	Malta	Gozo
Persons issued with a Golden Plover/Song-Thrush special live-capturing licence	1,542	1,191	351
Source: Wild Birds Regulation Unit			

- 4.6 A specimen licence for 2018 is enclosed as Annex II to this Report. All licences to be potentially used during the applicable season were collected. The autumn 2018 Live-capturing Licence set a number of conditions for the 2018 live-capturing season, as provided in the Framework Regulations (SL 549.74¹⁴), as amended via Legal Notice 333 of 2018¹⁵ and the Notice of Derogation (LN 334/2018¹⁶). The Licence included, *inter alia*:

- the dates and permitted hours of the season;
- provisions related to location and configuration of live-capturing sites and the live-capturing station;

¹⁴ SL 549.74 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=1>

¹⁵ LN 333/2018 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29308&l=1>

¹⁶ LN 334/2018 available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29309&l=1>

- restrictions pertaining to mesh size to be used (not less than 45mm × 45mm);
- the maximum footprint of the live-capturing station (maximum of 60 square metres per clap-net);
- provisions related to the authorised method of capture;
- requirement to remove or cover the nets before the licensee leaves the site and during prohibited hours;
- requirements concerning the use of live-decoys (maximum of ten live-decoys per live-capturing station—all decoys must be fitted with a 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;
- requirement to immediately release birds that may be accidentally caught over one’s bag limit;
- 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 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 (SL 549.42). 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 ten Golden Plover decoys **or** a maximum of ten Song Thrush decoys **or** any combination from the two species up to a combined limit of ten 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 “RU18”. The rings were colour-coded according to the species (and size), as shown in Table 3 and Figure 1.

Species	Ring colour	Ring size
Golden Plover	Red	6.0 mm
Song Thrush	Yellow	4.26 mm



Figure 1: Single-use rings coded “RU18” 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). For example, a licensed Golden Plover/Song Thrush live-capturer could opt to place a maximum of ten Golden Plover live-decoys around his live-capturing station but if he chose to use a Song Thrush live-decoy he was legally required to reduce the number of Golden Plover decoys to nine. In total, the licensees applied for 7,840 Golden Plover (red) single-use rings and 9,477 Song Thrush (yellow) single-use rings.

5. Activity Data (Trapping effort)

5.1 During this year’s live-capturing period, licensees were provided with a calendar survey sheet listing the dates of the open season. Each licensee was asked to submit a completed survey sheet detailing the days on which they practiced live-capturing and which species they targeted on each day. Survey sheets were accepted up to a week after the season closed.

5.2 By this deadline, 382 survey sheets were returned which constitutes 24.8% of the total 1,542 licences issued, corresponding to a margin of error of 4.35 at a 95% confidence level. The analysis shows that during the 2018 season, 11% (± 4.35) of valid licences were not utilised, meaning that 98–233 licensed individuals did not practice live-capturing during the 2018 season. Conversely, there were 89% (± 4.35) licences that were utilised at any one time, meaning that 1,309–1,444 individuals practiced live-capturing on one or more occasion during the season. Figure 2 shows this extrapolated licence activity during the 2018 open season.

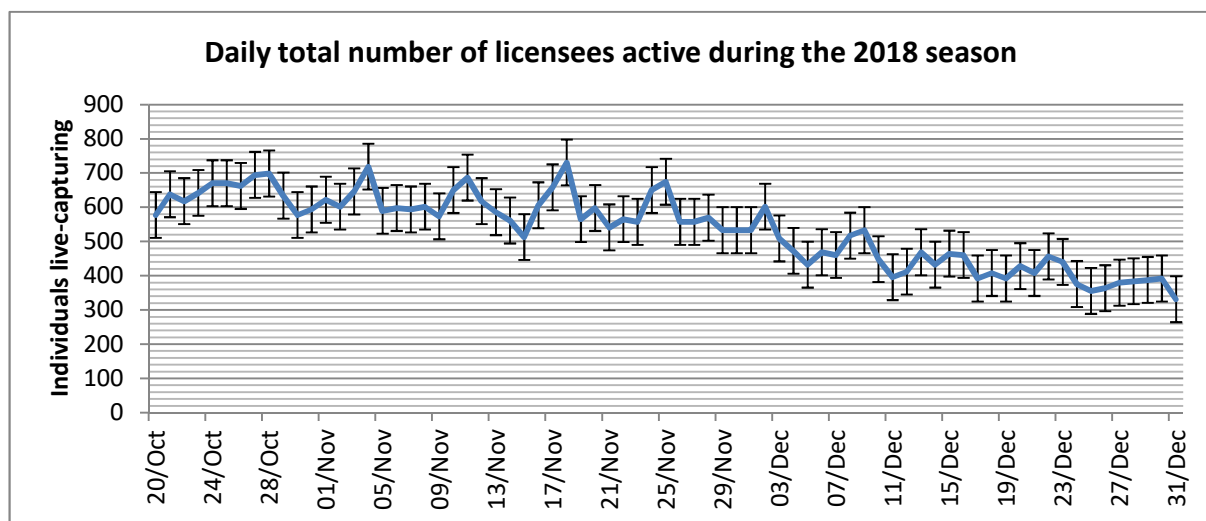


Figure 2 - Live-capturing activity during the open season. Source: Wild Birds Regulation Unit

5.3 Licensees were also asked to specify which species they were targeting on each day. From the returned survey sheets 34% (± 4.35) indicated that they were live-capturing for both species during the season; 23% (± 4.35) only sought to live-capture Golden Plover and 32% (± 4.35) only sought to live-capture Song Thrush. Figures 3 and 4 extrapolate the total amount of individuals practicing live-capturing for Golden Plover and Song Thrush respectively.

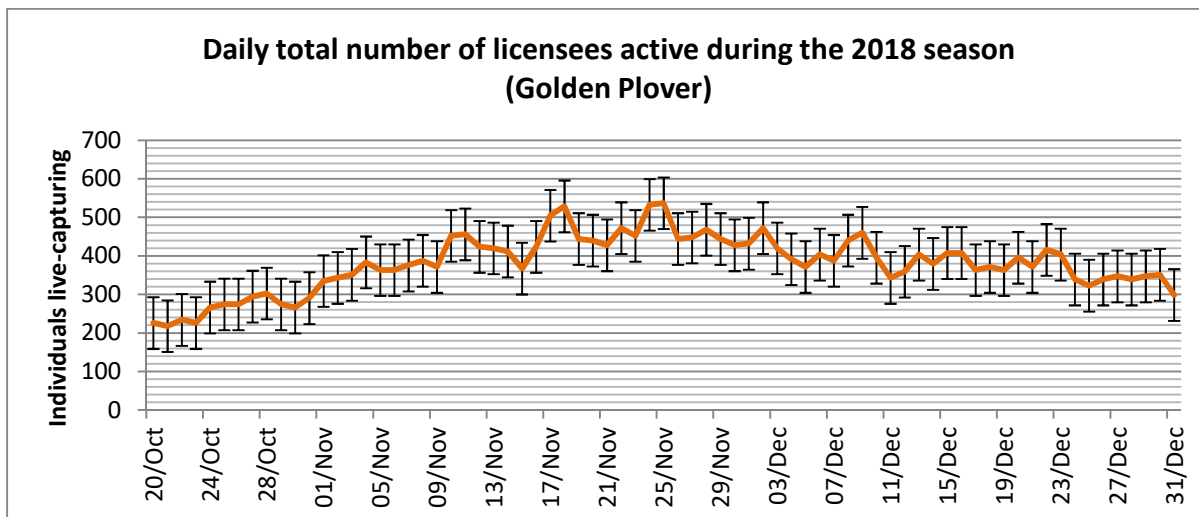


Figure 3 - Live-capturing activity for Golden Plover during the open season. Source: Wild Birds Regulation Unit

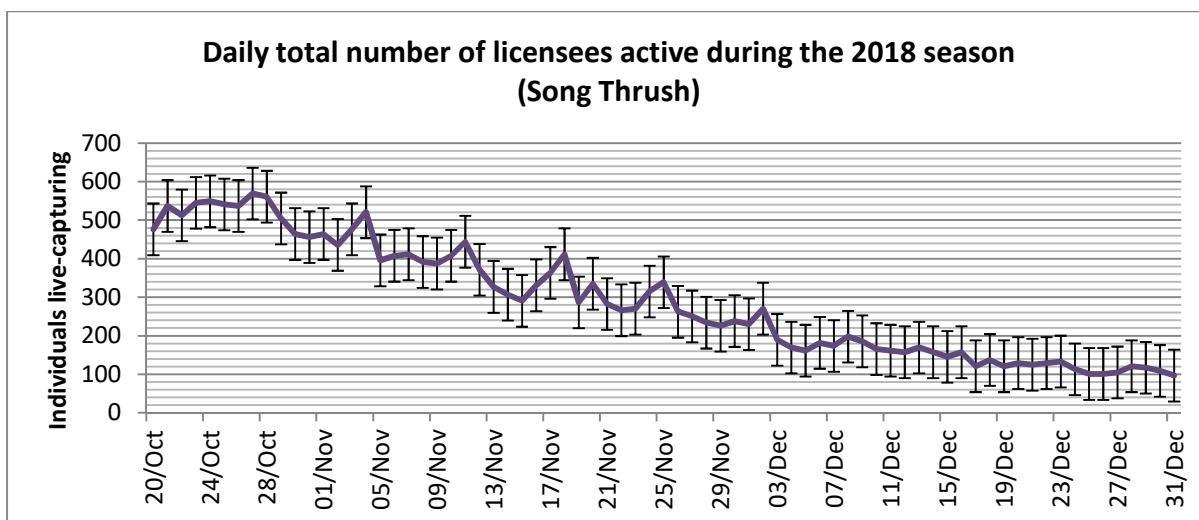


Figure 4 - Live-capturing activity for Song Thrush during the open season. Source: Wild Birds Regulation Unit

6. Real-time game reporting system

- 6.1 In accordance with the provisions of Regulation 7(m) of the Conservation of Wild Birds (Framework for Allowing an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (SL 549.74), licensed live-capturers are obliged to immediately report the birds caught to the Wild Birds Regulation Unit.
- 6.2 During the 2012 and 2013 live-capturing seasons, the real-time reporting requirement was administered via an SMS 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.
- 6.3 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.

