

Report on the Outcome of the 2021 Autumn live-capturing Season for Golden Plover and Song Thrush in Malta

March 2022

Wild Birds Regulation Unit

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ENCLOSURES

- Annex I - Conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) 2021 update.
- Annex II – Autumn 2021 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 2021 –January 2022) (Ecoserv Ltd., 2022).

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 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 2021, including Ornis Committee recommendation to Minister;
- (iv) A summary of the legislative changes and changes to the parameters of the derogation, with an overview of the 2019 amendments made to both the Golden Plover and Song Thrush Framework Regulations and Notice of Derogation, following bilateral meetings with the services of the European Commission to discuss to the application of this derogation following the Court of Justice of the European Union's decision in Case C-557/15 (Commission v Malta) on finch trapping;
- (v) A summary of institutional controls deployed to ensure compliance with the parameters of the derogation, including special licensing, site registration, publication of site coordinates and other regulatory processes;
- (vi) An analysis of the uptake of bag quotas;
- (vii) The enforcement efforts in place to ensure the strict supervision of live-capturing during the season;
- (viii) The illegalities detected and corresponding enforcement action taken; and,
- (ix) Other aspects of relevance.

2. LEGAL AND POLICY BASIS FOR THE APPLICATION OF A DEROGATION PERMITTING AN AUTUMN LIVE-CAPTURING SEASON FOR GOLDEN PLOVER AND SONG THRUSH IN 2021

- 2.1 Article 9(1) of the Birds Directive states that “*Member States may derogate from the provisions of Articles 5 to 8 [of the same Directive], where there is no other satisfactory solution*” in line with a number of limited reasons, such as that stipulated by Article 9(1)(c): “*to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers*”.
- 2.2 Article 2 of the Birds Directive requires that Member States take the requisite measures to maintain the population of the bird species, to which the Directive applies, at a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, or to adapt the population of these species to that level.

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

- 2.3 Following the judgment delivered by the Court of Justice of the European Union in Case C-557/15 (Commission v Malta) on finch trapping¹, delivered on 21 June 2018, and the recommendation of the Malta Ornithology Committee (see below), the European Commission requested bilateral discussions with the Maltese authorities to address aspects of the Court’s judgment that were deemed to have a direct bearing on the Golden Plover and Song Thrush live-capturing derogation regime. On the basis of these discussions, in 2018, the Maltese Government carried out a thorough review of legislation and enacted a number of legal amendments to the Framework Regulations via LN 333 of 2018² and to the Notice of Derogation via LN 334 of 2018³.

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.

¹Judgment delivered by the Court of Justice of the European Union in Case C-557/15 (Commission v Malta) on finch trapping <http://curia.europa.eu/juris/liste.jsf?td=ALL&language=en&jur=C,T,F&num=c-557/15>

² L.N. 333 of 2018 available at: <https://legislation.mt/eli/ln/2018/333/eng>

³ L.N. 334 of 2018 available at: <https://legislation.mt/eli/ln/2018/334/eng>

- 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 270 of 2019)

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

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

- Calculation of the 1% of the total annual mortality of the reference population (*small numbers* criterion) and corresponding national bag limit.

2.5 Following the increase in mesh size, the Maltese authorities received criticism from both hunters' representatives and directly from licensees, because Song Thrushes were passing through the 45mm x 45mm mesh size. In the letter sent to the Environment Commissioner and to the Maltese authorities in February 2019, Kaċċaturi San Ubertu⁴ maintained that the mesh size of 45mm x 45mm is too large to capture Song Thrush. KSU also included an illustration of the methods used to calculate mesh size for various species i.e. length x breadth or from knot to knot. In order to confirm whether the advice of the Natural History Museum of London (NHML) specified a mesh size of 45mm (measured from knot to knot) or 45mm x 45mm, the Maltese authorities requested BirdLife Malta for a copy of such advice and received the following correspondence:

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

Other mesh sizes such as 30 or 32 mm are able to catch finch-sized birds and therefore not ideal.” (BirdLife Malta, pers. comm., 2019).

2.6 According to the above reply, BirdLife Malta deems that a 45mm net is appropriate for capturing medium to big waders as well as Song Thrush. The fact that BirdLife Malta made reference to 45mm mesh size and not 45mm x 45mm (45mm square) suggests that KSU were right in pointing out to the Commission that *“the recommended 45mm square netting is actually referred to as 90mm netting”*. Notwithstanding, and as noted in the above reply, BirdLife Malta confirmed that nets with a mesh size larger than 32 mm are not able to catch finch-sized birds, therefore on the basis of BirdLife Malta’s statement, a mesh size smaller than 45mm but larger than 32mm should still address the concerns raised by the Commission on selectivity.

2.7 Given that the advice obtained by BirdLife Malta from NHML could not be recalled or traced, the Maltese authorities corresponded directly with NHML and asked for a copy of the report/advice that was sent to BirdLife Malta. Unfortunately, the curators of NHML were not aware that a report/advice on the shoulder widths of the seven

⁴ KSU’s letter is available at:

<https://mgoz.gov.mt/en/Documents/WBRU/autumn%20live%20capture/Autum%20Live%20Capture%20Derogation/2019/Annex%2011%20-%20KSU%20reply%20to%20letter%20of%2018%2001%202019.pdf>

finch species and Song Thrush was tendered to BirdLife Malta. In the absence of such advice, the Maltese authorities considered that a fresh assessment on shoulder widths is necessary. However, NHML replied that “*measuring bird skins available would not be a reliable method to predict effective mesh net sizes. The filing in the skins would prove to be different that true body size of the birds.*” (NHML, pers. comm., June 2019). Conversely, the National Museum of Natural History (Malta) inferred that their sample size is too small: “*making use of measurements from single specimens is a scientific no-go*” since “*birds vary in size according to sex as well as to different geographical populations. There is a tendency that species living in northern countries are larger than southern ones. Size also differs according to body fat and muscle condition. While measurements of dried parts (e.g. beak and legs) are considered in many scientific works, the measurements you are requesting are not, unless one is comparing skeletal anatomy.*” (MNHM, pers. comm., May 2019).

- 2.8 Due to this lack of data on shoulder widths, the Maltese authorities carried out a study on selectivity and mesh size, which was subsequently presented to the Malta Ornis Committee on 30 July 2019⁵. The July 2019 report on selectivity and mesh size includes a table (see Annex III Table 1) listing the minimum and maximum shoulder widths taken from 295 skinned birds (body without skin and feathers) from specimens pertaining to nine species (seven finch species, Song Thrush and Golden Plover) at Worldfauna taxidermy company in Denmark and at l’Arche de Noé in Vicques in Switzerland. On the basis of this study, a number of changes to the Framework Regulations was deemed necessary.
- 2.9 As part of Malta’s reply to the **Letter of Formal Notice 2020/2345** to the European Commission, the Maltese authorities measured the shoulder width of twelve Song Thrushes and submitted video evidence showing these specimens passing through a net with mesh size of 45mm x 45mm. It should be pointed out that a mesh size of 45mm x 45mm has a diagonal distance of 63.64mm along its longest axis, which is large enough for Song Thrushes to pass through.

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

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

⁵ The minutes of the Malta Ornis Committee of the 31 July 2019 meeting and the July 2019 report on selectivity and mesh size (included as Annex A to the minutes) is available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committiee/Minutes%202019/oMinThirtstJul19.pdf>

2.11 The amendments to S.L. 549.74, recommended by the Ornis Committee, are as follows:

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

Malta Ornis Committee meetings

2.12 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (S.L. 549.42⁶), met on 14 July 2021⁷ to consider the application of a live-capturing derogation for Golden Plover and Song Thrush during the 2021 autumn season. The Committee considered the outcome of the 2020 live-capturing season for Golden Plover (*Pluvialis apricaria*) and Song Thrush (*Turdus philomelos*), the updated assessment of the conservation status of the species concerned (included as Annex I to this report), the status of the infringement procedures related to this derogation and the satellite tracking project requested by the Commission during a bilateral meeting held on 26 November 2019.

⁶ Subsidiary Legislation 549.42. Available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

⁷ Meeting of the Malta Ornis Committee. Minutes available at: <https://mgoz.gov.mt/en/Documents/WBRU/Ornis%20Committie/Minutes%202021/oMinForteeJul21.pdf>

- 2.13 Having taken into consideration scientific information concerning the conservation status of the two relevant species (discussed further in Section 3 below), and having taken into account the provisions of Article 9(1)(c) of the Birds Directive as well as all relevant national legislation, the Malta Ornithology Committee recommended the opening of a season to permit the limited live-capturing of Song Thrush and Golden Plover under strictly supervised conditions. Upon considering the recommendations of the Malta Ornithology Committee, the Maltese Government announced the live-capturing season through the Conservation of Wild Birds (Declaration on a Derogation for a 2021 Autumn live-Capturing season for Song Thrush and Golden Plover) Regulations (Legal Notice 396 of 2021)⁸ in accordance with the Framework Regulations⁹.

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 2021 live-capturing season.
- 3.2 A detailed assessment of the conservation status, as well as a determination of the “small numbers” criteria is presented in Annex I to this report. The conservation status of the Golden Plover and Song Thrush was reviewed on the basis of the latest scientific literature available at the time, which also provides details of population size, mortality rates and migratory routes. An assessment of the Golden Plover at sub-species level was also provided.
- 3.3 The analysis indicates that Golden Plovers migrating over the Maltese Islands are the sub-species *Pluvialis apricaria altifrons* from the Northeast European (or West Continental) population, which has a favourable conservation status at the Pan-European, EU28 and reference-population levels. The same status has also been indicated for Song Thrush (*Turdus philomelos*).

⁸LN 396/2021 available at: <https://legislation.mt/eli/ln/2021/396/eng>

⁹S.L. 549.74 (Framework for allowing a Derogation opening an autumn live-capturing season for Song Thrush and Golden Plover Regulations) available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11936&l=1>

- 3.4 Both species are listed in Annex II (b) of the Birds Directive, which indicates that nine Member States may authorise the hunting of Golden Plover and that eight Member States may authorise the hunting of Song Thrush in accordance with Article 7(3) of the Directive. Both *Pluvialis apricaria* and *Turdus philomelos* have maintained a Favourable Conservation Status at the Global, Pan-European and EU levels, continue to enjoy a healthy distribution and range, and a large population size.
- 3.5 The latest report pursuant to Article 12 of the Birds Directive for period 2013–2018 shows that the EU population status of *Turdus philomelos* is **Secure**, because the species does not meet any of the IUCN Red List criteria for Threatened or Near Threatened, or the criteria for Depleted or Declining (the EU28 population or range has not declined by 20% or more since 1980). At EU level, the species has a **stable** long-term trend and an **increasing** short-term trend (EEA, 2019)¹⁰.
- 3.6 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 2021), the species trend classification is considered as **Moderate Increase**, defined as a “significant increase, but not significantly more than 5% per year”. In the short-term trend (2008–2017), remained the same as reported during the previous EBCC (2018) update [n=+20%], whereas in the long-term trend (1980–2017) the population increased from 2% to 15% (13% increase).
- 3.7 The Golden Plover breeding population trend within the territory of the European Union is **Stable** in both the short-term and long-term (EEA, 2019)¹². The EU population status of *Pluvialis apricaria* was assessed as **Secure**, because the species does not meet any of the IUCN Red List criteria for Threatened or Near Threatened, or the criteria for Depleted or Declining (the EU28 population or range has not declined by 20% or more since 1980). According to the 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 (2008–2017) and long-term (1980–2017) trends with +18% and +3% respectively when compared with the previous (2020) EBCC update.
- 3.8 On the basis of the evaluation contained in Annex I to this report, the key conclusions that have previously been drawn, as reported in Malta’s successive reports on the outcome of the autumn live-capturing derogations for Golden Plover and Song

¹⁰ European Environment Agency (2019) Article 12 reports for the 2013–2018 reporting period. Available at: https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Turdus+philomelos&reported_name=

¹¹ Trends of common birds in Europe, 2019 update. Available at: <http://www.ebcc.info/index.php?ID=631>

¹² European Environment Agency (2019) Article 12 reports for the 2013–2018 reporting period. Available at: https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Pluvialis+apricaria&reported_name=

¹³ Trends of common birds in Europe, 2020 update. Available at: <https://pecbms.info/european-wild-bird-indicators-2020-update/>. Note that in the 2020 Indicators Update, the indicator values for the year 2018 are estimated.

