Report on the outcome of the autumn 2014 finch live-capturing season in Malta

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Wild Birds Regulation Unit

Ministry for Sustainable Development, the Environment and Climate Change

Table of Contents

Enclosures

- Annex I: Technical Memorandum on the proposed live-capturing derogation for seven finch species (April 2014)
- Annex II: Licence for the Autumn 2014 finch live-capturing season
- Annex III: Application form for Live-Capturing General Licence (*Carnet de Chasse*), Live-capturing of Finches and/or Golden Plover/Song Thrush
- Annex IV: Live-capturing syllabus
- ~~Annex V: Live-capturing exam paper~~
- Annex VI: Report on a survey of the influx of migratory finches over the Maltese Islands, made between October and December 2014 (Ecoserv, 2014)

1. Introduction

1.1 This report provides a full account of the outcome of the derogation allowing a live-capturing season for seven finch species in Malta during Autumn 2014. It has been compiled in addition to Malta's formal derogation report submitted annually pursuant to Malta's 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 the Birds Directive). In this regard, this report will consider various relevant aspects of the application of this derogation, including:

(i) an assessment of the conservation status of the seven finch species (Linnet *Carduelis cannabina*, Goldfinch *Carduelis carduelis*, Greenfinch *Carduelis chloris*, Siskin *Carduelis spinus*, Hawfinch *Coccothraustes coccothraustes*, Chaffinch *Fringilla coelebs* and Serin *Serinus serinus*);
(ii) the reported catches by the licensed live-capturers through a real-time game reporting system;
(iii) the enforcement efforts in place to ensure the strict supervision of live-capturing during the season;
(iv) the illegalities detected and corresponding enforcement action taken; and,
(v) the legal and other management aspects of relevance.

2. Legal and policy basis for the application of a derogation permitting an autumn finch live-capturing season in 2014

2.1 Following a detailed legal assessment, as well as consideration of related technical and legal analyses (Technical Memorandum containing the above assessments is enclosed as Annex I to this report), as well as following advice from the Malta Ornis Committee, the Maltese Government decided in 2014 to apply a derogation under Article 9 of the Birds Directive allowing live-capturing (trapping) of the seven species of finches in Malta. To this effect, the Government published on 15 July 2014 a new legislative package consisting, inter alia, of a new Framework Regulation (Legal Notice 253 of 2014) establishing the parameters for live-capturing derogations for finches in Malta, and of another legal instrument (Legal Notice 250 of 2014) declaring the opening of the 2014 live-capturing season for finches in accordance with the above-mentioned new Framework Regulations and in line with the recommendations of the Malta Ornis Committee.

2.2 The decision of the Maltese Government allowing a finch live-capturing (trapping) derogation in 2014 was preceded by a series of bilateral meetings held between the Commission services and the Maltese authorities aimed at discussing the legal implications with regard to the activity of finch trapping in Malta.

2.3 The legal basis for the application of the autumn finch live-capturing derogation is provided by Article 9(1)(c) of the Birds Directive, which 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*", *"to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers*".

2.4 As explained in detail in Annex I to this report, prior to deciding to derogate, the Government ascertained that the above elements of Article 9 (1) (c) have been met as follows:

2.4.1 **No other satisfactory solution:** The reason why finches are caught and kept in captivity in Malta is inextricably linked to the fulfilment of the recreational activity of live-finch capturing as an end in itself, rather than as a means to fulfil the objectives of another activity such as bird breeding. When the derogation was negotiated during Malta's accession negotiations, its ultimate aim was to provide for a continuation of trapping of finches from the wild – albeit to a significantly lesser degree than previously, insofar as wild capturing would only be limited to 'the number of wild birds required to sustain genetic diversity' – and not to provide for captive finch breeding as an end in itself. It furthermore transpired that in Malta's case, captive breeding *per se*, unless coupled with limited live-capturing from the wild, does not provide a satisfactory alternative to the traditional activity of capturing and keeping of finches. This must particularly be seen in the context of the recreational aspect of the activity, and its importance and value to a considerable proportion of the Maltese population. The traditional activity in Malta does not derive its value from obtaining and possessing finches - it is certainly easier and cheaper for enthusiasts to purchase captive bred specimens from pet shops; but from the recreational engagement in complex, time-consuming outdoor and indoor activities related to the process of preparation, catching and subsequently caring for finch specimen. Following the establishment of a centralised pilot captive breeding programme, and de-centralised breeding efforts implemented in parallel, as part of the transitional period granted under the Act of Accession, and following several assessments of the performance of the programme, the Maltese authorities concluded that in Malta's case, the taking of finches from the wild is not necessary for the maintenance of genetic diversity within the programme, and therefore there is no satisfactory alternative to the limited capture and keeping of wild finches, other than under the terms of an Article 9 derogation. Other potential alternatives, including live-capturing and keeping of other species, scientific ring and release schemes, and the permanent cessation of finch live-capturing were also assessed and were found to not provide an alternative satisfactory solution.