- 6.4 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.
- 6.5 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 and the national bag limits.
- 6.6 During the 2018 live-capturing season between 20 October 2018 and 31 December 2018, a total of 233 Golden Plovers were declared caught, which is 40% more than the number of Golden Plovers reported during the 2017_(n=167) live-capturing season (20 October 2017 – 31 December 2017). A total of 511 Song Thrushes were declared caught between 20 October 2018 and 31 December 2018, which is 179% more than the number of Song Thrushes reported during the same period in 2017_(n=183).
- 6.7 Table 4 below lists daily catches of Golden Plover and Song Thrush reported during the 2018 season in comparison to the corresponding catches reported during the 2014–2017 seasons.

Table 4: Daily catches of Golden Plover and Song Thrush: comparison between the 2014–2018 seasons.

Date of capture	2018 Season		2017 Season		2016 Season		2015 Season		2014 Season	
	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush	Golden Plover	Song Thrush
20-Oct	0	7	0	0	0	1	0	0	0	1
21-Oct	0	14	0	0	0	2	0	0	0	1
22-Oct	0	8	0	0	0	2	0	2	0	1
23-Oct	0	6	0	3	0	2	0	0	0	5
24-Oct	0	14	0	4	0	2	0	2	0	2
25-Oct	2	25	0	3	0	13	0	6	0	4
26-Oct	0	28	0	5	0	5	0	11	0	7
27-Oct	0	34	0	6	0	11	0	8	0	6

	2018 Season		2017 Season		2016 Season		2015 Season		2014 Season	
28-Oct	0	13	0	15	0	2	0	7	0	3
29-Oct	0	8	0	4	0	2	0	8	0	8
30-Oct	0	13	0	3	0	7	0	8	0	16
31-Oct	2	8	0	4	0	12	1	2	0	7
01-Nov	0	11	0	2	0	4	0	1	0	10
02-Nov	1	23	0	9	0	16	1	6	1	12
03-Nov	0	17	0	7	0	5	2	10	0	7
04-Nov	0	19	0	3	0	8	0	11	0	9
05-Nov	1	7	0	4	0	11	0	7	0	5
06-Nov	0	13	0	10	0	5	0	8	0	5
07-Nov	1	10	0	5	0	5	0	9	0	2
08-Nov	0	17	0	7	0	2	0	6	0	4
09-Nov	0	15	0	7	0	4	0	9	0	15
10-Nov	0	7	0	1	0	1	0	4	0	9
11-Nov	3	12	0	0	0	2	0	7	0	4
12-Nov	0	15	1	0	1	6	0	4	2	13
13-Nov	2	7	1	2	4	7	0	3	0	2
14-Nov	2	8	0	4	8	6	2	3	2	8
15-Nov	0	14	0	1	12	2	1	7	0	8
16-Nov	0	6	1	5	5	7	0	1	1	5
17-Nov	16	11	2	3	5	5	1	2	0	7
18-Nov	11	10	0	5	7	4	4	1	0	3
19-Nov	1	7	0	1	2	5	1	1	0	6
20-Nov	2	6	0	7	4	5	0	1	0	4
21-Nov	2	4	0	0	4	5	0	1	0	3
22-Nov	0	7	0	4	5	3	0	2	0	5
23-Nov	6	2	0	1	1	1	1	7	1	4
24-Nov	22	7	0	2	3	3	2	21	0	4
25-Nov	4	2	0	0	0	2	3	3	7	1
26-Nov	12	5	1	0	2	0	2	2	7	5
27-Nov	6	5	1	2	0	0	6	3	4	0
28-Nov	7	0	0	0	3	4	7	4	2	0
29-Nov	8	0	0	2	5	0	10	2	5	1
30-Nov	8	11	0	0	7	4	14	1	8	1
01-Dec	3	1	1	2	12	0	5	3	7	4
02-Dec	8	9	0	0	1	0	1	1	6	0
03-Dec	5	1	2	1	8	0	5	0	9	0
04-Dec	5	0	1	2	5	1	6	0	13	2
05-Dec	3	0	1	6	1	0	4	2	8	2
06-Dec	9	2	4	0	8	2	6	3	10	1
07-Dec	2	1	8	0	8	3	4	2	8	0
08-Dec	5	5	2	3	11	0	4	1	7	1
09-Dec	4	1	14	10	5	3	3	2	7	3

	2018 Season		2017 Season		2016 Season		2015 Season		2014 Season	
10-Dec	3	0	3	0	4	7	3	0	2	1
11-Dec	2	0	6	0	8	2	6	3	11	4
12-Dec	6	3	3	0	3	0	7	4	6	1
13-Dec	3	2	0	2	7	0	10	3	14	2
14-Dec	5	11	10	0	6	0	3	1	9	0
15-Dec	3	0	0	0	0	0	1	0	7	1
16-Dec	3	0	2	0	15	0	6	3	7	0
17-Dec	3	0	13	3	2	0	16	0	10	0
18-Dec	14	0	7	0	7	1	4	1	4	2
19-Dec	1	3	0	0	6	5	12	0	3	1
20-Dec	5	0	1	1	9	0	3	1	17	4
21-Dec	4	0	3	0	4	0	7	1	13	1
22-Dec	4	0	12	0	2	0	6	2	12	1
23-Dec	2	1	9	2	4	1	3	4	9	5
24-Dec	1	0	20	3	21	2	4	4	9	4
25-Dec	2	0	6	0	6	0	5	0	1	3
26-Dec	4	4	7	0	13	3	7	0	9	1
27-Dec	3	2	3	0	2	3	14	1	16	3
28-Dec	2	3	7	1	16	0	16	0	13	0
29-Dec	0	1	2	0	2	2	18	2	30	0
30-Dec	0	5	12	0	4	1	20	2	26	13
31-Dec	0	0	1	6	19	1	54	1	75	9
Total	233	511	167	183	297	230	321	248	418	292

6.8 During the 2018 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 233 live-captured birds equates to 33% of the limit permitted by law (700). In the case of Song Thrush, the total number of 511 birds declared captured amounts to 10% of the total bag limit permitted by law (5,000). Table 5 below represents the number of birds reported by licensees.

Number of birds declared caught throughout season	Number of licensed live-capturers
0	1,259
1	122
2	65
3	41
4	16
5	10
6	6
>6	23
Total	1,542

Source: Wild Birds Regulation Unit

7. Migration study

- 7.1 As was the case in previous years, in agreement with the European Commission, an independent scientific study on the migration of Golden Plovers and Song Thrushes over the Maltese Islands was carried out between 20 October and 31 December 2018, both dates included. The study sought to obtain an estimate of migratory influxes of the two species during the 2018 derogation period. The study, carried out by Ecoserv (2019), was commissioned by the Wild Birds Regulation Unit.
- 7.2 The results that were expected from the commissioned study were as follows:
1. Daily datasheets with raw counts for Golden Plover and Song Thrush.
 2. A monitoring report for the autumn/winter 2018 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 2018 with the influxes recorded during the 2015, 2016 and 2017 studies (the reports of such past studies are available online from:
<https://msdec.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 2018 derogation period.
- 7.3 The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (Malta, Gozo and Comino), with data gathered during an 11-week period from 20 October until 31 December 2018. Given that the study was mainly intended to quantify the influx of migrating Golden Plovers and Song Thrushes, the count stations were located at strategic locations along the coast. A full copy of the survey report is attached in Annex III, with key conclusions summarised below.
- 7.4 During the survey, two individuals - a field assistant capable of identifying Golden Plover and Song Thrush and an observer who was responsible for data recording in the field - were stationed at a total of 21 sites (count stations). During the survey, counts of the two species (Golden Plover and Song Thrush) were made at each of six different sites on each day during the monitoring period. Each group of six sites was surveyed once every four days, such that a total of 21 sites were surveyed over each period of four days.
- 7.5 The study site at Comino (a designated Bird Sanctuary where no hunting or live-capturing is permitted) was included in the six sites surveyed on any one day, such that this islet was surveyed on a daily basis. However, when weather conditions precluded surveys at the Comino site due to unavailability of sea transport services, these were undertaken at alternative sites located close to Comino (in Qala, located at the south-eastern tip of Gozo) instead. Golden Plover and Song Thrush counts obtained across this network of observation stations over the survey period are given in Table 6.

Table 6: Total daily counts of Golden Plovers and Song Thrushes compiled through the autumn 2018 migration study (Data source: Ecoserv, 2019).