Thrush, have been retained. These are: (i) that there is no record of these two species ever breeding in Malta, neither in the wild nor in captivity, (ii) that these two species are only present in the Maltese Islands in very limited numbers during a period of migration and (iii) that both species have a **Favourable Conservation status** with an extremely large range, and hence do not approach the thresholds for Vulnerable under the range size criterion, or under the population trend criterion, or under the population size criterion, and are thus evaluated as species of 'Least Concern'. **Both species have retained a Secure breeding status at EU level.**

4. ISSUANCE OF AUTUMN 2021 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 30 August and 4 September 2021, both dates included. Applications were subject to a €55 Special Licence fee, payable at the time of application. Same as the procedure adopted in 2020, no single-use rings could be purchased during the application period. The procedural change adopted in 2020, was made, following bilateral meetings with the services of the European Commission, to ensure that only the precise number of rings according to the amount of specimens reported by each licensee during the season are issued by the authorities. The special licence was distributed to the applicants prior to opening of the season via registered mail.
- 4.2 In 2017, a web-based GIS platform was developed instead of the former offline system, utilising existing hardware (tablet PCs). During application period, live-capturers were instructed to submit one official site plan, pre-approved by WBRU, with their special licence application form. The GIS platform contains spatial data of approved live-capturing sites which were applied for in 2021, for field enforcement purposes. The coordinates of these sites were subsequently published online¹⁴ before the season opened, in accordance with Regulation 8(7) of S.L. 549.74.
- 4.3 Until 2017, licence holders were allowed to submit up to two live-capturing stations, with each station having not more than two pairs of clap-nets. Following discussions with the European Commission and subsequent legal amendments to the Framework Regulations, licensees are now only permitted to use one live-capturing station, with not more than two pairs of clap-nets from one hide.
- 4.4 The total number of clap-net pairs for live-capturing of Golden Plovers and Song Thrushes in 2021 stood at 1,382, registered on 1,365 licensees (Table 1). This figure represents an overall slightly decreasing trend in clap-net pairs when compared with the 2014–2020 Golden Plover and Song Thrush live-capturing seasons: $n_{2014}=3,519$

¹⁴ Coordinates of Authorised Clap-Net Pairs Golden Plover & Song Thrush Live-Capturing Season 2021
<https://mgoz.gov.mt/en/Documents/WBRU/autumn%20live%20capture/2021/gpstTraSitCoor2021.pdf>

clap-net pairs, submitted by 1,223 licensees; $n_{2015}=3,310$ clap-net pairs, submitted by 1,128 licensees; $n_{2016}=2,912$ clap-net pairs, submitted by 997 licensees; $n_{2017}=2,269$ clap-net pairs, submitted by 1,059 licensees; $n_{2018}=1,849$ clap-net pairs, submitted by 1,542 licensees; $n_{2019}=1,895$ clap-net pairs, submitted by 1,587 licensees; $n_{2020}=1,352$ clap-net pairs, submitted by 1,319 licensees. In 2021, a total of 1,085 registered clap-net pairs were located in Malta whereas 297 clap-net pairs were located in Gozo.

TABLE 1 GOLDEN PLOVER/SONG-THRUSH CLAP-NET PAIRS IN 2021

	<u>Clap-net pairs</u>	<u>Licensees</u>
Malta	1,085	1,070
Gozo	297	295
Total	1,382	1,365

4.5 By the end of the application process, 1,365 applications for Special Licence for Golden Plover and Song Thrush were received. Following screening, one application was considered invalid as the applicant did not have a valid General Licence. Consequently, a total of 1,364 Special Licences were issued, representing an increase of 45 licensees when compared with the previous season ($n_{2020}=1,319$), a decrease of 223 licensees when compared with the 2019 season ($n_{2019}=1,587$), a decrease of 178 licensees when compared with the 2018 season ($n_{2018}=1,542$), an increase of 305 licensees when compared with the 2017 season ($n_{2017}=1,059$), an increase of 367 licensees when compared with the 2016 season ($n_{2016}=997$), an increase of 236 licensees when compared with the 2015 season ($n_{2015}=1,128$) and an increase of 141 individuals in comparison with the number of licences issued in 2014 ($n_{2014}=1,223$). 1,069 licences were issued to persons residing in Malta (*circa* 78%) and 295 licences were issued to persons residing in Gozo (*circa* 22%), as shown in Table 2.

TABLE 2 AUTUMN 2021 SPECIAL LICENCE APPLICATIONS

Applications	Total	Malta	Gozo
Persons issued with a Golden Plover/Song-Thrush special live-capturing licence	1,364	1,069	295

4.6 A specimen licence for 2021 is enclosed as Annex II to this report. Ten licences remained uncollected by the respective live-capturers. The autumn 2021 Live-capturing Licence set a number of conditions for the 2021 live-capturing season, as

provided in the Framework Regulations (S.L. 549.74¹⁵) and the Notice of Derogation (LN 396/2021¹⁶). The Licence included, *inter alia*:

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

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. 549.42). Except where the offence consisted of an administrative or minor violation listed in Schedule VIII of the said Regulations, any other offences or breaches of licence conditions trigger automatic seizure of the Special and General Licences, seizure of

¹⁵S.L. 549.74 available at: <https://legislation.mt/eli/sl/549.74>

¹⁶LN 396/2021 available at <https://legislation.mt/eli/ln/2021/396/eng>

rings, birds and equipment prior to criminal proceedings being initiated in terms of Regulation 27.

Single-use rings

- 4.8 As from the 2020 live-capturing season, live-capturers were not issued single-use rings before the season. Licensees were required to purchase single-use rings corresponding to the number of birds they reported, after the seasons closed. Failing to carry out this obligation would render the licensee ineligible to apply for a special licence for the following live-capturing season, as specified in Regulation 3(3) of the Framework Regulations (S.L. 549.74) and licence condition 14. An official letter was sent by WBRU to each licensee stating the quantity of rings to be purchased and the period during which this statutory requirement had to be fulfilled. A total of 44 licence holders failed to purchase the single-use rings assigned to the number of birds they reported, namely a combined total of 44 red rings and 132 yellow rings. These 44 licensees were subsequently rendered ineligible to apply for another live-capturing licence should a live-capturing season for Golden Plover and Song Thrush be declared in autumn 2022.

5. ACTIVITY DATA (TRAPPING EFFORT)

- 5.1 During the 2020 live-capturing period, licensees were required to report their 'trapping effort' when they practiced live-capturing, even if they did not catch any birds. This was stipulated in condition 16 of the special licence. A reported bird was also considered as trapping effort for that live-capturer for that day.
- 5.2 By the end of the season, 364 live-capturers had submitted a 'trapping effort' report and/or reported at least one bird caught. This constitutes a 27% activity rate from all the Special Licences issued under this category. Figure 1 details the daily live-capturing activity during the Golden Plover and Song Thrush season.

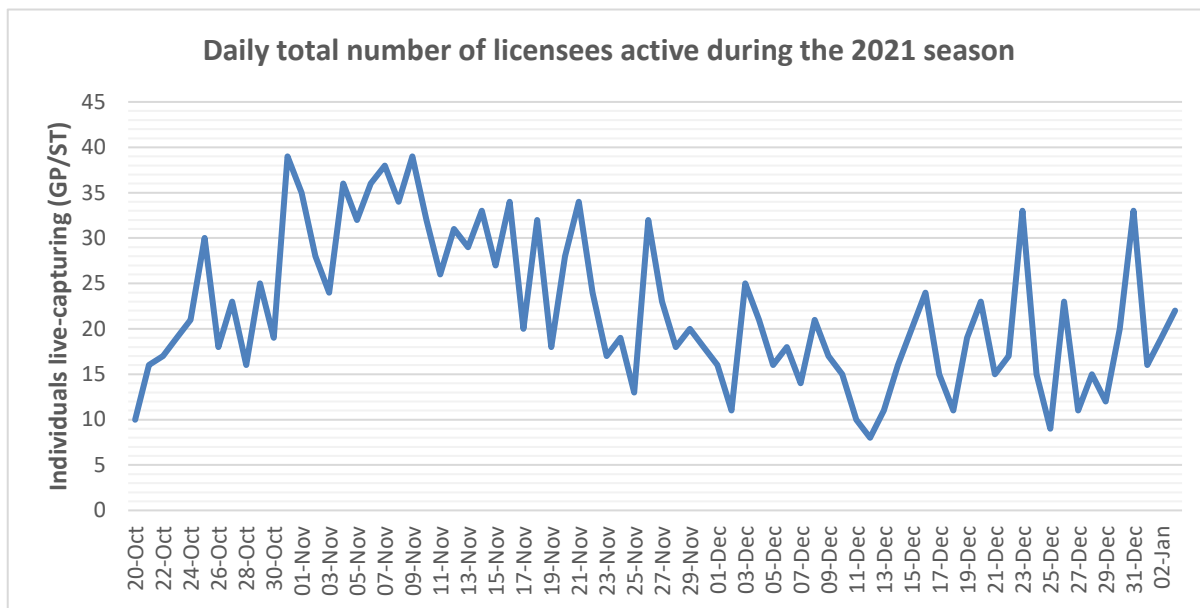


FIGURE 1 - LIVE-CAPTURING ACTIVITY DURING THE OPEN SEASON

5.3 Licensees were also asked to specify, on their application form, which species they were targeting on each day. A total of 1,020 individuals indicated that they were live-capturing for both species during the season; 120 individuals only sought to live-capture Golden Plover and 224 individuals only sought to live-capture Song Thrush. Figure 3 and Figure 2 extrapolate the total amount of individuals practicing live-capturing for Golden Plover and Song Thrush respectively.