Date	Total daily counts	
	Golden Plover	Song Thrush
20-Oct-18	0	26
21-Oct-18	0	57
22-Oct-18	0	15
23-Oct-18	0	4
24-Oct-18	0	29
25-Oct-18	0	92
26-Oct-18	0	60
27-Oct-18	0	56
28-Oct-18	0	20
29-Oct-18	0	10
30-Oct-18	0	9
31-Oct-18	0	2
1-Nov-18	0	12
2-Nov-18	2	24
3-Nov-18	0	109
4-Nov-18	0	41
5-Nov-18	0	17
6-Nov-18	0	32
7-Nov-18	4	21
8-Nov-18	2	24
9-Nov-18	0	21
10-Nov-18	4	20
11-Nov-18	2	18
12-Nov-18	0	25
13-Nov-18	0	10
14-Nov-18	0	19
15-Nov-18	0	0
16-Nov-18	0	14
17-Nov-18	4	5
18-Nov-18	4	8
19-Nov-18	6	0
20-Nov-18	7	2
21-Nov-18	0	6
22-Nov-18	0	5
23-Nov-18	5	3
24-Nov-18	4	9
25-Nov-18	29	10
26-Nov-18	6	2

27-Nov-18	0	1
28-Nov-18	4	2
29-Nov-18	2	1
30-Nov-18	10	7
1-Dec-18	10	2
2-Dec-18	13	3
3-Dec-18	4	2
4-Dec-18	8	0
5-Dec-18	4	0
6-Dec-18	11	0
7-Dec-18	2	0
8-Dec-18	8	4
9-Dec-18	4	4
10-Dec-18	0	1
11-Dec-18	0	1
12-Dec-18	3	1
13-Dec-18	4	5
14-Dec-18	1	0
15-Dec-18	12	2
16-Dec-18	0	2
17-Dec-18	1	0
18-Dec-18	6	0
19-Dec-18	0	0
20-Dec-18	2	0
21-Dec-18	2	1
22-Dec-18	0	2
23-Dec-18	7	1
24-Dec-18	5	0
25-Dec-18	5	0
26-Dec-18	0	4
27-Dec-18	4	1
28-Dec-18	0	2
29-Dec-18	5	7
30-Dec-18	2	1
31-Dec-18	0	0
Total counts	218	894

7.6 Raw daily counts for Golden Plover recorded from the 21 sites during the present study varied between 0 and a maximum of 17, while the mean daily counts ranged between 0 and 4.83. Most of the counts for this species were recorded between mid-November and late-December 2018. 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), varied appreciably between the different sites: at the lower end, no individuals were recorded throughout the survey period from the site at

grid location 5064, while at the higher end, 30 Golden Plover individuals were recorded from the site at grid location 4070.

7.7 Raw daily counts for Song Thrush recorded from the 21 sites during the present study varied between 0 and a maximum of 71, while the mean daily counts ranged between 0 and 18.17. Comparatively higher counts were recorded between late October and mid-November. 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 a total of eight individuals was recorded throughout the survey period from the site at grid location 6067, while at the higher end 108 Song Thrush individuals were recorded from the site at grid location 4077.

7.8 Overall, count values for Golden Plover from the autumn 2018 survey show a similar trend to those recorded in the previous autumn surveys, with higher count values recorded during the period mid-November to late-December (Figure 5). Count values for Song Thrush made during the 2018 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 6).

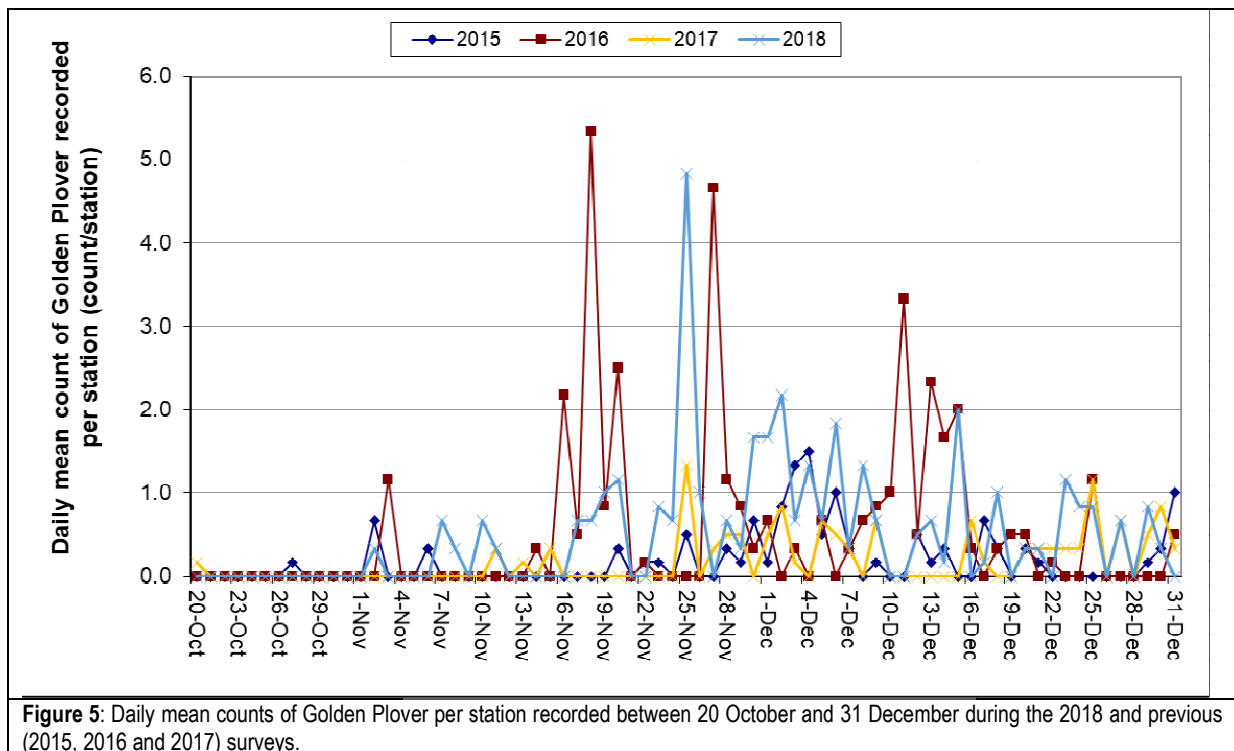


Figure 5: Daily mean counts of Golden Plover per station recorded between 20 October and 31 December during the 2018 and previous (2015, 2016 and 2017) surveys.

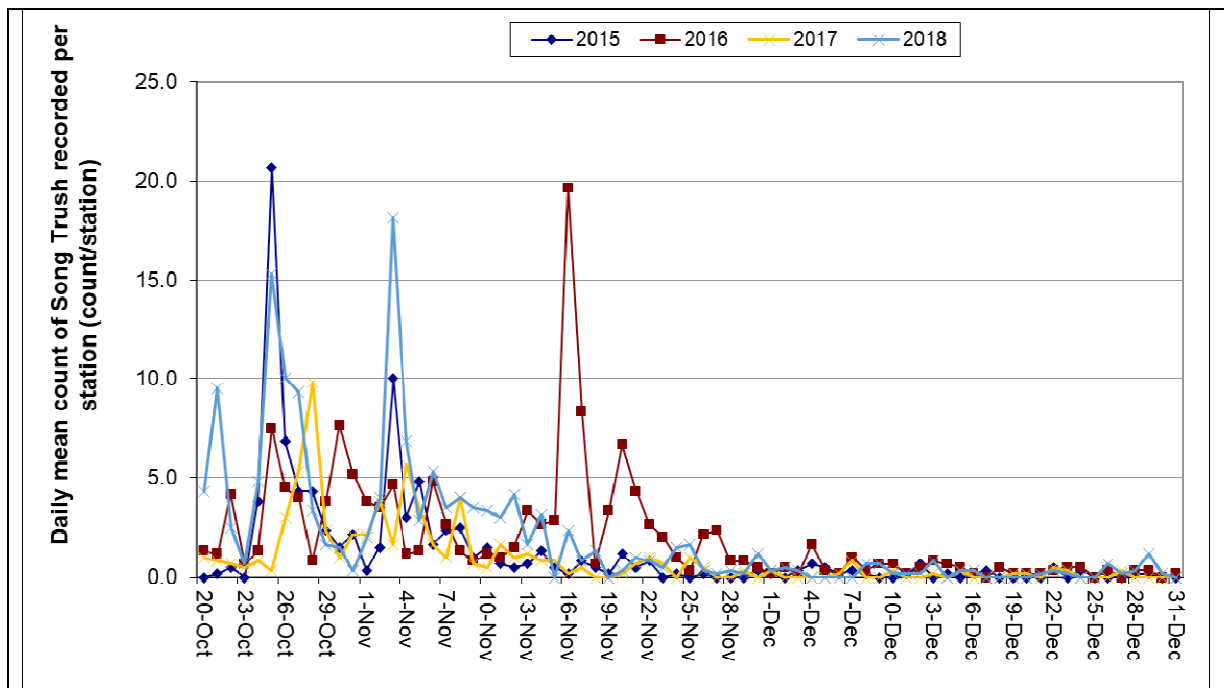


Figure 6: Daily mean counts of Song Thrush per station recorded between 20 October and 31 December during 2018 and previous (2015, 2016 and 2017) surveys.

7.9 The data from the survey was **extrapolated** to obtain an estimate of the total number of Golden Plovers and Song Thrushes that may have migrated over Malta on each day of the study period (Table 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 (Source: Ecoserv, 2019)

	Daily counts		Extrapolated data		
	Min	Max	Daily Min	Daily Max	Total estimated influx over survey period
Golden Plover	0	29	0	2,622	19,711
Song Thrush	0	109	0	9,854	80,824

8. Comparison between migratory study data and game reporting data

8.1 A comparative analysis of the results obtained during the 2018 Golden Plover and Song Thrush migration study with the game reporting data for the 2018 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 2018 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 (2018). 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, 2019).

8.2 Graphical representations of the mean daily counts made during the 2018 migration survey and the daily bag counts for the same time period (20 October – 31 December 2018) 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 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, 2019).

Golden Plover

8.3 The daily bag counts indicating the number of Golden Plover caught during the 2018 live-capturing season and the mean daily counts of the same species made during the 2018 survey are shown in Figure 7, while Figure 8 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 2018 survey are not directly comparable; consequently 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 2018 survey are plotted on the right-side y-axis.

8.4 Overall, the highest daily counts made during the 2018 survey occurred between mid-November and late-December, with a peak on 25 November. Bag counts in 2018 were low throughout October and early November and increased between mid-November and late-December, with peaks on 17 November, 24 November and 18 December. Thus, the general trend observed in the bag counts for 2018 and the daily counts recorded during the 2018 survey is of higher counts in the later part of the live-capturing season, from mid-November until end-December.

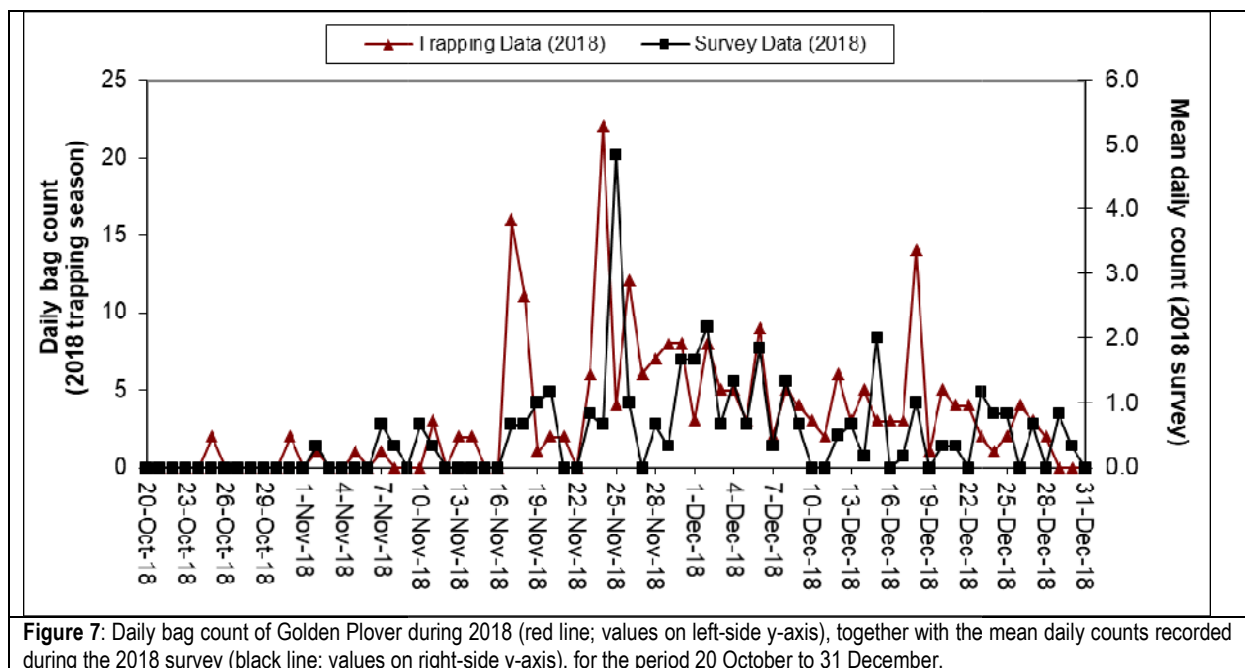
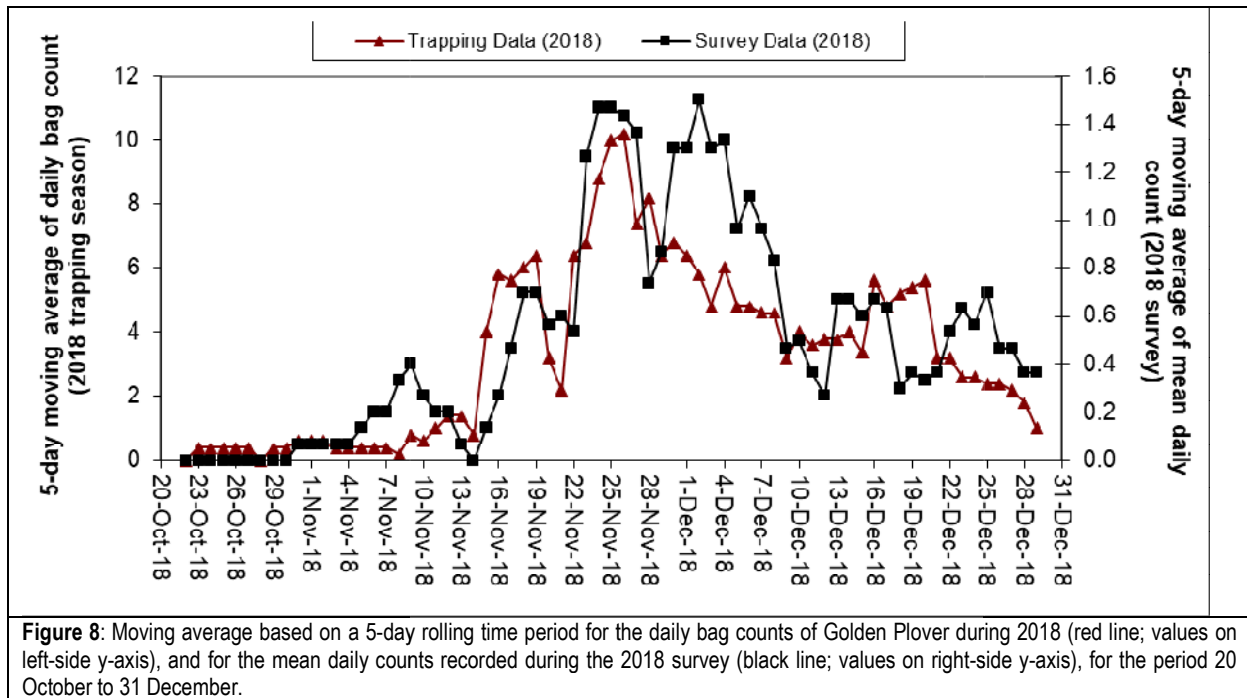


Figure 7: Daily bag count of Golden Plover during 2018 (red line; values on left-side y-axis), together with the mean daily counts recorded during the 2018 survey (black line; values on right-side y-axis), for the period 20 October to 31 December.



Song Thrush

- 8.5 The daily bag counts indicating the number of Song Thrush caught during the 2018 live-capturing season and the mean daily counts of the same species made during the 2018 survey are shown in Figure 9, while Figure 10 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 2018 survey are not directly comparable, consequently the two sets of values are on different scales. Therefore, in Figures 9-10, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2018 survey are plotted on the right-side y-axis.
- 8.6 Overall, the highest daily counts made during the 2018 survey occurred between late-October and mid-November, with counts declining thereafter; most days in December were characterised by low or zero counts. The highest bag counts in 2018 also occurred in late-October and early to mid-November, but the 2018 bag data included some minor additional peaks in early December. Thus, the general trend observed in the bag counts for 2018 and the daily counts recorded during the 2018 survey is of higher counts in the earlier part of the live-capturing season, up to around mid-November.

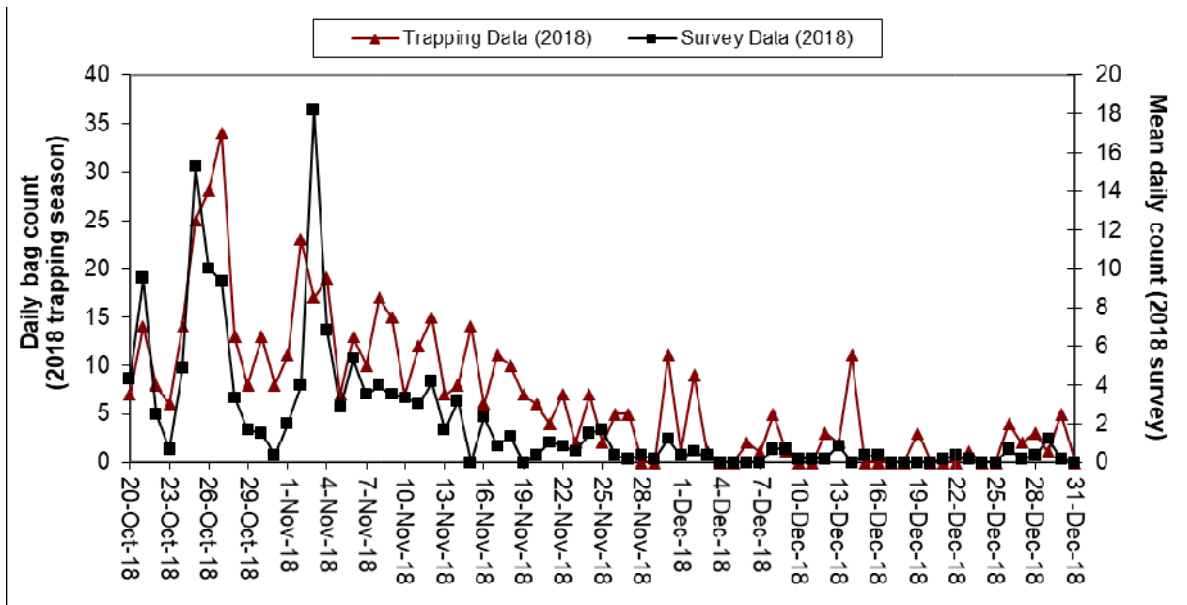


Figure 9: Daily bag count of Song Thrush during 2018 (red line; values on left-side y-axis), together with the mean daily counts recorded during the 2018 survey (black line; values on right-side y-axis), for the period 20 October to 31 December.