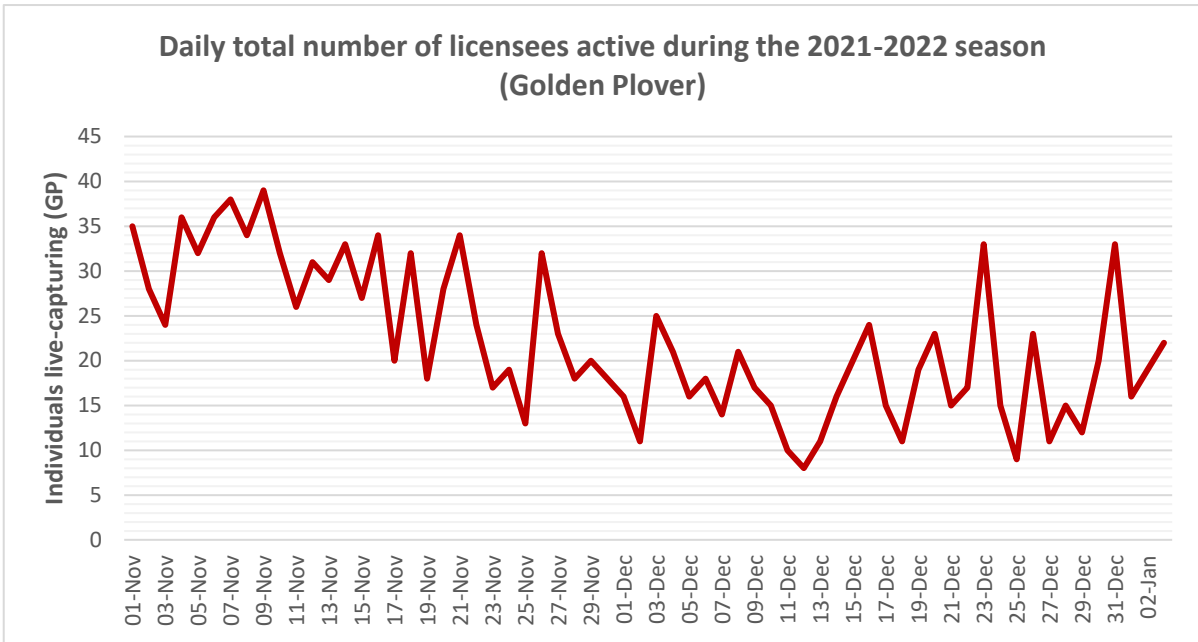


FIGURE 3 - LIVE-CAPTURING ACTIVITY FOR GOLDEN PLOVER DURING THE OPEN SEASON

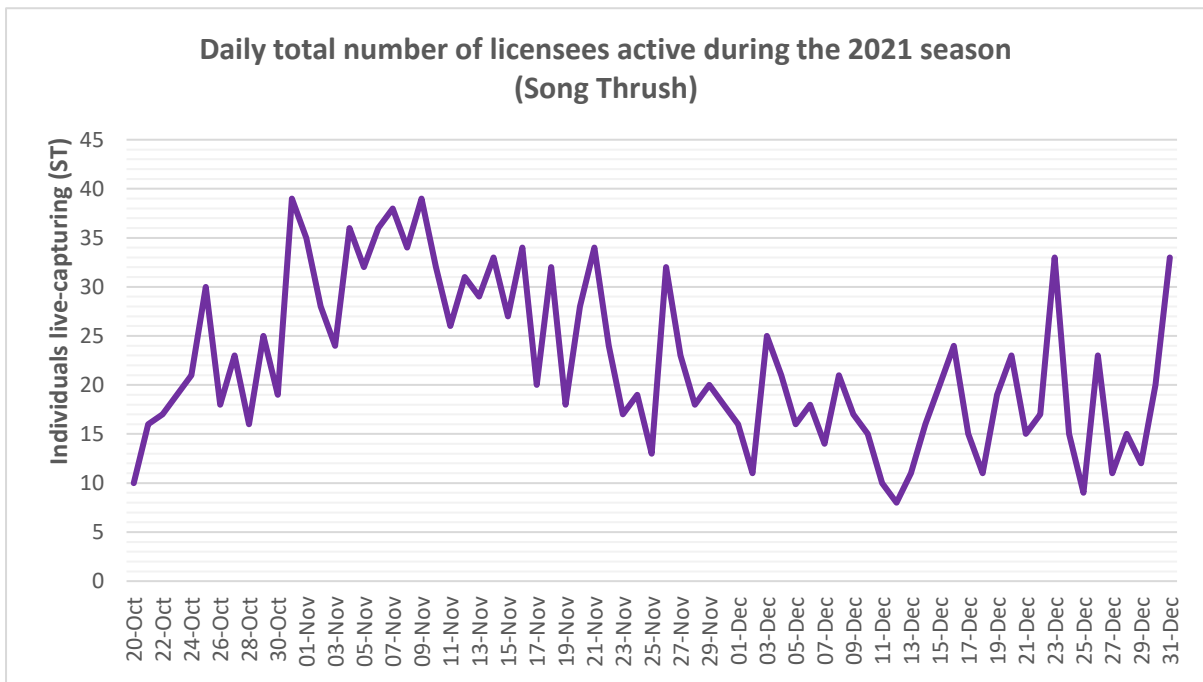


FIGURE 2 - LIVE-CAPTURING ACTIVITY FOR SONG THRUSH DURING THE OPEN SEASON

6. REAL-TIME GAME REPORTING SYSTEM

6.1 In accordance with the provisions of Regulation 7(m) of the Conservation of Wild Birds (Framework for Allowing an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (S.L. 549.74), licensed live-capturers are obliged to immediately report the birds caught to the Wild Birds Regulation Unit’s Game Reporting System either by calling or through a mobile app, as indicated in the Special

Licence. Upon making the call, the licensee would follow voice prompts through the reporting procedure. Song Thrush was assigned code one (1) whilst Golden Plover was assigned code two (2). Live-catchers were required to notify the species caught and the quantity. Once a telephonic report was confirmed, the live-catcher received a confirmation SMS containing the details of his report. This SMS was to be retained throughout the season for inspection by enforcement officers, who also had access to the game reporting system to verify the total number of birds caught by the licensee from the start of the season up to the time of last spot-check. Only the holders of a special live-capturing licence could access the system, which rejected all calls from land lines and any calls from mobile phone numbers that were not registered to a particular licensee. In early 2021, the telephonic game reporting system was further improved through the introduction of a game reporting mobile application. This app is linked to the same central database used for the telephonic Game Reporting System which hosts details of licensees and reported game caught. Users are required to login to this app through the government's eID system which allows the app to identify the person and relay their respective licences. Through the app, authorized users can report any game caught in order to fulfil their legal obligations and allows the users to view all their past game reports which are also used as proof of reporting to enforcement authorities during field inspections.

- 6.2 Throughout the duration of the derogation, the Wild Birds Regulation Unit monitored the national quota uptake for both species in real time as well as the total number of birds reported caught per species at any given time, including detailed information pertaining to the precise time of each report.
- 6.3 All data was compiled in a database, which created two reports. The first report included the mobile numbers that registered a catch together with the associated date, time, species and quantities. The second report consisted of daily catches per species and the respective cumulative totals. These reports were closely monitored throughout the season, with a view to keeping track of various variables, including the total number of birds per species caught per day and the national bag limits.
- 6.4 During the 2021 live-capturing season, a total of 700 Golden Plovers were declared caught, which is the same number of Golden Plovers reported during the 2020_(n=700) live-capturing season. A total of 1,006 Song Thrushes were declared caught in 2021, which is 35.3% more than the number of Song Thrushes reported during the same period in 2020_(n=651).
- 6.5 The national quota of 700 Golden Plovers was reached on 3 January 2022 at 17:00hrs. All licensees were informed to stop all their activity through bulk SMS, social media

(WBRU Facebook page) and through Government Notice 21 published in the Government Gazette no. 20,765¹⁷.

6.6 Table 3 below lists daily catches of Golden Plover and Song Thrush reported during the 2021 season in comparison to the corresponding catches reported during the 2015–2020 seasons.

TABLE 3 DAILY CATCHES OF GOLDEN PLOVER AND SONG THRUSH: COMPARISON BETWEEN THE 2015–2021 SEASONS.

Date	2021 Season		2020 Season		2019 Season		2018 Season		2017 Season		2016 Season		2015 Season	
	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST	GP	ST
20-Oct	-	12	-	25	-	4	0	7	0	0	0	1	0	0
21-Oct	-	14	-	38	-	16	0	14	0	0	0	2	0	0
22-Oct	-	9	-	12	-	46	0	8	0	0	0	2	0	2
23-Oct	-	16	-	5	-	32	0	6	0	3	0	2	0	0
24-Oct	-	19	-	29	-	8	0	14	0	4	0	2	0	2
25-Oct	-	17	-	22	-	29	2	25	0	3	0	13	0	6
26-Oct	-	24	-	9	-	34	0	28	0	5	0	5	0	11
27-Oct	-	33	-	6	-	30	0	34	0	6	0	11	0	8
28-Oct	-	13	-	11	-	33	0	13	0	15	0	2	0	7
29-Oct	-	21	-	17	-	20	0	8	0	4	0	2	0	8
30-Oct	-	22	-	17	-	16	0	13	0	3	0	7	0	8
31-Oct	-	34	-	33	-	14	2	8	0	4	0	12	1	2
01-Nov	2	37	0	24	0	25	0	11	0	2	0	4	0	1
02-Nov	1	34	0	25	0	27	1	23	0	9	0	16	1	6
03-Nov	4	25	0	28	0	22	0	17	0	7	0	5	2	10

¹⁷Government Notice 21 published in the Government Gazette no. 20,765, available at: <https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2022/01/Government%20Gazette%20-%2011th%20January.pdf>

04-Nov	5	34	0	6	0	32	0	19	0	3	0	8	0	11
05-Nov	11	26	3	18	0	19	1	7	0	4	0	11	0	7
06-Nov	4	26	6	23	0	12	0	13	0	10	0	5	0	8
07-Nov	2	42	0	26	0	19	1	10	0	5	0	5	0	9
08-Nov	0	42	2	18	0	16	0	17	0	7	0	2	0	6
09-Nov	4	38	10	16	3	5	0	15	0	7	0	4	0	9
10-Nov	4	34	1	8	1	17	0	7	0	1	0	1	0	4
11-Nov	8	10	0	13	0	3	3	12	0	0	0	2	0	7
12-Nov	6	26	0	2	9	0	0	15	1	0	1	6	0	4
13-Nov	2	34	5	1	5	9	2	7	1	2	4	7	0	3
14-Nov	8	17	2	2	3	13	2	8	0	4	8	6	2	3
15-Nov	3	18	8	1	0	11	0	14	0	1	12	2	1	7
16-Nov	2	23	0	1	2	3	0	6	1	5	5	7	0	1
17-Nov	1	13	2	0	0	30	16	11	2	3	5	5	1	2
18-Nov	4	31	0	7	1	4	11	10	0	5	7	4	4	1
19-Nov	9	10	1	1	1	7	1	7	0	1	2	5	1	1
20-Nov	8	27	46	0	1	9	2	6	0	7	4	5	0	1
21-Nov	3	17	15	8	0	10	2	4	0	0	4	5	0	1
22-Nov	8	7	4	7	1	12	0	7	0	4	5	3	0	2
23-Nov	4	5	20	4	9	4	6	2	0	1	1	1	1	7
24-Nov	9	5	9	11	5	12	22	7	0	2	3	3	2	21
25-Nov	9	0	39	4	25	0	4	2	0	0	0	2	3	3
26-Nov	20	11	6	1	20	10	12	5	1	0	2	0	2	2
27-Nov	19	5	7	0	21	5	6	5	1	2	0	0	6	3

28-Nov	10	9	6	3	9	4	7	0	0	0	3	4	7	4
29-Nov	8	4	17	8	8	6	8	0	0	2	5	0	10	2
30-Nov	8	5	38	3	46	2	8	11	0	0	7	4	14	1
01-Dec	11	4	6	0	34	4	3	1	1	2	12	0	5	3
02-Dec	4	4	53	1	17	3	8	9	0	0	1	0	1	1
03-Dec	14	6	41	1	9	1	5	1	2	1	8	0	5	0
04-Dec	21	6	14	9	7	7	5	0	1	2	5	1	6	0
05-Dec	4	17	10	2	9	3	3	0	1	6	1	0	4	2
06-Dec	16	3	38	5	15	5	9	2	4	0	8	2	6	3
07-Dec	6	5	32	2	18	3	2	1	8	0	8	3	4	2
08-Dec	13	7	16	6	28	3	5	5	2	3	11	0	4	1
09-Dec	17	2	23	5	8	6	4	1	14	10	5	3	3	2
10-Dec	23	8	9	4	21	0	3	0	3	0	4	7	3	0
11-Dec	19	1	8	7	9	3	2	0	6	0	8	2	6	3
12-Dec	1	9	23	4	21	9	6	3	3	0	3	0	7	4
13-Dec	5	10	25	13	19	4	3	2	0	2	7	0	10	3
14-Dec	13	4	2	7	0	2	5	11	10	0	6	0	3	1
15-Dec	10	7	3	10	22	10	3	0	0	0	0	0	1	0
16-Dec	35	10	13	11	8	8	3	0	2	0	15	0	6	3
17-Dec	14	4	10	7	16	0	3	0	13	3	2	0	16	0
18-Dec	8	3	5	2	14	9	14	0	7	0	7	1	4	1
19-Dec	25	5	2	18	8	3	1	3	0	0	6	5	12	0
20-Dec	27	8	6	4	7	0	5	0	1	1	9	0	3	1
21-Dec	18	2	10	6	11	0	4	0	3	0	4	0	7	1