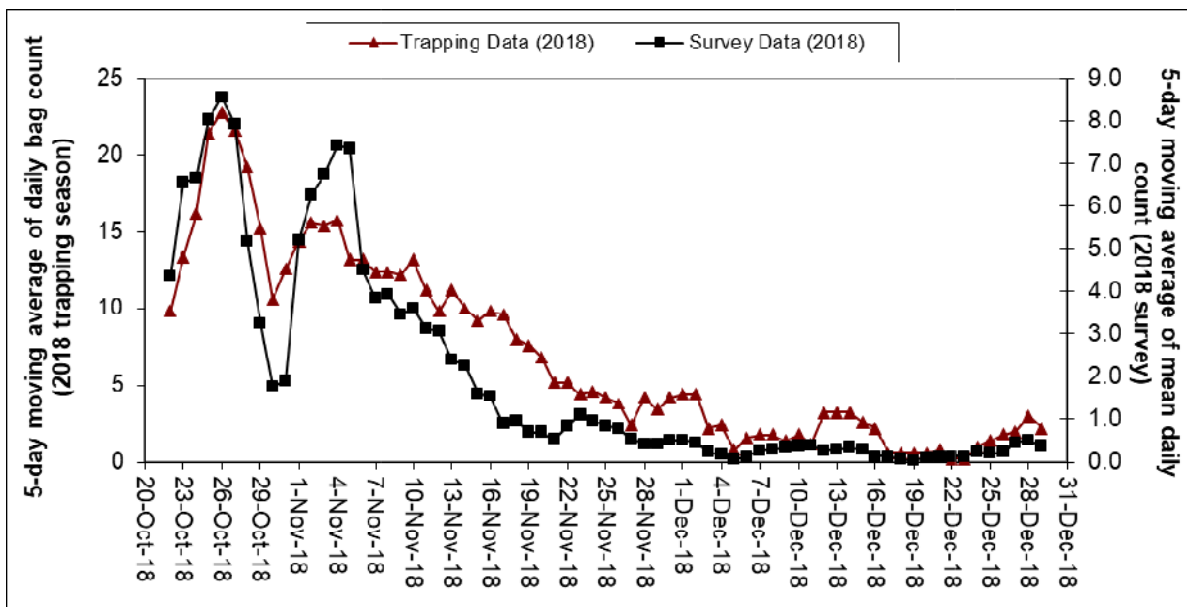


Figure 10: Moving average based on a 5-day rolling time period for the daily bag counts of Song Thrush during 2018 (red line; values on left-side y-axis), and for the mean daily counts recorded during the 2018 survey (black line; values on right-side y-axis), for the period 20 October to 31 December.

- 8.7 Although the sampling effort deployed during the study was incomparably smaller than the number of live-capturers active in the field, the trends of observed migration of both species and the trends of reported catches followed an overall 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.

9. Enforcement and strict supervision

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

Overall deployment and field surveillance

- 9.2 The recently amended¹⁷ Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (SL 549.74) stipulates that during all hours for which an autumn live-capturing season is open the total number of police officers, and/or marshals assigned to carry out spot-checks should be in the region of forty (40). The Framework Regulations also specify that, outside these hours, at least two (2) police officers and/or marshals shall be on duty and that the Police shall continue to carry out spot-checks until at least two weeks following the end of an autumn live-capturing season, in order to prevent illegal capture. Moreover, following the closure of the autumn live-capturing season, for every one thousand (1,000) live-capturing licences issued that year, a minimum of three (3) police officers shall be on duty during the hours of daylight.
- 9.3 The latest amendment to the Framework Regulations (LN 333 of 2018) introduced a standard operating procedure for enforcement. Regulation 8(5) requests that in pursuance of their duties under these regulations, the Police, assisted by marshals as may be necessary, shall carry out daily systematic spot-checks throughout all the season, in all the regions shown in the Second Schedule (Figure 11). As from 2018, 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, the Framework Regulations specify that in Malta, spot-checks in regions 5, 6 and 8 shall be carried out simultaneously with spot-checks in regions 7, 9 and 10 by separate police officers and that spot-checks within each region in Malta and Gozo shall be carried out daily.

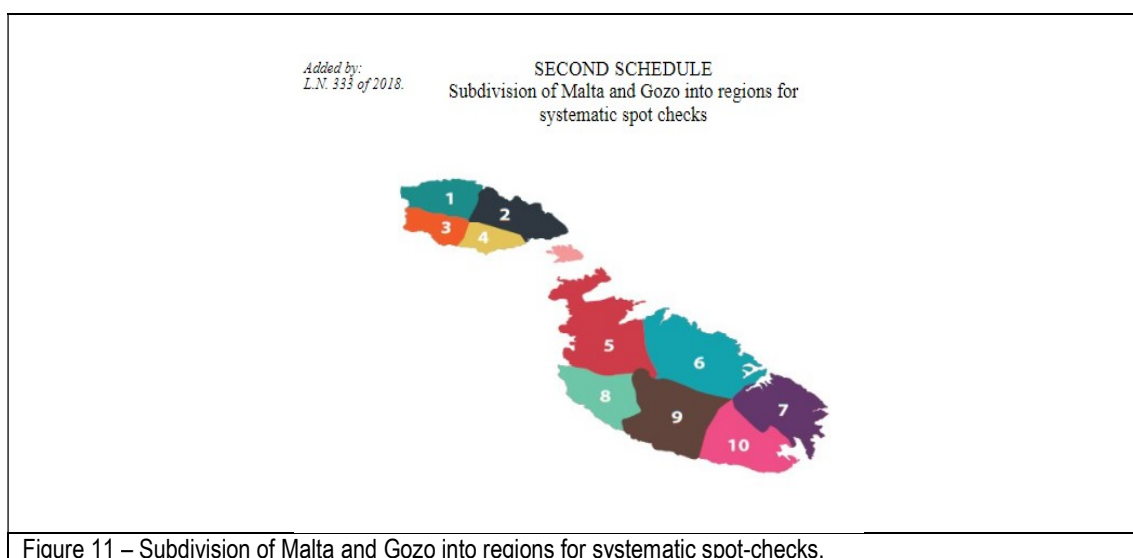


Figure 11 – Subdivision of Malta and Gozo into regions for systematic spot-checks.

¹⁷ LN 333 of 2018: Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) (Amendment) Regulations, 2018. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29308&l=1>

9.4 During the autumn 2018 live-capturing season (20th October 2018 to 31st December 2018), the enforcement authorities deployed a total overall complement of 92 officers to oversee and supervise the parameters of the derogation (Table 8).

Table 8: Deployment of enforcement officers during the autumn 2018 live-capturing season

Entity	Number of officers	Duties
Administrative Law Enforcement Unit (ALE) of the Police	43	Field patrols, surveillance; spot-checks; inspections; investigations; prosecution
District police officers seconded to the (ALE)	40	Field patrols; surveillance; spot-checks; inspections; investigations; prosecution
Armed Forces of Malta	7	Field patrols and surveillance
Wild Birds Regulation Unit	2	Verification of compliance with registration conditions; spot-checks; site inspections; assistance to police in prosecution processes; other expert services
Total	92	

9.5 Police (ALE and District) and Armed Forces of Malta officers maintained a daily field deployment that ranged between a maximum of 41 officers and a minimum of 37 officers in the field at any point in time from 05:00hrs to 21:00hrs, effectively covering live-capturing activity times. This excludes all other non-field staff assigned on-duties related to the supervision of the live-capturing season, or field staff on shift rotation.

9.6 During the period of the derogation, enforcement officers carried out a total of 3,726 spot-checks (2,651¹⁸ in Malta and 1,075¹⁹ in Gozo) on individual licensees. Table 9 lists the number of enforcement officers deployed, number of spot-checks on individual live-capturers per region, offences detected and persons charged.

¹⁸ Out of which 220 were road checks.

¹⁹ Out of which 18 were road checks.

Table 9 – Daily enforcement statistics during the autumn 2018 live-capturing season

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
20/10/2018	35	5	35	5	7	2	16	1	12	5	5	3	1	2	1 Illegal trapping ²⁰ 1 Illegal possession of protected birds ²¹	0	1 Court Action	0
21/10/2018	35	5	36	4	2	2	5	5	24	17	3	1	7	5	3 Illegal trapping ²²	0	3 Court Actions	0
22/10/2018	34	5	34	5	8	4	17	2	4	7	4	2	10	1	1 Illegal trapping using cage trap and possession of protected bird ²³	0	1 Court Action	0
23/10/2018	36	5	33	5	1	3	11	5	2	1	8	2	10	4	2 Illegal trapping ²⁴	0	1 Court Action	0
24/10/2018	35	4	33	5	6	1	4	8	11	21	10	1	10	3	2 Illegal trapping ²⁵	0	2 Court Actions	0
25/10/2018	35	5	35	4	13	2	14	5	17	4	11	7	6	4	1 Illegal trapping on unregistered site using nets of unauthorized mesh size ²⁶ 1 Illegal trapping using cage trap ²⁷	0	2 Court Actions	0
26/10/2018	35	5	36	4	7	1	10	4	5	8	10	2	1	6	0	2 Illegal trapping ²⁸	0	0
27/10/2018	35	4	35	4	4	4	1	3	6	1	10	4	6	1	1 Illegal trapping ²⁹	2 Illegal trapping ³⁰	1 Court Action	2 Court Actions
28/10/2018	35	4	35	4	25	1	9	3	6	11	2	3	3	8	0	0	0	0
29/10/2018	33	5	35	5	6	3	7	6	3	7	6	1	5	1	0	0	0	0
30/10/2018	35	6	35	4	4	2	1	16	2	3	2	2	4	1	1 Illegal trapping ³¹	6 Illegal trapping ³²	0	0
31/10/2018	35	5	35	4	5	2	3	1	1	4	15	4	3	7	0	3 Illegal trapping ³³	0	0

²⁰ Case refers to the illegal trapping of finches using bird caller in Qrendi. Police dismantled the trapping site and seized all paraphernalia including nets and bird caller. Legal action has been initiated against the individual.

²¹ Case refers to the illegal possession of birds found in a cage in San Ġwann. Given that the culprit remained unknown, the birds were released on the site and no further action was taken.

²² Cases refer to three separate incidents of illegal trapping of finches, two in Qrendi and one in Żurriq. Police seized all trapping paraphernalia and initiated legal action against all three individuals.

²³ Case refers to illegal trapping of Hawfinch (*Coccothraustes coccothraustes*) using a cage trap and illegal possession of one Hawfinch (*Coccothraustes coccothraustes*) without closed ring. Police seized all trapping paraphernalia including the finch, which was subsequently released. Legal action has been initiated against the perpetrator.