22-Dec	32	0	23	5	20	0	4	0	12	0	2	0	6	2
23-Dec	38	3	12	2	4	0	2	1	9	2	4	1	3	4
24-Dec	12	8	16	5	10	0	1	0	20	3	21	2	4	4
25-Dec	4	0	8	6	12	2	2	0	6	0	6	0	5	0
26-Dec	15	7	2	5	10	2	4	4	7	0	13	3	7	0
27-Dec	12	2	9	7	15	4	3	2	3	0	2	3	14	1
28-Dec	20	3	8	1	8	1	2	3	7	1	16	0	16	0
29-Dec	10	0	0	1	20	0	0	1	2	0	2	2	18	2
30-Dec	26	4	3	0	11	0	0	5	12	0	4	1	20	2
31-Dec	14	5	8	2	7	0	0	0	1	6	19	1	54	1
01-Jan	11	-	3	-	10	-	-	-	-	-	-	-	-	-
02-Jan	4	-	4	-	19	-	-	-	-	-	-	-	-	-
03-Jan	12	-	5	-	2	-	-	-	-	-	-	-	-	-
04-Jan	-	-	3	-	15	-	-	-	-	-	-	-	-	-
05-Jan	-	-	-	-	5	-	-	-	-	-	-	-	-	-
06-Jan	-	-	-	-	10	-	-	-	-	-	-	-	-	-
07-Jan	-	-	-	-	9	-	-	-	-	-	-	-	-	-
08-Jan	-	-	-	-	22	-	-	-	-	-	-	-	-	-
09-Jan	-	-	-	-	12	-	-	-	-	-	-	-	-	-
10-Jan	-	-	-	-	8	-	-	-	-	-	-	-	-	-
Total	700	1006	700	651	700	722	233	511	167	183	297	230	321	248

6.7 During the 2021 season, the total number of Song Thrush captured was substantially lower than the permitted national bag limit while the national bag limit for Golden Plover was reached. In the case of Golden Plover, the total number of 700 live-captured birds equates to 100% of the limit permitted by law (700). In the case of Song Thrush, the total number of 1,006 birds declared captured amounts to 20% of the total bag limit

permitted by law (5,000). Table 4 below represents the number of birds reported by licensees.

TABLE 4 BREAKDOWN OF CATCHES BY NUMBER OF REPORTS MADE

Number of birds declared caught throughout season	Number of licensed live-catchers
0	1,034
1	35
2	57
3	46
4	34
5	25
6	22
>6	111
Total	1,364

7. MIGRATION STUDY

7.1 As was the case in previous years, in agreement with the European Commission, an independent scientific study on the migration of Golden Plovers and Song Thrushes over the Maltese Islands was carried out between 15 October 2021 and 15 January 2022, both dates included. This study, which sought to obtain an estimate of migratory influxes of the two species, overlapped with the 2021 autumn/winter live-capturing season, that is, 20 October 2021 to 31 December 2021 for Song Thrush and 01 November 2021 to 10 January 2022 for Golden Plover. The migration study for Golden Plover continued until 15 January 2022, as per contractual agreement, notwithstanding that the national bag limit for Golden Plover was reached on 3 January 2022 and hence the live-capturing season was closed on this date. The study carried out by Ecoserv (2022) was commissioned by the Wild Birds Regulation Unit through an open tendering procedure.

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

1. Daily datasheets with raw counts for Golden Plover and Song Thrush.
2. A monitoring report for the autumn/winter 2021/2022 migration season which includes:
 - a. List of monitoring stations which recorded high/low counts.

- b. Dates which showed high/low peaks in the migration of each of the bird species.
- c. A daily estimate of the influx of each of the bird species for the whole of the Maltese Islands.
- d. The estimated total influx for these species for the whole of the study period, subject to scientifically justified assumptions.
- e. A comparative analysis of the results obtained during the past studies; and
- f. A comparative assessment of the results obtained with the bag data extracted from telephonic and mobile app reports for 2021/2022.

7.3 The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (Malta, Gozo and Comino), with data gathered during a period of 93 days, between 15 October 2021 and 15 January 2022. 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 sea transport services to Comino were unavailable due to inclement weather, count surveys were undertaken at an alternative site instead. Golden Plover and Song Thrush counts obtained across this network of observation stations over the survey period are given in Table 5.

TABLE 5 TOTAL DAILY COUNTS OF GOLDEN PLOVERS AND SONG THRUSHES COMPILED THROUGH THE AUTUMN 2021/2022 MIGRATION STUDY

Date	Total daily counts	
	Golden Plover	Song Thrush
15-Oct-21	0	2
16-Oct-21	0	10
17-Oct-21	0	4
18-Oct-21	0	7
19-Oct-21	0	95

20-Oct-21	0	139
21-Oct-21	0	18
22-Oct-21	0	19
23-Oct-21	0	11
24-Oct-21	0	16
25-Oct-21	0	8
26-Oct-21	0	61
27-Oct-21	1	105
28-Oct-21	0	59
29-Oct-21	0	57
30-Oct-21	0	26
31-Oct-21	0	32
1-Nov-21	0	34
2-Nov-21	0	11
3-Nov-21	0	16
4-Nov-21	0	3
5-Nov-21	0	25
6-Nov-21	0	3
7-Nov-21	0	18
8-Nov-21	0	50
9-Nov-21	0	41
10-Nov-21	0	11
11-Nov-21	12	16
12-Nov-21	2	15
13-Nov-21	2	35
14-Nov-21	1	10
15-Nov-21	0	12
16-Nov-21	0	7
17-Nov-21	7	4
18-Nov-21	9	7
19-Nov-21	4	0
21-Nov-21	3	8
21-Nov-21	2	30
22-Nov-21	0	3
23-Nov-21	2	0
24-Nov-21	8	4
25-Nov-21	5	1
26-Nov-21	4	1
27-Nov-21	12	0

28-Nov-21	2	2
29-Nov-21	0	5
30-Nov-21	5	0
1-Dec-21	1	0
2-Dec-21	8	2
3-Dec-21	2	5
4-Dec-21	4	1
5-Dec-21	6	3
6-Dec-21	3	1
7-Dec-21	3	2
8-Dec-21	3	1
9-Dec-21	6	6
10-Dec-21	4	1
11-Dec-21	9	1
12-Dec-21	3	2
13-Dec-21	2	0
14-Dec-21	2	0
15-Dec-21	1	7
16-Dec-21	0	6
17-Dec-21	0	2
18-Dec-21	1	0
19-Dec-21	5	2
20-Dec-21	2	1
21-Dec-21	3	1
22-Dec-21	1	3
23-Dec-21	16	0
24-Dec-21	1	0
25-Dec-21	37	1
26-Dec-21	3	3
27-Dec-21	2	3
28-Dec-21	1	0
29-Dec-21	0	0
30-Dec-21	6	0
31-Dec-21	3	2
01-Jan-22	1	2
02-Jan-22	0	0
03-Jan-22	5	0
04-Jan-22	0	4
05-Jan-22	0	2

06-Jan-22	2	4
07-Jan-22	3	0
08-Jan-22	0	1
09-Jan-22	5	0
10-Jan-22	0	2
11-Jan-22	4	0
12-Jan-22	30	3
13-Jan-22	0	1
14-Jan-22	0	5
15-Jan-22	2	6
Total counts	271	1127

- 7.6 Raw daily counts for Golden Plover recorded from the 21 sites during the present study varied between 0 and a maximum of 30, while the mean daily counts ranged between 0 and 6.17. Most of the counts for this species were recorded between early November and early January, with a period of higher counts between mid-November and early January. The total counts, i.e. the total number of Golden Plover individuals recorded from a given grid location (= study site) during the whole study period (93 days), varied appreciably between the different sites: at the lower end, no individuals were recorded throughout the survey period from the site at grid locations 5663, while at the higher end, 38 individuals were recorded from the site at grid location 4268.
- 7.7 Raw daily counts for Song Thrush recorded from the 21 sites during the present study varied between 0 and a maximum of 90, while the mean daily counts ranged between 0 and 23.17. Higher counts were recorded between late October and mid-November, with low counts recorded during the rest of the survey period. The total count, i.e. the total number of Song Thrush individuals recorded from a given grid location (= study site) during the whole study period (93 days), varied appreciably between the different sites: at the lower end 14 individuals were recorded throughout the survey period from the site at grid location 4480, while at the higher end 164 individuals were recorded from the site at grid location 3292.
- 7.8 Overall, count values for Golden Plover from the autumn/winter 2021 survey show a similar trend to those recorded in the previous autumn surveys, with higher count values recorded during the period mid-November to early January (Figure 4). Overall, count values for Song Thrush from the present (autumn/winter 2021) survey show a similar trend to those recorded in the previous autumn surveys, with higher count values recorded during the period late October to mid-November (Figure 5).

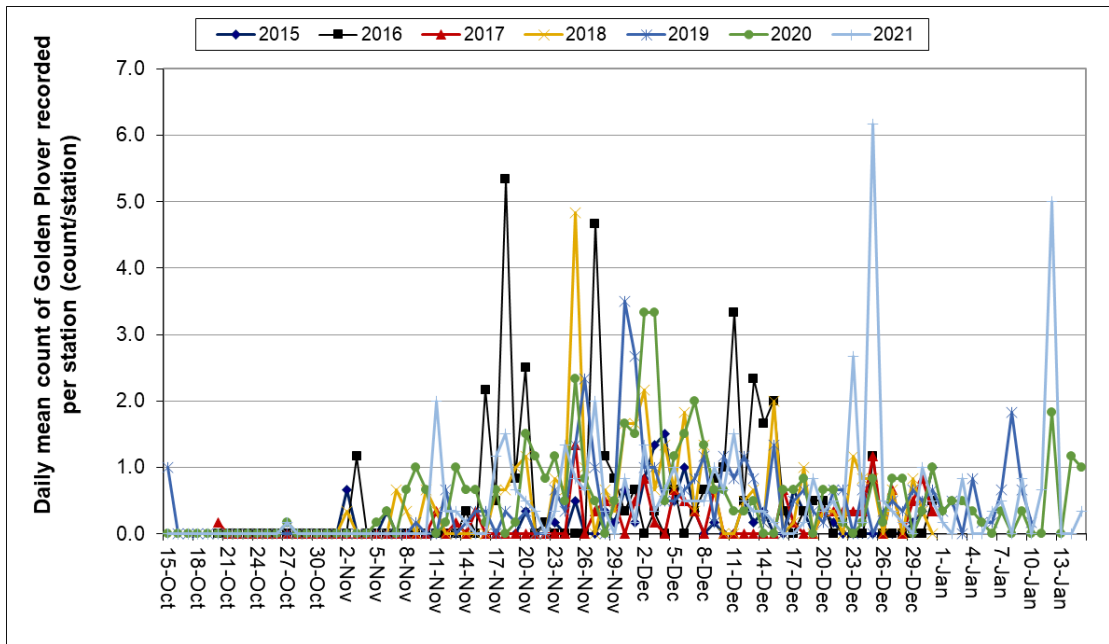


FIGURE 4 DAILY MEAN COUNTS OF GOLDEN PLOVER PER STATION (= SITE) RECORDED BETWEEN 15 OCTOBER AND 15 JANUARY DURING THE PRESENT (2021) AND 2020 SURVEYS, BETWEEN 15 OCTOBER 2019 AND 10 JANUARY 2020 DURING THE 2019 SURVEY, AND BETWEEN 20 OCTOBER AND 31 DECEMBER DURING PREVIOUS (2014, 2015, 2016, 2017, 2018)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