²⁴ Cases refer to illegal trapping of finches in Qrendi for which legal action has been taken against the perpetrator and a case of an active unattended trapping site targeting finches in Mtaħleb. For the latter case, police dismantled the site and seized all trapping paraphernalia including five finches: two Siskins (*Spinus spinus*), one Goldfinch (*Carduelis carduelis*), two Chaffinches (*Fringilla coelebs*) and a Greenfinch (*Chloris chloris*) but no further action could be taken due to the fact that the perpetrator is unknown and was operating on an unregistered site.

²⁵ Cases refer to two incidents of illegal trapping of finches. Both sites were dismantled by police and legal action has been initiated against the perpetrators.

²⁶ Case refers to illegal trapping of finches on an unregistered site (using nets of smaller mesh size than that authorised through derogation for the live-capturing of Golden Plover and Song Thrush). The trapping site was dismantled and legal action has been initiated against the perpetrator, who was caught on the spot.

²⁷ Case refers to an incident of illegal trapping using a cage-trap. Legal action has been initiated against the perpetrator.

²⁸ Cases refer to two unregistered trapping sites found in Nadur, Gozo. Police dismantled both trapping sites and seized the trapping paraphernalia. No further action was taken due to the fact that the culprits remained unknown to the police.

²⁹ Case refers to the illegal trapping of finches. Police seized trapping paraphernalia and initiated legal action against the perpetrator.

³⁰ Case refers to the illegal trapping of finches by two individuals. Police seized all trapping paraphernalia including two Linnets (*Linaria cannabina*) and two Chaffinches (*Fringilla coelebs*) which were later inspected by WBRU and released due to the fact that they were fitted with fake closed rings of a larger size than that required for the species. Legal action has been initiated against both individuals.

³¹ Case refers to an unregistered trapping site found unattended in Qrendi. Police dismantled site and seized all trapping paraphernalia including 15 finches. Three Linnets (*Linaria cannabina*) and a Siskin (*Spinus spinus*) were released on site due to the fact that they were not fitted with a closed ring whilst four Chaffinches (*Fringilla coelebs*), a Serin (*Serinus serinus*), a Goldfinch (*Carduelis carduelis*), two Linnets (*Linaria cannabina*) and three Greenfinches (*Chloris chloris*) were handed over to WBRU for investigation of the closed rings. The birds were subsequently released since they were fitted with fake closed rings of a larger size than that required for the species. Legal action could not be taken since the culprit remained unknown to the police.

³² Cases refer to six unregistered illegal trapping sites found in Nadur (1 site), Qala (2 sites), Sannat (1), Għarb (1) and Ghajnsielem (1). From the Sannat trapping site and one of the trapping sites in Qala, police seized a total of 29 finches, of which six Linnets (*Linaria cannabina*), two Chaffinches (*Fringilla coelebs*), three Greenfinches (*Chloris chloris*) and a Siskin (*Spinus spinus*) were immediately released due to the fact that they were not fitted with a ring whilst the remaining eleven Linnets (*Linaria cannabina*) and six Chaffinches (*Fringilla coelebs*) were handed over to WBRU for inspection. Upon inspection, all birds were released because the rings were either tampered with or of a size larger than that required for the species. All sites were dismantled but no legal action could be taken since the culprits remained unknown to the police.

³³ Cases refer to three unregistered illegal trapping sites targeting finches found in Xwejni l'o Żebbuġ, Gozo. Police dismantled all sites and seized a total of five finches: three Linnets (*Linaria cannabina*), a Siskin (*Spinus spinus*) and a Goldfinch (*Carduelis carduelis*) from one of the sites. The birds were later inspected by WBRU and released because the rings were either tampered with or of a size larger than that required for the species. Legal action could not be taken since the culprits remained unknown to the police.

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
01/11/2018	35	5	35	4	3	1	2	1	1	2	4	1	2	3	1 Illegal trapping ³⁴	0	0	0
02/11/2018	35	4	35	4	6	4	1	13	1	2	2	3	3	1	1 Illegal trapping ³⁵	0	0	0
03/11/2018	35	6	35	5	3	1	3	2	2	3	5	8	6	2	3 Illegal trapping ³⁶	0	1 Court action	0
04/11/2018	35	4	35	5	6	3	9	2	2	1	4	1	17	3	0	2 Illegal trapping ³⁷	0	0
05/11/2018	35	6	34	6	7	1	2	10	1	6	3	8	2	7	1 Use of bird caller whilst trapping for GP & ST	1 Illegal trapping ³⁸	1 Administrative fine of €250	0
06/11/2018	35	5	36	4	2	3	1	13	3	10	2	2	2	5	1 Illegal trapping ³⁹	6 Illegal trapping ⁴⁰	1 Court Action	0
07/11/2018	35	4	35	4	7	3	4	3	4	1	2	1	4	1	0	4 Illegal trapping ⁴¹	0	0
08/11/2018	35	4	35	4	2	1	2	7	2	3	3	2	7	9	0	0	0	0
09/11/2018	35	5	35	5	6	2	8	2	6	3	2	3	3	1	0	0	0	0
10/11/2018	35	5	35	5	3	1	6	3	2	4	4	6	1	7	0	1 Illegal trapping ⁴²	0	0
11/11/2018	35	5	34	5	2	2	6	4	6	1	5	2	4	11	0	0	0	0
12/11/2018	35	5	35	4	1	8	4	4	3	2	2	1	3	1	0	0	0	0
13/11/2018	35	5	36	4	4	2	6	1	8	7	3	1	2	6	0	0	0	0
14/11/2018	35	6	33	5	3	1	1	7	5	20	5	1	3	9	0	0	0	0
15/11/2018	35	5	33	5	2	1	3	2	3	1	2	7	3	2	0	0	0	0
16/11/2018	35	4	34	4	1	2	4	4	5	7	1	4	5	1	0	1 Illegal trapping ⁴³	0	0
17/11/2018	35	5	34	5	2	3	5	14	13	1	6	1	3	2	0	0	0	0
18/11/2018	35	5	34	5	6	1	6	18	8	4	1	3	4	1	0	0	0	0
19/11/2018	35	4	35	4	1	2	3	4	5	1	3	2	4	2	0	0	0	0
20/11/2018	35	4	35	4	3	4	1	2	1	5	2	1	1	3	0	0	0	0

³⁴ Case refers to an unregistered illegal trapping site found in Mellieha. Police seized all trapping paraphernalia but no further legal action could be taken since the culprit remained unknown to the police.

³⁵ Case refers to an unregistered illegal trapping site found in Marsaskala. Police seized all trapping paraphernalia but no further legal action could be taken since the culprit remained unknown to the police.

³⁶ Cases refer to the illegal trapping of finches in Mellieha where police seized all trapping paraphernalia and initiated legal action against the culprit and two cases of illegal trapping sites found in Dingli and Rabat (unknown culprits). For the latter, police seized all trapping paraphernalia including a Hawfinch (*Coccothraustes coccothraustes*), a Siskin (*Spinus spinus*), a Serin (*Serinus serinus*), three Chaffinches (*Fringilla coelebs*) and four Linnets (*Linaria cannabina*) from the site in Rabat. The birds were subsequently released by WBRU since they were fitted with fake close rings. No further legal action could be taken since the culprits remained unknown.

³⁷ Cases refer to two illegal trapping sites found in Sannat and Xewkija, Gozo. Police seized all trapping paraphernalia including a bird caller and eleven Linnets (*Linaria cannabina*), six Chaffinches (*Fringilla coelebs*), four Greenfinches (*Chloris chloris*), a Siskin (*Spinus spinus*) and a Serin (*Serinus serinus*) from the site in Xewkija. The birds were subsequently released by WBRU since they were fitted with fake close rings. No further legal action could be taken since the culprits remained unknown.

³⁸ Case refers to an illegal trapping site in Munxar, Gozo. Police seized all trapping paraphernalia including two Greenfinches (*Chloris chloris*), three Linnets (*Linaria cannabina*), a Siskin (*Spinus spinus*), a Chaffinch (*Fringilla coelebs*), a Goldfinch hybrid (*Carduelis carduelis x Serinus canaria var. domestica*) and a Linnet hybrid (*Linaria cannabina x Serinus canaria var. domestica*). One of the Greenfinches and Chaffinch were released on site because they were not fitted with a closed ring whilst the rest were checked by WBRU. All finches were released since they were fitted with fake closed rings, except for the two hybrids and a Greenfinch which were handed to Xewkija Government Facility for lifetime care because they were confirmed to be captive-bred. No further legal action could be taken since the culprit remained unknown.

³⁹ Case refers to illegal trapping of finches in Żurriq. Police seized all trapping paraphernalia and initiated legal action against the culprit.

⁴⁰ Case refers to six illegal trapping sites found in Ramla (5 sites) and Gharb (1 site), Gozo. From one trapping site in Ramla, police seized all trapping paraphernalia including twelve Chaffinches (*Fringilla coelebs*), six Linnets (*Linaria cannabina*) and two Song Thrushes (*Turdus philomelos*). All birds except one Chaffinch were released on site by police since the birds were not fitted with a ring (in the case of the Song Thrushes, not fitted with a single-use ring as required by the Framework Regulations and the Special Licence). The Chaffinch was subsequently released by WBRU since the ring was confirmed to be of a larger size than that required for the species. From the trapping site in Gharb, police seized all trapping paraphernalia and three Greenfinches (*Chloris chloris*), five Chaffinches (*Fringilla coelebs*), two Serins (*Serinus serinus*), five Linnets (*Linaria cannabina*), and four Siskins (*Spinus spinus*). All birds except a Linnet were released on site because they were not fitted with a ring. The Linnet was subsequently released by WBRU as it was confirmed to have been fitted with a fake closed ring. No further legal action could be taken since the culprits remained unknown.