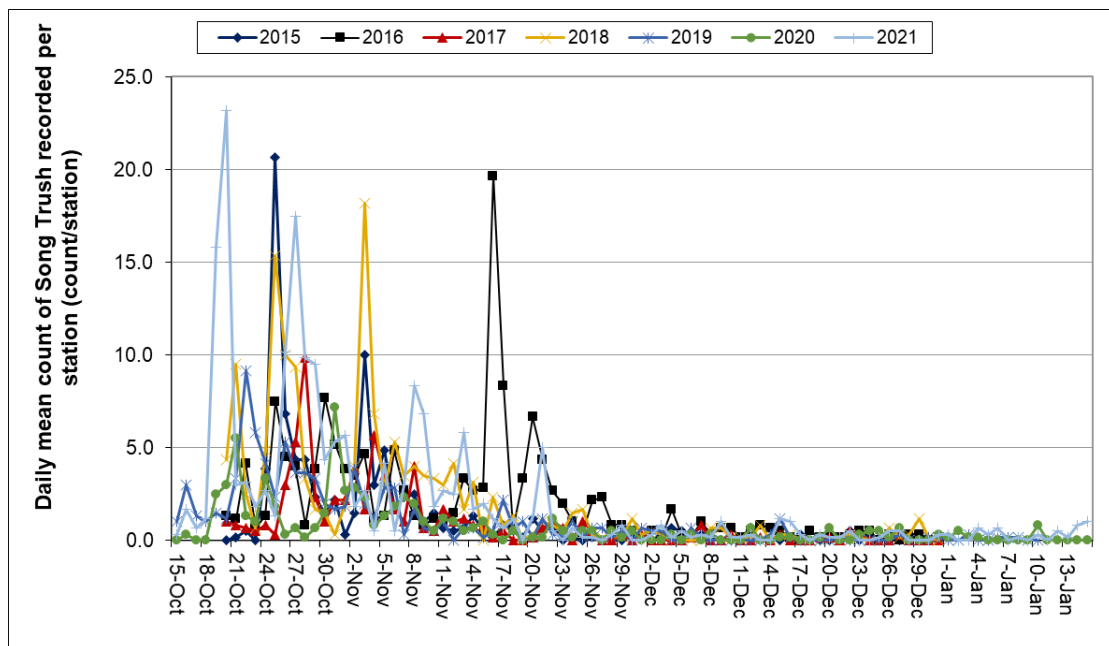


FIGURE 5 DAILY MEAN COUNTS OF SONG THRUSH PER STATION (= SITE) RECORDED BETWEEN 15 OCTOBER AND 15 JANUARY DURING THE PRESENT (2021) AND 2020 SURVEYS, BETWEEN 15 OCTOBER 2019 AND 10 JANUARY 2020 DURING THE 2019 SURVEY, AND BETWEEN 20 OCTOBER AND 31 DECEMBER DURING PREVIOUS (2014, 2015, 2016, 2017, 2018)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

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

TABLE 6 DAILY COUNTS AND EXTRAPOLATED DATA

	Daily counts		Extrapolated data		
	Min	Max	Daily Min	Daily Max	Total estimated influx over survey period
Golden Plover	0	30	0	3,345	24,498
Song Thrush	0	90	0	12,567	101,885

8. COMPARISON BETWEEN MIGRATORY STUDY DATA AND GAME REPORTING DATA

- 8.1 A comparative analysis of the results obtained during the 2021/2022 Golden Plover and Song Thrush migration study with the game reporting data for the 2021/2022 derogation period was carried out. It should be stated from the outset that the two sets of data were collected for different purposes, using very different methodologies, and therefore the magnitudes of the values are not directly comparable. However, the temporal trends can be expected to follow similar patterns, that is, periods when higher mean daily counts were recorded during the survey should broadly correspond to dates when higher numbers of Golden Plovers and Song Thrushes were captured (and reported in the bag data) in the same year (2021/2022). 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, 2022).
- 8.2 Graphical representations of the mean daily counts made during the 2021 migration survey and the daily bag counts for the same time period (15 October 2021 – 15 January 2022) for each of the two bird species were prepared to compare temporal trends among the two different datasets. In a graphical plot showing daily counts, a high variation in counts from day to day may overshadow temporal trends over the two-month period. To aid visual interpretation, a second set of analyses was undertaken by computing a moving average using a rolling five day period for the time series count data. This has the effect of smoothing out the day-to-day fluctuations and hence making longer-term trends in mean daily counts or daily bag counts more apparent, thus facilitating visual interpretation of temporal trends. Note that the analyses based on a moving average do not replace those based on the raw daily counts. Rather, the graphical representations showing a five day moving average should be seen in conjunction with those based on daily counts, which are also presented. (Ecoserv, 2022).

Golden Plover

- 8.3 The daily bag counts indicating the number of Golden Plover caught during the 2021 live-capturing season and the mean daily counts of the same species made during the present (2021) survey are shown in

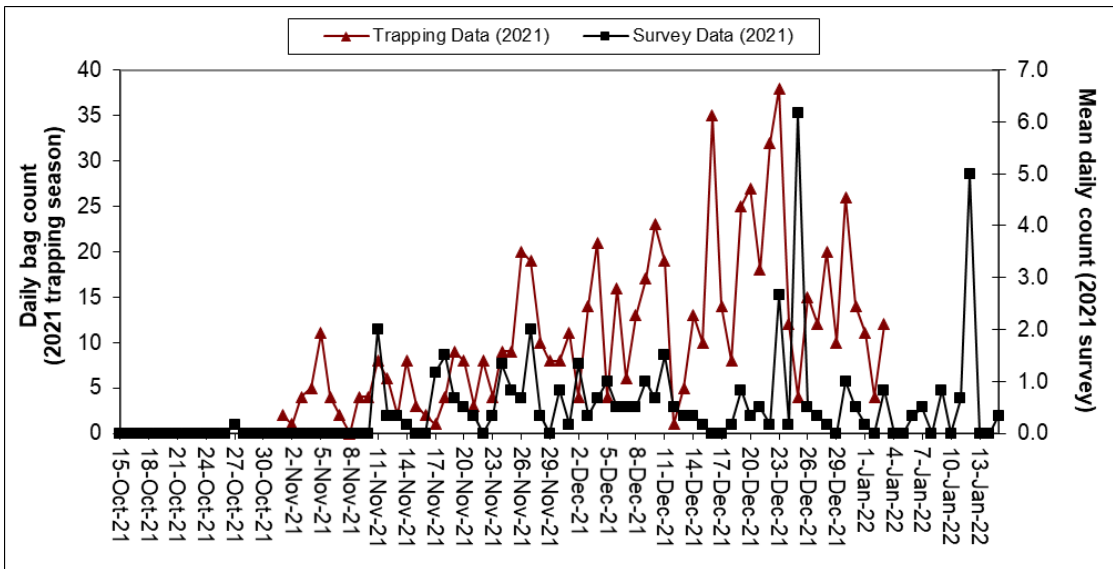


Figure 6, while Figure 7 presents the five day moving average computed from these data. As already noted, the magnitude of the bag counts and those of the mean counts made in the 2021 survey are not directly comparable; consequently, the two (2) sets of values are on different scales. Therefore, in

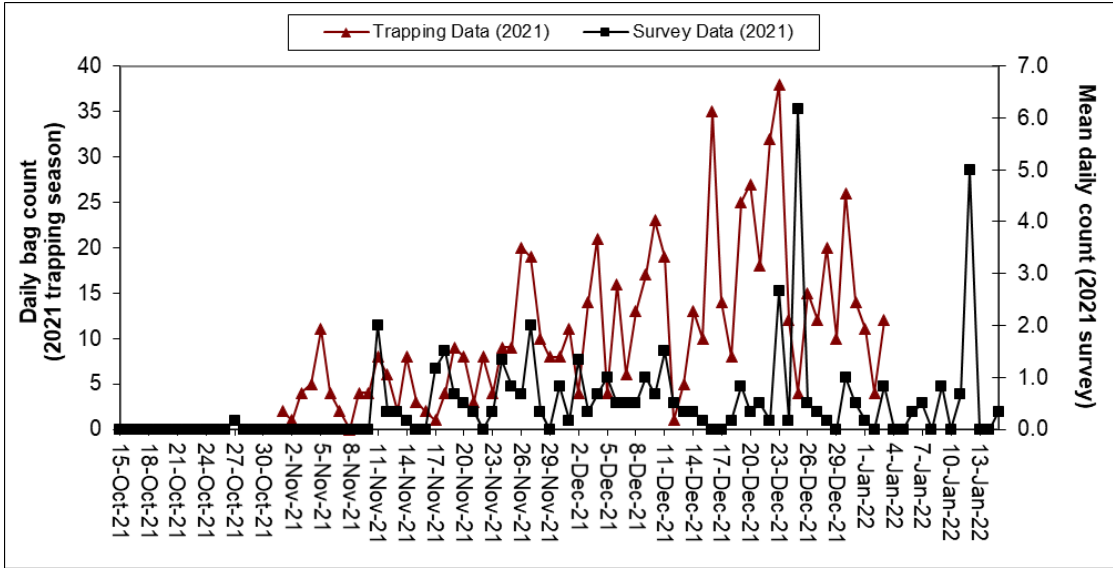


Figure 6 Figure 7, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2021 survey are plotted on the right-side y-axis.

8.4 Overall, the daily counts made during the 2021 survey were low until early November and then increased until early January, with a peak count on 25 December and a second peak on 12 January. Bag counts in 2021 were nil throughout October when the season was not open, low in early November and increased between mid-November and early January, with peaks on 16 and 23 December. Thus, the general trend observed in the bag counts for 2021 and the daily counts recorded during the 2021 survey is of higher counts starting in mid-November and continuing until early January, with peaks towards the end of December.

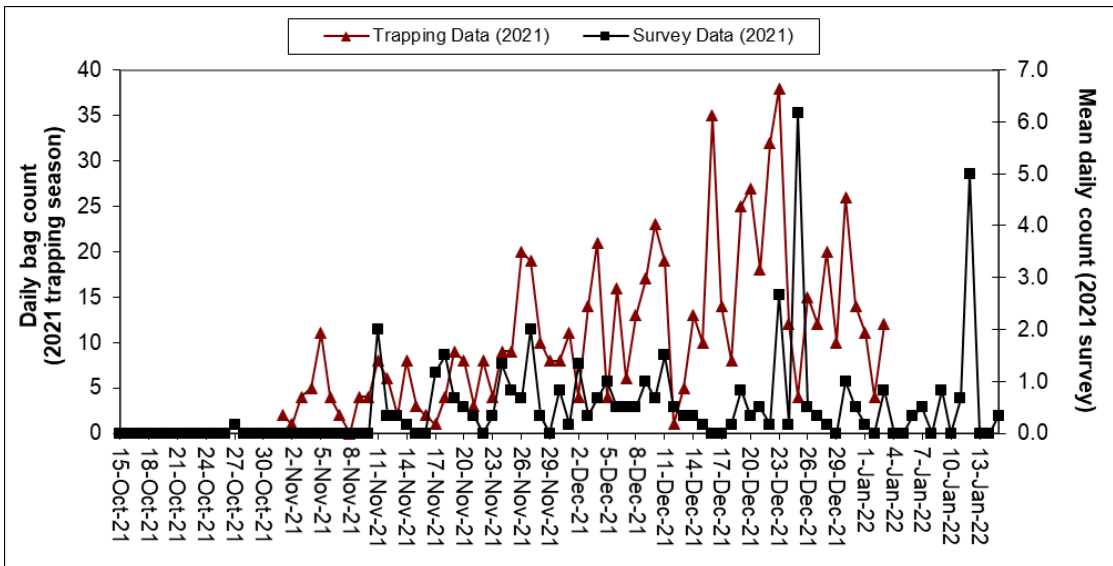


Figure 6 daily bag count of golden plover for the period 01 November 2021 to 03 January 2022 (red line; values on left-side y-axis), together with the mean daily counts recorded during the present 2021 migration survey (black line; values on right-side y-axis) for the period 15 October 2021 to 15 January 2022.

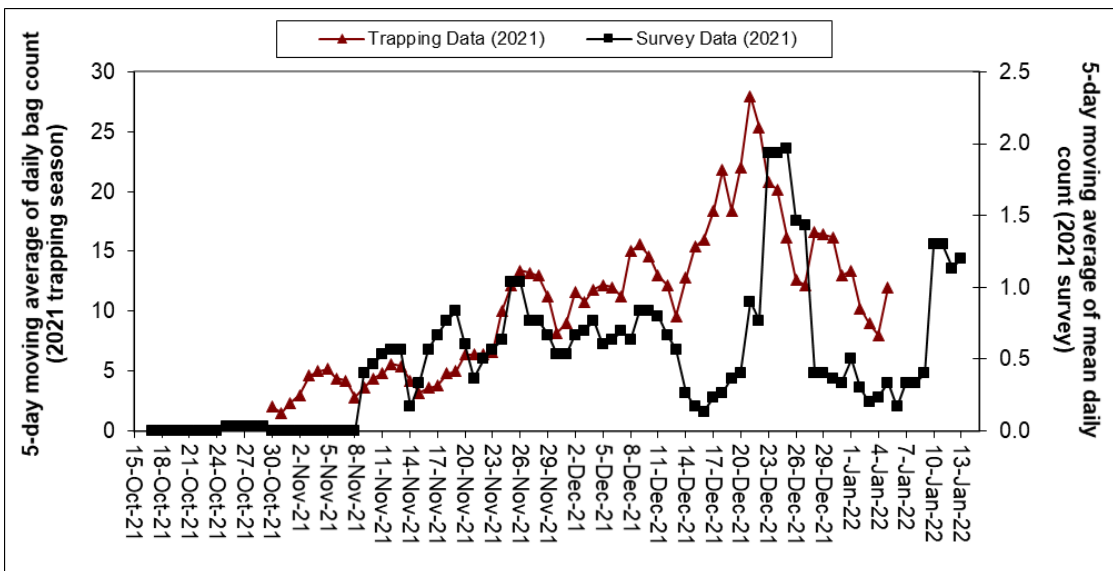


Figure 7 Moving average based on a 5-day rolling time period of the daily bag counts of golden plover for the period 01 November 2021 to 03 January 2022 (red line; values on left-side y-axis), together with the moving average for the mean daily counts recorded during the 2021 migration survey (black line; values on right-side y-axis) for the period 15 October 2021 to 15 January 2022.

Song Thrush

8.5 The daily bag counts indicating the number of Song Thrush caught during the 2021 live-capturing season and the mean daily counts of the same species made during the present (2021) survey are shown in Figure 8, while Figure 9 presents the 5-day moving average computed from these data. As already noted, the magnitude of the bag counts and those of the mean counts made in the 2021 survey are not directly comparable, consequently the two sets of values are on different scales. Therefore, in Figure 8 - Figure 9, two separate y-axes are used: the bag count data are plotted on the left-side y-axis, whereas the counts from the 2021 survey are plotted on the right-side y-axis.

8.6 Overall, the highest daily counts made during the present 2021 survey occurred between mid-October and early November, with counts declining thereafter; most days in December and January were characterised by low or zero counts. The highest bag counts in 2021 occurred between late October and late November, with lower bag counts reported thereafter until the end of December. Thus, the general trend observed in the bag counts for 2021 and the daily counts recorded during the 2021 survey is of higher counts in the earlier part of the live-capturing season, but the highest counts reported during the 2021 survey occurred at the end of October while the peak bag counts were reported in early November.

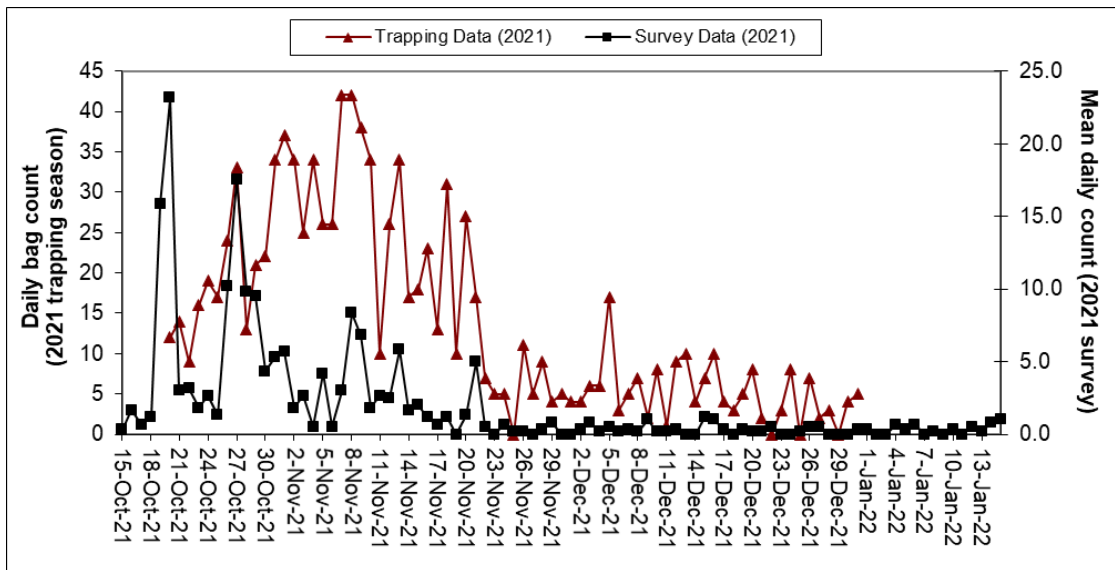


FIGURE 8 DAILY BAG COUNT OF SONG THRUSH FOR THE PERIOD 20 OCTOBER 2021 TO 31 DECEMBER 2021 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MEAN DAILY COUNTS RECORDED DURING THE PRESENT 2021 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2021 TO 15 JANUARY 2022.

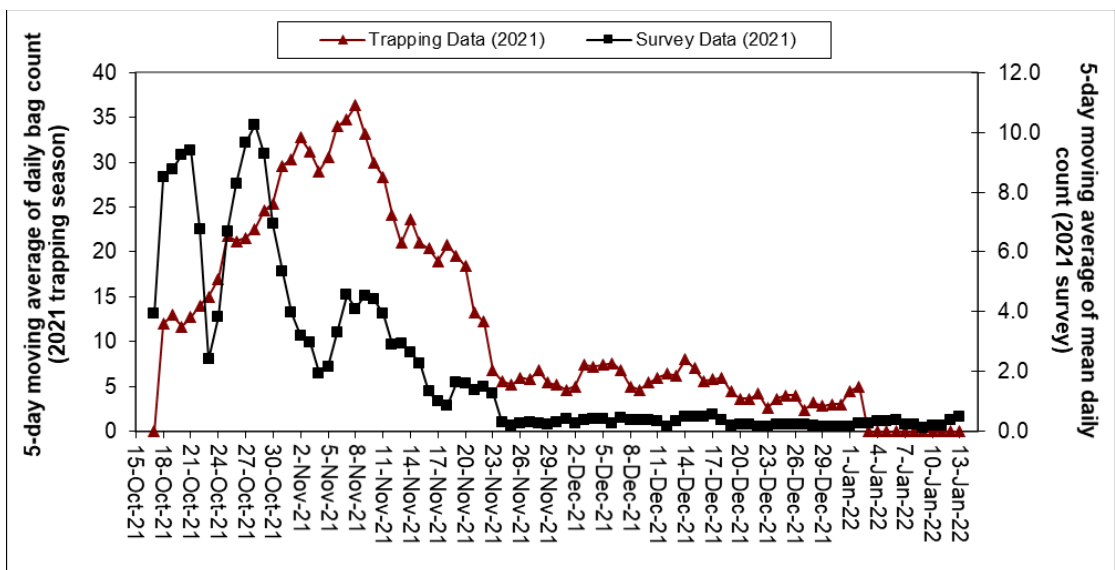


FIGURE 9 MOVING AVERAGE BASED ON A 5-DAY ROLLING TIME PERIOD OF THE DAILY BAG COUNTS OF SONG THRUSH FOR THE PERIOD 01 NOVEMBER 2021 TO 03 JANUARY 2022 (RED LINE; VALUES ON LEFT-SIDE Y-AXIS), TOGETHER WITH THE MOVING AVERAGE FOR THE MEAN DAILY COUNTS RECORDED DURING THE 2021 MIGRATION SURVEY (BLACK LINE; VALUES ON RIGHT-SIDE Y-AXIS) FOR THE PERIOD 15 OCTOBER 2021 TO 15 JANUARY 2022.

- 8.7 Although the sampling effort deployed during the study was incomparably smaller than the number of live-capturers active in the field, the trends of observed migration of both species and the trends of reported catches followed an overall similar pattern, with peak reports of catches largely coinciding with the peaks in observations, and vice versa – days with the lowest observations were also days when fewer catches were reported. This close similarity of trends indicates that notwithstanding variations that occurred due to varying sampling effort and methodologies, the reports of catches are overall 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 67 attendees¹⁸ were trained in basic field ornithology and avian ecology, as well as on the relevant regulations and licence conditions, inspection techniques, principles of surveillance as well as counter-poaching operations and wildlife crime detection and prosecution techniques.

Overall deployment and field surveillance

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

¹⁸ The majority of officers deployed attended the training in person whilst those who could not attend were briefed by their superiors who attended the training.

by separate police officers and that spot-checks within each region in Malta and Gozo shall be carried out daily.

*Added by:
L.N. 333 of 2018.*

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



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

9.4 During the autumn 2021 live-capturing season, the enforcement authorities deployed a total overall complement of 76 officers to oversee and supervise the parameters of the derogation (Table 7 Deployment of enforcement officers during the autumn 2020 live-capturing season Table 7).