⁴¹ Case refers to three illegal trapping sites found in Nadur and another one in Sannat, Gozo. Police dismantled all sites and seized a total of twelve finches from the trapping site in Sannat: three Greenfinches (*Chloris chloris*), three Linnets (*Linaria cannabina*), three Chaffinches (*Fringilla coelebs*), a Siskin (*Spinus spinus*) and two Goldfinches (*Carduelis carduelis*). Finches were either released on site or after being checked by WBRU since they either had no ring or fitted with a fake closed ring. Only one Greenfinch was entrusted for lifetime care to Xewkija Government Facility following confirmation that it was captive-bred. No further legal action could be taken since the culprits remained unknown.

⁴² Case refers to an illegal unregistered trapping site of unknown owner found in Qala. Police dismantled site and seized all trapping paraphernalia. No legal action was taken since the culprit remained unknown.

⁴³ Case refers to an unregistered illegal trapping site of unknown owner found in Xaghra. Police dismantled the site and seized all trapping paraphernalia. No legal action was taken since the culprit remained unknown.

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
21/11/2018	35	4	36	4	1	2	5	10	12	10	2	1	2	1	0	0	0	0
22/11/2018	35	5	36	4	2	1	3	8	3	2	1	3	1	1	0	3 Illegal trapping ⁴⁴	0	0
23/11/2018	35	5	33	5	1	3	1	1	3	1	3	1	4	2	0	5 Illegal trapping ⁴⁵	0	3 Court Actions
24/11/2018	35	5	33	5	8	1	3	8	2	4	5	2	3	1	0	0	0	0
25/11/2018	35	6	34	6	5	5	1	7	12	1	4	1	2	1	0	0	0	0
26/11/2018	35	5	35	5	1	9	1	14	4	2	3	9	5	3	0	0	0	0
27/11/2018	35	6	35	3	2	4	10	6	7	3	7	4	1	2	2 Use of Bird caller whilst trapping for GP & ST	0	2 Administrative fines of €250	0
28/11/2018	37	4	33	4	8	1	2	1	3	2	4	5	3	1	1 Use of Bird caller whilst trapping for GP & ST	0	1 Administrative fine of €250	0
29/11/2018	35	4	33	5	5	6	1	2	5	2	6	2	5	2	0	0	0	0
30/11/2018	35	5	35	4	1	2	8	4	4	1	4	1	7	1	0	0	0	0
01/12/2018	35	4	35	5	2	1	2	3	5	2	3	6	2	3	0	0	0	0
02/12/2018	35	4	33	4	5	7	1	10	1	9	1	2	4	1	0	0	0	0
03/12/2018	35	6	34	5	10	3	2	7	7	6	2	1	1	5	0	0	0	0
04/12/2018	35	4	33	4	1	10	3	10	2	10	4	3	1	4	0	0	0	0
05/12/2018	35	5	33	4	5	2	6	7	7	5	1	2	4	1	0	0	0	0
06/12/2018	35	5	33	4	8	3	11	7	5	2	7	1	3	5	0	0	0	0
07/12/2018	35	4	35	5	12	5	12	6	1	6	6	3	2	4	0	0	0	0
08/12/2018	35	4	35	4	9	1	8	5	4	6	1	4	5	1	0	0	0	0
09/12/2018	35	4	36	4	1	3	9	7	7	8	5	7	3	2	0	0	0	0
10/12/2018	35	4	35	5	5	3	11	5	5	8	4	3	2	3	0	0	0	0
11/12/2018	35	4	34	5	7	1	8	5	6	6	1	4	1	5	0	3 Illegal trapping ⁴⁶	0	0
12/12/2018	35	5	34	4	9	4	6	9	6	9	1	7	1	1	0	0	0	0
13/12/2018	35	4	35	5	5	1	2	8	8	3	2	1	2	4	0	0	0	0
14/12/2018	34	4	36	4	5	3	7	8	1	10	1	6	3	5	0	0	0	0
15/12/2018	34	4	35	4	4	7	2	8	5	9	3	5	1	9	0	0	0	0

⁴⁴ Case refers to three illegal unregistered trapping sites of unknown owners found in Nadur (1 site) and San Lawrenz (2 sites). Police dismantled all sites and seized ten finches from one of the sites in San Lawrenz. Five Linnets (*Linaria cannabina*), two Greenfinches (*Chloris chloris*) and a Goldfinch (*Carduelis carduelis*) were released on site due to the fact that they were not fitted with a closed ring whilst another Greenfinch (*Chloris chloris*) and a Linnet (*Linaria cannabina*) were inspected by WBRU before being released. No legal action was taken due to the fact that culprits remained unknown.

⁴⁵ Cases refer to two unattended trapping sites of unknown owner targeting finches found in Kerċem, Gozo. Police dismantled both sites and seized a total of 51 finches mainly Linnets, Greenfinches, Siskins, Serins, Goldfinches and Chaffinches. Some of the birds were released on site whilst others were inspected by WBRU before being released. On the same day, there were another two cases of unattended trapping sites with uncovered nets of known owners (registered sites) where police seized all trapping paraphernalia and initiated legal action against both individuals, and another case of illegal trapping of Northern Lapwing (*Vanellus vanellus*) where police seized all trapping paraphernalia and initiated legal action against the individual.

⁴⁶ Case refers to three unregistered illegal trapping sites of unknown owner found in Sannat, Gozo. Police dismantled all sites and seized the trapping paraphernalia but no further action could be taken since perpetrators remained unknown.

Date	Number of officers deployed 0500-1500 (ALE / District / AFM)		Number of officers deployed 1500-2100 (ALE / District / AFM)		Number of spot-checks on individual live-capturers per region										Offences detected (number of cases and nature of offence)		Number of persons charged and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
16/12/2018	36	4	33	4	4	7	6	1	6	11	4	1	2	4	0	0	0	0
17/12/2018	35	6	33	4	4	7	6	3	6	11	7	6	3	5	0	0	0	0
18/12/2018	34	4	34	4	7	13	7	8	7	3	3	7	5	6	0	0	0	0
19/12/2018	34	4	34	4	8	7	9	7	4	10	1	4	8	1	0	0	0	0
20/12/2018	34	4	35	4	8	7	9	7	4	10	4	3	3	7	0	0	0	0
21/12/2018	34	4	35	4	6	8	11	8	8	10	5	1	5	8	0	0	0	0
22/12/2018	34	4	35	5	6	8	11	8	8	10	1	2	2	1	0	0	0	0
23/12/2018	35	5	36	4	8	7	9	7	4	10	2	6	1	9	0	0	0	0
24/12/2018	35	4	34	4	6	8	11	8	8	10	1	4	6	4	0	0	0	0
25/12/2018	34	4	34	4	6	8	11	8	8	10	3	10	7	2	0	0	0	0
26/12/2018	34	4	33	4	8	7	9	7	4	10	7	1	4	6	0	0	0	0
27/12/2018	34	5	33	4	6	8	11	8	8	10	4	9	3	8	0	0	0	0
28/12/2018	34	4	35	4	6	8	11	8	8	10	3	8	1	2	0	0	0	0
29/12/2018	34	4	35	4	6	8	11	8	8	10	1	3	5	1	0	0	0	0
30/12/2018	35	4	35	4	8	7	9	7	4	10	2	5	6	3	0	0	0	0
31/12/2018	36	5	33	5	6	8	11	8	8	10	1	2	1	4	0	0	0	0
	Average	Average	Average	Average	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
	35	5	34	4	383	287	452	452	402	455	277	246	275	259	24 ⁴⁷	39 ⁴⁸	17	5

⁴⁷ 17 of these cases are of known culprit (legal action was taken accordingly) whilst the remaining seven cases have been committed by unknown culprits (no legal action could be taken).

⁴⁸ Five of these cases are of known culprit (legal action was taken accordingly) whilst the remaining 34 have been committed by unknown culprits (no legal action could be taken).

- 9.7 During spot-checks, the Malta Police Force was responsible for ensuring the lawful operation of live-capturing practices. They were, *inter alia*, instructed to:
- Verify that live-capturers were in possession of all requisite documents;
 - Verify that live-decoys were fitted with a single-use ring provided by the Wild Birds Regulation Unit as per licence conditions;
 - Verify that any captured birds had been immediately reported *via* mobile phone;
 - Ensure compliance with time restrictions;
 - Ensure that no species, other than those that could be captured under the specific licences were being targeted;
 - Verify that the live-capturing site in use was the one that had been approved by the Wild Birds Regulation Unit;
 - Verify that the conditions of the licence, such as, the maximum limit of decoys present on site and the maximum number of allowed clap-nets and their respective sizes were being complied with; and
 - Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (SL 549.42) and other applicable legislation.
- 9.8 In order to facilitate the conduct of their duties, enforcement officers had 12 vehicles. All vehicles were equipped with radio communication facilities, in order to enable contact with police officers from other sections/districts, and in order to allow for continuous liaison and coordination with the Police Headquarters. Police officers were also equipped with binoculars to facilitate their investigations on the ground. Police were also provided with a list of licensed live-capturers and access to real-time licensing and reporting database which facilitated the immediate identification of any live-capturers not in possession of the requisite autumn live-capturing licence as well as the immediate verification of telephonic reports of birds caught.
- 9.9 Officers conducting spot-checks were also provided with portable tablet computers with a pre-installed Geographic Information System, GPS link capability and geo-tagging photography capability. These devices were loaded with a database of the spatial location of registered trapping sites and the personal details of individual licensees registered on each individual site. During spot-checks, police officers made extensive use of these devices, which have proven to be a very effective way of instantly verifying regulatory information pertaining to each licensee's permitted location. In the past, verification of live-capturers' registration and licensing information necessitated time-consuming retrieval of physical documentation and site plans from office archives. With the introduction of a digital GPS-enabled system this process takes only a few seconds. Due to the introduction of this technology, enforcement officers were able to dedicate considerable more time to actual field surveillance duties, as opposed to documentation retrieval.
- 9.10 The Specialist Enforcement Branch of the Wild Birds Regulation Unit was involved and had a leading role in a number of enforcement initiatives. Inspections were carried out independently by WBRU as well as jointly with ALE and Gozo Police. Officers utilized various techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual live-capturers. During the process of spot-checks on individual licensees, enforcement officers received multiple complaints regarding the increase in mesh size from 30mm x 30mm to 45mm x 45mm, as adopted through LN 333 of 2018. Complaints referred to the inadequacy of the 45mm x 45mm mesh size for Song Thrush (*Turdus philomelos*) since it is larger than the target species thus allowing specimens to easily escape from the net. Written complaints were also received from the main hunting organisations on behalf of their members and a Magistrate's decree on the 45mm x 45mm mesh size was also issued on 12 December 2018. Hunting

organisations have also raised their objections directly with the European Commission on the increased mesh size.