TABLE 7 DEPLOYMENT OF ENFORCEMENT OFFICERS DURING THE AUTUMN 2020 LIVE-CAPTURING SEASON

Entity	Number of officers	Duties
Environment Protection Unit (EPU) of the Police	20	Field patrols, surveillance, inspections, investigations and prosecution.
District police officers seconded to the EPU	10	
Gozo police	15	
Armed Forces of Malta	10	Field patrols and surveillance

Environmental rangers	15	Patrols in Terrestrial Natura 2000 sites, other protected and scheduled areas and public ODZ sites, reporting illegal activities to Police
Wild Birds Regulation Unit	6	Verification of compliance with registration conditions; assistance to police in prosecution processes, other expert services
Total	76	

- 9.5 Police (EPU, District and Gozo police) and Armed Forces of Malta officers maintained a daily field deployment, the daily field deployment ranged between a maximum of 59 officers and a minimum of 40 **Error! Bookmark not defined.** officers in the field at any point in time from 05:00hrs to 15:00hrs and a maximum of 56 officers and a minimum of 36 officers in the field at any point in time from 15:00hrs to 21:00hrs. This includes all other non-field staff assigned on-duties related to the supervision of the live-capturing season but excludes field staff on shift rotation. In addition to this complement, the 15 Environmental rangers were deployed on a twelve-hour shift from 06:30hrs to 18:30hrs on patrols in Terrestrial Natura 2000 sites, other protected and scheduled areas and public ODZ sites, whilst WBRU officers were active daily from 07:15hrs to 16:00hrs as well as on-call during other hours. These officers reported illegal activities directly to Police.
- 9.6 During the period of the derogation, enforcement officers carried out a total of 3,884 spot-checks (3,152 in Malta and 732 in Gozo) on individual licensees. Table 8 lists the number of enforcement officers deployed, number of spot-checks on individual live capturers per region, offences detected, and persons charged.

TABLE 8 DAILY ENFORCEMENT STATISTICS DURING THE AUTUMN 2021 LIVE-CAPTURING SEASON

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
20/10/2021	35	12	32	9	7	1	5	7	19	4	15	1	1	1				
21/10/2021	37	9	33	9	1	1	25	2	4	5	4	1	13	5				
22/10/2021	38	9	35	9	14	1	13	1	11	4	3	3	1	1				
23/10/2021	35	9	31	9	3	1	4	9	9	1	5	5	11	12				
24/10/2021	38	11	35	11	5	1	21	9	11	1	5	7	4	7				
25/10/2021	37	9	30	10	6	1	5	25	1	1	7	1	2	3				
26/10/2021	33	12	30	13	5	1	8	11	15	1	6	1	2	4				
27/10/2021	35	11	30	11	1	1	12	1	16	1	2	2	1	1				
28/10/2021	35	10	33	10	1	2	1	3	11	15	4	1	15	6				
29/10/2021	36	13	34	13	6	1	11	2	5	3	5	1	11	7				
30/10/2021	35	9	32	5	4	2	7	1	19	3	1	2	1	5				

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
31/10/2021	38	14	35	14	3	7	11	3	11	16	7	4	4	1				
01/11/2021	35	13	30	13	5	3	11	3	5	6	8	3	6	1				
02/11/2021	35	13	31	13	9	7	9	6	2	2	4	3	1	1				
03/11/2021	36	11	34	12	5	3	8	4	6	7	1	1	1	4				
04/11/2021	37	12	34	12	7	9	2	5	12	11	8	1	4	1				
05/11/2021	35	11	30	11	9	12	9	4	11	9	7	6	6	1				
06/11/2021	37	13	33	11	15	9	14	1	17	5	1	1	5	1	1 Use of illegal means ¹⁹		1 Administrative fine	
07/11/2021	35	13	30	13	11	3	19	6	9	17	1	1	2	1				
08/11/2021	35	12	30	12	7	5	9	6	3	3	7	5	4	4				
09/11/2021	36	12	33	12	9	3	4	11	15	8	7	5	4	1				

¹⁹ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Siggiewi. Police seized the bird caller and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
10/11/2021	36	13	32	13	8	1	11	8	5	7	1	1	11	4				
11/11/2021	36	11	34	11	9	2	4	12	3	19	1	4	1	4				
12/11/2021	40	14	36	14	4	2	9	7	9	11	6	1	2	1	1 Use of illegal means ²⁰		1 Administrative fine	
13/11/2021	36	10	34	10	9	3	9	7	8	9	7	1	3	3	1 Unattended trapping site ²¹ 1 Use of illegal means ²²		1 Court action 1 Administrative fine	
14/11/2021	39	14	35	14	5	3	8	11	7	15	1	1	21	12				
15/11/2021	35	12	33	11	7	2	7	13	9	2	2	2	2	2				
16/11/2021	39	12	34	12	9	1	12	2	4	9	1	3	1	2				
17/11/2021	40	16	38	16	11	2	8	4	6	12	5	2	4	5				

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

²¹ Case refers to an individual who left his trapping site active and unattended at the Majjistral Park. Police seized all trapping paraphernalia and initiated legal action against the individual.

²² Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing at Attard. Police seized the bird caller and culprit was issued with an administrative fine which payment was settled within the stipulated timeframe.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
18/11/2021	38	16	36	16	8	3	9	1	11	8	5	11	1	1	1 Use of illegal means & Illegal possession of birds ²³		1 Court action	
19/11/2021	38	13	35	13	7	4	12	3	7	9	4	1	2	1	1 Use of illegal means ²⁴		1 Administrative fine	
20/11/2021	37	11	35	11	5	4	9	9	9	9	4	1	2	1	2 Use of illegal means ²⁵		2 Administrative fines	
21/11/2021	40	15	36	15	4	2	15	11	7	7	3	1	1	3	1 Use of illegal means ²⁶		1 Administrative fine	
22/11/2021	37	16	35	16	3	1	11	5	12	8	3	1	4	1				
23/11/2021	39	14	35	14	6	3	3	4	6	4	1	1	1	2				
24/11/2021	37	13	34	13	5	9	7	2	7	8	1	1	1	5				
25/11/2021	39	14	35	14	1	1	1	19	1	4	1	1	1	1	1 Trapping without a licence ²⁷		1 Court action	

²³ Case refers to an individual caught trapping using three pairs of clap-nets from his site in Buskett. The police confiscated all trapping paraphernalia including two Green Sandpipers *Tringa ochropus* and a Wood Sandpiper *Tringa glareola* and initiated legal action against him.

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

²⁵ Cases refer to two individuals caught in possession and making use of pre-recorded bird calls whilst live capturing in Żebbuġ and Qrendi respectively. Police seized the bird callers, and the culprits were issued with an administrative fine for which payment was settled within the stipulated timeframe.

²⁶ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Wardija. Police seized the bird caller and issued an administrative fine, the culprit is still within the 21-day timeframe to settle the fine.

²⁷ Case refers to an individual caught trapping without a licence in Birzebuġa. Police seized all trapping paraphernalia and initiated legal action against the individual.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
															1 Use of illegal means ²⁸		1 Administrative fine	
26/11/2021	38	10	35	10	2	1	7	11	3	6	2	2	1	1				
27/11/2021	40	13	38	13	3	1	9	4	5	13	2	1	1	1	2 Use of illegal means ²⁹		2 Administrative fines	
28/11/2021	42	16	38	16	3	2	5	2	7	7	1	1	1	1	1 Use of illegal means ³⁰		1 Administrative fine	
29/11/2021	39	14	37	14	1	1	3	1	1	2	1	9	1	1				
30/11/2021	40	11	36	11	2	1	6	2	9	5	1	1	3	1	1 Use of illegal means ³¹		1 Administrative fine	
01/12/2021	39	14	37	14	8	3	9	1	11	8	1	1	1	1	1 Use of illegal means ³² 1 Unattended trapping site ³³		1 Administrative fine 1 Court action	

²⁸ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Gudja. Police seized the bird caller and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

²⁹ Case refers to two individuals caught in possession and making use of pre-recorded bird calls whilst live capturing in Żurriq and Birzebbuga respectively. Police seized the bird callers and the culprits were issued with an administrative fine for which payments were settled within the stipulated timeframe.

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

³¹ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Benghajsa. Police seized the bird caller, and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

³² Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Burmarrad. Police seized the bird caller, and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

³³ Case refers to an individual who left his trapping site active and unattended in Haż-Żebbuġ. Police confiscated all trapping paraphernalia and initiated legal action against the individual.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
02/12/2021	39	10	36	10	5	3	8	4	6	7	3	1	4	1	1 Unattended trapping site ³⁴ 1 Use of illegal means ³⁵		1 Court action 1 Administrative fine	
03/12/2021	40	9	38	9	3	1	21	15	11	5	1	5	1	2	1 Use of illegal means ³⁶		1 Administrative fine	
04/12/2021	40	13	38	12	6	2	12	9	5	7	1	1	1	1				
05/12/2021	38	16	35	16	7	8	3	11	8	6	1	1	1	1	1 Use of illegal means ³⁷		1 Administrative fine	
06/12/2021	40	14	36	14	2	4	11	3	3	2	2	1	1	1				
07/12/2021	39	14	36	14	4	3	2	2	9	7	2	2	1	1	2 Use of illegal means ³⁸		2 Administrative fines	
08/12/2021	41	17	38	17	8	2	13	15	21	19	1	1	1	1	3 Use of illegal means ³⁹		3 Administrative fines	

³⁴ Case refers to one individual that left the trapping site active and unattended in Hal-Far. The police confiscated all trapping paraphernalia and initiated legal action against the individual.

³⁵ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Rabat. Police seized the bird caller, and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

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

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

³⁸ Cases refer to two individuals caught in possession and making use of pre-recorded bird calls whilst live capturing in Safi respectively. Police seized the bird callers and both culprits were issued with an administrative fine for which one payment was settled within the stipulated timeframe and the other one is still within the 21-day timeframe to settle the fine.

³⁹ Cases refer to three individuals caught in possession and making use of pre-recorded bird calls whilst live capturing in Rabat, Hal-Għaxaq and in the area between Siġġiewi and Haż-Żebbuġ respectively. Police seized the bird callers and both culprits were issued with an administrative fine for which two payments were settled within the stipulated timeframe and the other one is still within the 21-day timeframe to settle the fine.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
09/12/2021	40	12	37	12	6	4	9	3	4	8	1	1	1	1	1 Use of illegal means ⁴⁰		1 Administrative fine	
10/12/2021	40	10	38	10	11	2	8	7	13	4	1	1	1	3				
11/12/2021	39	12	37	12	3	1	7	1	8	3	1	1	1	1				
12/12/2021	38	11	34	11	4	9	3	17	9	9	1	1	1	1				
13/12/2021	41	16	39	16	6	11	12	3	7	15	1	1	1	1				
14/12/2021	38	9	36	9	5	4	6	2	4	9	1	1	1	1				
15/12/2021	38	16	37	15	3	4	9	4	6	6	4	1	1	1				
16/12/2021	38	11	35	11	7	2	11	9	2	1	1	1	1	1				
17/12/2021	39	11	36	11	4	1	11	15	9	4	1	1	1	1				

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

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
18/12/2021	40	12	37	12	9	2	3	8	12	9	1	1	3	1				
19/12/2021	40	19	37	19	6	9	4	7	9	3	1	1	1	1	1 Use of illegal means ⁴¹		1 Administrative fine	
20/12/2021	39	14	37	14	7	11	5	7	11	9	1	1	1	1	1 Trapping during unpermitted hours ⁴²		1 Court action	
21/12/2021	40	15	37	15	9	7	14	3	9	12	1	1	1	1				
22/12/2021	38	13	36	13	7	9	11	13	9	4	1	1	1	1	1 Use of illegal means ⁴³		1 Administrative fine	
23/12/2021	38	14	36	14	11	3	9	8	1	14	1	1	1	1				
24/12/2021	38	14	35	14	4	9	3	7	4	9	1	1	1	1				
25/12/2021	40	14	39	14	2	2	3	4	2	2	1	1	1	1				

⁴¹ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Żejtun. Police seized the bird caller and the culprit was issued an administrative fine. The payment was not yet settled at the time of writing of this report but the timeframe of 21-days had not elapsed.

⁴² Case refers to an individual caught trapping for Golden plovers during unpermitted hours in Delimara. Police confiscated all trapping paraphernalia and initiated legal action against the individual.

⁴³ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Burmarrad. Police seized the bird caller and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
26/12/2021	38	16	36	16	9	4	7	11	8	13	1	1	1	1	1 Use of illegal means ⁴⁴		1 Administrative fine	
27/12/2021	38	15	35	15	12	8	7	3	7	15	1	1	1	1	1 Use of illegal means ⁴⁵		1 Administrative fine	
28/12/2021	37	9	34	9	7	4	9	1	7	9	1	1	1	1	1 Trapping during unpermitted hours ⁴⁶		1 Court action	
29/12/2021	38	13	36	13	3	2	7	6	9	11	1	1	1	1				
30/12/2021	38	12	34	12	2	4	18	9	3	4	1	1	1	1	1 Unattended trapping site ⁴⁷		1 Court action	
31/12/2021	38	11	35	11	7	6	8	4	4	9	1	1	1	1				
01/01/2022	37	15	33	15	7	1	2	2	11	3	1	1	1	1				
02/01/2022	38	16	36	16	9	7	2	1	4	3	1	1	1	1				

⁴⁴ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Haż-Żebbuġ. Police seized the bird caller and the culprit was issued with an administrative fine for which payment was settled within the stipulated timeframe.

⁴⁵ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Żurrieq. Police seized the bird caller and issued an administrative fine, the culprit is still within the 21-day timeframe to settle the fine.

⁴⁶ Case refers to an individual caught trapping for Golden plovers during unpermitted hours in Mgarr. Police confiscated all trapping paraphernalia and initiated legal action against the individual.

⁴⁷ Case refers to an individual that left his trapping site active and unattended in Delimara. Police confiscated all trapping paraphernalia and initiated legal action against the individual.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
03/01/2022	39	11	37	11	11	3	9	3	4	11	1	1	1	1	1 Use of illegal means ⁴⁸		1 Administrative fine	
The national bag limit for Golden Plover was reached on 3 January 2022. Since the live-capturing season for the other species (Song Thrush) closed on 31 December, all live-capturing special licences were immediately revoked.																		
04/01/2022	35	11	30	11	2	1	4	2	5	2	1	1	1	1	1 Trapping following lapse of seasonal quota ⁴⁹			
05/01/2022	33	14	30	14	4	3	3	4	15	7	1	1	1	1				
06/01/2022	31	12	28	12	2	1	3	1	2	3	1	1	1	1				
07/01/2022	30	10	25	11	3	2	4	2	4	6	1	1	1	1				
08/01/2022	31	12	25	12	2	4	6	4	2	3	1	1	1	1				
09/01/2022	35	15	27	15	5	1	5	3	4	4	1	1	1	1				
10/01/2022	30	14	25	14	1	1	1	2	1	1	1	1	1	1	1 Trapping following lapse of seasonal quota ⁵⁰		1 Court action	

⁴⁸ Case refers to an individual caught in possession and making use of pre-recorded bird calls whilst live capturing in Mġarr. Police seized the bird caller and issued an administrative fine, the culprit is still within the 21-day timeframe to settle the fine.

⁴⁹ Case refers to the discovery of an unregistered and untended trapping site in Ħal-Far. The police seized all trapping paraphernalia, yet the individuals were not detected, and no further legal action could be taken.

⁵⁰ Case refers to an individual that left the trapping site active and unattended in Żabbar following lapse of seasonal quota. The police confiscated all trapping paraphernalia and legal action has been initiated against the individual.

Date	Number of officers deployed 0500hrs-1500hrs (EPU / District / AFM)		Number of officers deployed 1500hrs-2100hrs (EPU / District / AFM)		Number of spot-checks on individual per region										Offences detected (number of cases and nature of offence)		Number of persons charged, and action taken	
	Malta	Gozo	Malta	Gozo	Malta Region 5	Malta Region 6	Malta Region 7	Malta Region 8	Malta Region 9	Malta Region 10	Gozo Region 1	Gozo Region 2	Gozo Region 3	Gozo Region 4	Malta	Gozo	Malta	Gozo
	Average				Total													
	37	13	34	13	478	291	675	494	631	583	209	148	210	165	37 ⁵¹	0	36 ⁵²	0

⁵¹ 36 offences were committed by known individuals and an offence was committed by an unknown individual

⁵² 27 cases of administrative fines and nine court actions.

9.7 During spot-checks, the Malta Police Force was responsible for ensuring the lawful operation of live-capturing practices. They were, *inter alia*, instructed to:

- Verify that live-capturers were in possession of all requisite documents;
- Verify that live-decoys were fitted with a single-use ring provided by the Wild Birds Regulation Unit as per licence conditions.
- Verify that any captured birds had been immediately reported *via* mobile phone.
- Ensure compliance with time restrictions.
- Ensure that no species other than those that could be captured under the specific licences were being targeted.
- Verify that the live-capturing site in use was the one that had been approved by the Wild Birds Regulation Unit.
- Verify that the conditions of the licence, such as, the maximum limit of decoys present on site and the maximum number of allowed clap-nets and their respective footprint/mesh-size were being complied with; and
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 549.42) and other applicable legislation.

9.8 In order to facilitate the conduct of their duties, enforcement officers had 18 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 considerably more time to actual field surveillance duties, as opposed to documentation retrieval.

Infringements detected

- 9.10 During the course of inspections carried out by enforcement staff throughout the derogation period, a total of 37 live-capturing infringements were detected. A total of 27 persons were issued with an administrative fine of €250 each, all for the illegal use of pre-recorded bird callers whilst trapping for Golden Plover and Song Thrush. A total of 21 offenders paid the fine within 21 days from notification, whilst six offenders are still within the 21 days from notification period. All illicit devices were seized and destroyed by the Police.
- 9.11 Court action is being taken against nine (9) individuals and one individual remains unknown to the police. The nature of all infringements detected during the derogation period are outlined in Table 9 below. The species and number of birds seized by police during this season is outlined in Table 10 below.

TABLE 9 OFFENCES DISCLOSED DURING AUTUMN LIVE-CAPTURING SEASONS

	2021		
	(20.10.21-10.01.22)		
	Cases in Malta	Cases in Gozo	Total number of cases
Use of illegal means (e.g. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	28	0	28 ⁵³
Trapping for species under derogation using nets of prohibited mesh size	0	0	0
Using in excess of 10 live-decoys (Song Thrush / Golden Plover) while trapping	0	0	0
Trapping during prohibited hours	2	0	2
Trapping within bird sanctuaries	0	0	0
Trapping on unregistered sites	0	0	0
Trapping using unmarked decoys	0	0	0
Trapping following lapse of seasonal quota	2	0	2
Failure to report captured bird	0	0	0
Trapping without licence	1	0	1
Nets left uncovered when unattended	4	0	4
Total offences	37⁵⁴	0	37
Number of persons apprehended	36⁵⁵	0	36

⁵³ One of these cases also includes the illegal possession of waders as described in Table 8 above.

⁵⁴ 36 offences were committed by known individuals and an offence was committed by an unknown individual

⁵⁵ 27 individuals were issued with an administrative fine and nine individuals awaiting court action.

- 9.12 Although the national quota for Golden Plover was reached on 3 January 2022, the same enforcement effort and adherence to the minimum deployment regime was maintained between 4 and 10 January 2022, as detailed in Table 8 above. Additionally, in line with the Framework Regulations spot-checks continued for two weeks following the closure of the live-capturing season and two offences were detected as shown in the same table (Table 8).
- 9.13 The number of spot-checks on individual licensees amounts to an average of three spot-checks on each licensed live-capturer / live-capturing site throughout the whole season.
- 9.14 Most offences concerning the Golden Plover and Song Thrush derogation remains the illegal use of pre-recorded bird calls. In effort to curb these illegalities, on the 18 February 2022 the government published a legal amendment to the Conservation of Wild Birds Regulations S.L. 549.42 via LN 86 of 2022⁵⁶. This amendment saw the introduction of a twelve-point penalty system for all the administrative offenses listed in Schedule VIII of the S.L. 549.42 and each category of offense is assigned a number of points ranging from two to four according to the Schedule, for example four points for the use or possession of any electrical or electronic bird caller. Once an individual has accumulated twelve or more points over a two-year period, his or her general license (that associated with the offenses committed in the event of having more than one license) is suspended by the Wild Birds Regulation Unit and the Police for a period of one year. During the period of suspension of the relevant general license, the licensee will not be eligible to apply for a special license associated with the relevant general license which has been suspended and will be considered ineligible to apply for a license or permission to participate in any research activity. Points will be set to zero if the licensee does not commit other administrative offenses within two years from the date of the last offense. In addition, in the event that the licensee appeals the administrative fine to the Administrative Review Tribunal and until the Tribunal decides whether or not to revoke or change the administrative penalty, the two-year period remains and the penalty points relating to that offense in question are added to any penalty points which the accused accumulates and are deducted from the total only if he is acquitted of the charges brought against him.
- 9.15 The below table lists the number of birds seized by police during the autumn 2021 live-capturing season. Two Green Sandpipers *Tringa ochropus* and a Wood Sandpiper *Tringa glareola* were seized from a trapping site in Buskett on the 18 November (Table 8) whilst the remaining birds were seized during an inspection of an aviary found in a private property. Legal action has been initiated for both cases.

⁵⁶ LN 86 of 2022: Conservation of Wild Birds (Amendment) Regulations, 2022. Available at: <https://legislation.mt/eli/ln/2022/86/eng>.

TABLE 10 NUMBER OF BIRDS SEIZED DURING THE AUTUMN 2021 LIVE-CAPTURING SEASON

Species	Number of birds seized	
	Malta	Gozo
Ringed Plover <i>Charadrius hiaticula</i>	3	0
Wood Sandpiper <i>Tringa glareola</i>	1	0
Common Redshank <i>Tringa totanus</i>	1	0
Green Sandpiper <i>Tringa ochropus</i>	2	0
Curlew Sandpiper <i>Calidris ferruginea</i>	1	0
Common Sandpiper <i>Actitis hypoleucos</i>	2	0
Subtotal	10	0
Total	10	

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

10. CONCLUSIONS

- 10.1 The application of the Golden Plover and Song Thrush live-capturing derogation in autumn 2021 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
- 10.2 As a result of these processes, the decision to apply the derogation was made with full confidence that the following critical prerequisites will be met, without reservation:
- a. The derogation satisfies all the relevant parameters and spirit of the Birds Directive; and,
 - b. The actual implementation of the derogation on the ground ensures that the relevant legal parameters enacted in pursuance of point (a) above are respected in the field through an effective and robust enforcement regime.

- 10.3 The Maltese authorities continued to ensure that the above two prerequisites were met both legally and in practice. Supervision on the ground was ensured through the deployment of appropriately trained and suitably equipped field officers that have exponentially increased the intensity of systematic spot-checks. The use of the latest state-of-the-art technology (GIS, GPS, portable tablet PCs, electronic game reporting system, new game reporting mobile app etc), has resulted in a greater efficiency of the overall supervision process. In terms of game reporting, the immediate closure of the season following uptake of national quota for Golden Plover in 2020 and 2021 proves otherwise (see Section 6 of this report). It remains clear that the game reporting system continues to prove pivotal in real-time monitoring of quotas during the live-capturing season.
- 10.4 Regulatory rigour such as pre-screening, registration and digitalization of all site plans, and greater efforts at promoting education and regulatory awareness, coupled with a higher rate of spot-checks as set out in the Framework Regulations S.L. 549.74, have worked in tandem to ensure compliance during the live-capturing season.