- 9.11 During the live-capturing season, environmental NGOs carried out various independent patrols and surveillance activities. Particularly, from the 30th November to the 7th December, CABS conducted night patrols around Malta to map bird callers suspected to be used for illegal trapping of Golden Plover during the night. These patrols led to the mapping of forty (40) bird callers, which were later inspected during the night between the 6th and 7th December jointly with ALE. Out of thirty-one (31) sites inspected, none of the bird callers were found active thus no further action could be taken by enforcement authorities. Similarly on the 6th December, WBRU officers together with Gozo police inspected two live-capturing sites reported by CABS for alleged targeting of Northern Lapwing (*Vanellus vanellus*) and finches. During inspection of the first site, allegedly targeting Northern Lapwing, enforcement officers conducted a thorough inspection of the trapping site including its paraphernalia and questioned the live-capturer who was on site. However, no illegal activity was noted. The second site, which was allegedly targeting finches, was found to be inactive and unused for a long time; therefore no further action was taken. Nonetheless, it is confirmed that CABS's efforts during the whole season, have led to legal action against various individuals.
- 9.12 Similarly, BirdLife Malta maintained a regular presence in the field in Malta and Gozo during the whole live-capturing season. The NGO has reported that during ten days of fieldwork in November, trapping illegalities were detected on every day. BirdLife Malta reported that a total of forty-one (41) illegalities were found on at least 31 different trapping sites, which included hearing pre-recorded bird calls, nets and/or poles left unattended, trappers using nets of an unauthorized mesh size, and detecting incidents of illegal targeting of Northern Lapwing and finches. Eleven of these sites were also not registered. With the assistance of police, forty (40) live finches were seized from three (3) finch trapping sites in Gozo during a single operation. All finches were either confiscated by the police to be passed on to WBRU to verify their legality, or were immediately released into the wild from the same site(s). The NGO forwarded details of seventeen (17) of these incidents to the police for further investigations and prosecution. At the time this report was compiled, legal action was initiated against several of these individuals.

Infringements detected

- 9.13 Prior to the opening of the live-capturing season, ALE found an active trapping site targeting Eurasian Dotterels (*Charadrius morinellus*), a protected species listed under Schedule I of the Conservation of Wild Birds Regulations (SL 549.42). Inspection led to the seizure of all trapping paraphernalia including two live Dotterels which were subsequently released into the wild, and the initiation of legal action against the individual. No infringements related to the Golden Plover and Song Thrush derogation were detected prior to the opening of the season.
- 9.14 During the course of inspections carried out by enforcement staff throughout the derogation period, a total of 63 live-capturing infringements were detected. Four persons were issued with an administrative fine of €250 each for the illegal use of pre-recorded bird callers whilst trapping for Golden Plover and Song Thrush. All illicit devices were seized and destroyed and all fines were paid within 21 days from notification. Legal action is being taken against 22 individuals whilst no further legal action could be taken in relation to the remaining 41 illegalities since the person/s committing the crime remained unknown to the police. The nature of all infringements detected during the derogation period are outlined in Table 10 below, which also presents a comparison with the same statistics for the Golden Plover and Song Thrush derogations since 2013.

Table 10: Offences disclosed during autumn live-capturing seasons

	2013			2014			2015			2016			2017			2018 ⁴⁹			Change from previous year
	(20.10.13–10.01.14)			(20.10.14–31.12.14)			(20.10.15–31.12.15)			(20.10.16–31.12.16)			(20.10.17–31.12.17)			(20.10.17–31.12.17)			
	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	
Trapping for protected birds	13	5	18	0	0	0	2	0	2	0	0	0	0	0	0	17	14	31	Increase
Use of illegal means (e.g. 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	4	0	4	Decrease
Trapping using nets of prohibited mesh size	6	4	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No Change
Using in excess of 10 live-decoys (Song Thrush / Golden Plover) while trapping	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	No Change
Trapping during unpermitted hours	0	0	0	0	0	0	0	1	1	2	0	2	0	0	0	0	0	0	No Change
Trapping within bird sanctuaries	0	0	0	1	0	1	0	0	0	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	3	23	26	Increase
Trapping using unmarked decoys	2	0	2	9	6	15	1	0	1	0	0	0	0	0	0	0	0	0	No change
Exceeding the individual seasonal quota of captured birds ⁵⁰	0	0	0	0	0	0	0	0	0	0	0	0	N/A	N/A	N/A	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	0	0	0	No change
Trapping without licence	7	5	13	3	0	3	8	1	9	0	0	0	0	0	0	0	0	0	No change
Nets left uncovered when unattended	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	2	2	N/A
Total offences	38	18	57	41	13	54	50	12	62	20	11	31	8	1	9	24	39	63	Increase⁵¹
Number of persons apprehended	16	5	21	29	9	38	46	12	58	21	9	30	8	0	8	17	5	22	Increase

Source: Wild Birds Regulation Unit & Malta Police Force, 2019

⁴⁹ For the purpose of classifying each case, classification was based according to the most grievous offence. For example, a case concerning illegal trapping of protected birds using illegal means such as cage trap was classified under 'Trapping for protected birds' rather than under 'Use of illegal means'. Moreover, unregistered trapping sites with no decoys on site have been listed under 'Trapping on unregistered sites' whilst unregistered / registered trapping sites with decoys of protected birds (i.e. finches) have been listed under 'Trapping for protected birds'.

⁵⁰ As from 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.

⁵¹ This legal requirement has been introduced in 2018 through LN 333 of 2018, therefore comparison with previous years is not possible.

- 9.15 As a result of the new standard operating procedure adopted through the recent legal amendments, the number of spot-checks on individual licensees has increased exponentially; from 1,629 spot-checks in 2017 to 3,726 spot-checks in 2018. This amounts to at least two spot-checks on each licensed live-capturer throughout the whole season.
- 9.16 When compared with the 2013–2017 live-capturing seasons, the rate of disclosure for most types of violations have either remained the same or have decreased. In addition, as evidenced through this enforcement chapter, the season saw few irregularities concerning the Golden Plover and Song Thrush derogation, mostly concerning the illegal use of bird callers. The decrease in disclosed illegalities is, apart from improvements in field enforcement, attributable also to the increase in legal deterrents against abuse and the ongoing educational efforts carried out by WBRU together with hunting organisations.
- 9.17 Following the banning of the long-standing socio-cultural tradition of live-capturing of finches⁵² in respect of judgment delivered by the Court of Justice of the European Union (CJEU) with regards to case C-557/15, incidents of illegal trapping of finches and trapping on unregistered sites increased. Undeniably, the cultural tradition of live-capturing of finches is deeply rooted within the Maltese society, thus it is not only a matter of strict enforcement but more importantly an extensive culture change.
- 9.18 As evidenced through the enforcement chapter of this report, the Maltese Government together with its enforcement authorities are committed to set up and maintain adequate legal deterrents against crime, conduct strict enforcement operations to monitor compliance and effectively prosecute all cases of bird-related crime.

10. Conclusions

- 10.1 The application of the Golden Plover and Song Thrush live-capturing derogation in autumn 2018 was preceded by a series of in-depth analyses that considered all relevant legal, scientific and technical aspects pertaining to this derogation regime, as well as by an open and transparent discussion with all stakeholders. In particular, and following discussions with the European Commission, both the Framework Regulations and Notice of Derogation were revamped to address the concerns raised by the European Commission in its 2012 Reasoned Opinion (as well as aspects of relevance following the judgment of the Court of Justice of the European Union on finches in Commission v Malta (Case C-557/15), in particular judicious use, selectivity and strict supervision.
- 10.2 As a result of these processes, the decision to apply the derogation was made with full confidence that the following critical prerequisites will be met, without reservation:
- a. The derogation satisfies all the relevant parameters and spirit of the Birds Directive; and
 - b. The actual implementation of the derogation on the ground ensures that the relevant legal parameters enacted in pursuance of point (a) above are respected in the field through an effective and robust enforcement regime.

⁵²LN 383 of 2018: Framework for Allowing a Derogation Opening An Autumn Live-Capturing Season For Finches (Revocation) Regulations, 2018. Available at: <https://msdec.gov.mt/en/Document%20Repository/WBRU/2018/legislationAndPolicy/ln383.pdf>

- 10.3 The Maltese authorities have subsequently ensured that the above two prerequisites were met both legally and in practice. After ascertaining that there is no other satisfactory solution other than the application of this limited and strictly controlled derogation, in 2018 the authorities applied an even more robust regulatory regime to further ensure that the scientific considerations pertaining to small numbers and conservation status of the species in question (as incorporated in the revamped Notice of Derogation) were being implemented in practice and that the relevant parameters of the derogation were fully respected both legally, as consolidated in the amended Framework Regulations, and on the ground.
- 10.4 Supervision on the ground was ensured through the deployment of appropriately trained and suitably equipped field officers that have exponentially increased the intensity of systematic spot-checks. The use of the latest state-of-the-art technology (GIS, GPS, portable tablet PCs, electronic game reporting system, etc), has resulted in a greater efficiency of the overall supervision process. This was aided further by the increase in the penalties for offences enacted in 2013 and 2014, the introduction of swift administrative fines system for minor violations in lieu of prosecution, greater regulatory rigour (e.g. pre-screening, registration and digitalization of all site plans), and greater efforts at promoting education and regulatory awareness.