2.4.2 **Judicious Use:** The application of Article 9 derogations with a view to permitting traditional hunting/live-capturing activities is an established and accepted principle throughout the EU; and accordingly, the present case should not be treated any differently as a matter of principle to the cases of other Member States where traditional activities which appear to, *a priori*, conflict with the provisions of Articles 5, 8 and Annex IV of the Directive are legitimately permitted by way of Article 9 derogations. The fact that in Malta's case, birds caught are tendered and cared for meticulously by live-capturers, which enables them to thrive and survive longer in captivity, in comparison with wild counterparts, actually militates in favour of possibly greater "judiciousness" of such use, than, for instance, killing for human consumption, which some EU Member States permit under Article 9 derogations. Moreover, the fact that the species are not included in Annex II to Directive 2009/147/EC does not imply that there can be no 'judicious use' with regard to such birds in the context of Article 9(1)(c).

2.4.3 **Small numbers:** The approach followed by the Maltese authorities in estimating the criterion of "small numbers" in relation to the seven finch

species at issue relied on the principles and methodology provided in the Commission's Guide to Sustainable Hunting under the Birds Directive. As a result, the bag limits of the derogation, provided for under Schedule II of S.L. 504.124, were set at levels that are significantly less than the 1% of annual mortality threshold, which the Commission recommends for estimation of "small numbers" in relation to non-Annex II species.

2.4.4 **Strict supervision:** A strict supervisory and enforcement regime that comprises an elaborate system of legal and regulatory controls and deterrents against violations, as well as a robust field enforcement system on the ground, have been put into place.

Discussion within the Malta Ornis Committee

2.5 The Malta Ornis Committee discussed the proposed derogation during five sessions, as follows:

- On 22 August 2013, the Committee acknowledged receipt of FKNK's proposal, and requested the Wild Birds Regulation Unit to carry out an assessment of this proposal from a legal, technical and conservation point of view. No substantive issues pertaining to the proposed derogation were discussed during this meeting.

- On 9 April 2014, the Wild Birds Regulation Unit presented a summary of its assessment of the proposed derogation. The summary consisted of a legal assessment (applicability of the Accession Treaty and Article 9), scientific assessment (conservation status and determination of small numbers) and technical assessment (possible implementation and enforcement modalities).

- On 13 May 2014, the Committee discussed in depth various issues concerning potential impact on habitats and species, and possible mitigation and control measures. Draft framework legislation was circulated shortly after the meeting to serve as a basis for further discussion.

- On 3 June 2014, the Committee considered detailed submissions made by MEPA, the FKNK and BirdLife Malta in relation to the assessment presented by the Wild Birds Regulation Unit. MEPA's submission focused on measures to ensure no negative impact on protected habitats occurs. These proposals were fully taken on board and reflected in the revised draft legislation. FKNK's submission contained suggestions pertaining to definitions of trapping sites and applicable restrictions. BirdLife (Malta)'s submission contained a critique of the legal, scientific and technical assessment conducted by WBRU and did not contain any specific proposals. Upon discussing various submissions made, the Committee decided to recommend the application of a derogation in principle with 5 votes in favour, 1 vote against and one abstention.

- On 11 June 2014, the discussion with regards to the potential application of a derogation continued. However, no further proposals to those already presented were made.

Consideration of the Malta Ornis Committee recommendations and decision

2.6 Upon considering the recommendations of the Malta Ornis Committee, as well as the relevant assessments made, the Government on 15 July 2014 published a legislative package consisting of the following instruments:

2.6.1 An amendment to the Conservation of Wild Birds Regulations (SL 504.711) was published by means of Legal Notice 252 of 2014, Conservation of Wild Birds (Amendment 2) Regulations, 2014. The purpose of this amendment was to further consolidate and strengthen regulatory controls over a number of legal provisions concerning general licensing, and in particular – licensing requirements pertaining to live-capturing of wild birds. Other provisions were also fine-tuned on the basis of the experience gained as a result of implementation of the administrative fines system introduced in October 2013. These amendments were published with a view to:

- Introduce additional legal clarity by way of including further definitions pertaining to live-capturing (trapping), including a definition stipulating applicable parameters for live-capturing sites and a definition of live-capturing stations together with parameters on the amount of clap-nets and their area contained in such stations;

- Strengthen protection over certain natural habitats and ecologically-sensitive areas that may be impacted by live-capturing activity. Amongst other provisions, the amendments provide for an extension of legal protection, previously afforded to garigue habitats within Natura 2000 sites, to all protected habitats listed in Schedule I of the Flora, Fauna and Natural Habitats Protection Regulations (LN 257 of 2003 as amended) within Natura 2000 sites, as well as to areas outside Natura 2000 sites that support natural habitats, including Scheduled Level 1 and Level 2 Areas of Ecological Importance and Sites of Scientific Importance. Cumulatively, protected areas where trapping is either prohibited or restricted to registered agricultural land, amount to around a quarter of the national land territory. The amendments also prohibit the use of any new live-capturing sites that did not exist prior to the end of December 2012;

- Repeal the obsolete and defunct Regulation 8 which dealt with live-capturing of finches as part of the transitional derogation granted under Malta's Act of Accession, which expired in 2008 and replace this regulation with a new regulation concerning general parameters applicable to live-capturing under these Regulations;

- Introduce the possibility of charging administrative fees for licenses issued under these Regulations, as well as fees for hunting / trapping license examinations;

- Introduce the possibility of issuance of provisional live-capturing licenses to persons who were in possession of such license at any point between end of 2002 and end of 2013 but have since not renewed their license. Such provisional license may be revoked if, within a period of one year from the date of issuance, the provisional license holder does not successfully pass a practical examination in accordance with Article 12(2) of S.L. 504.71;

[1] SL 504.71 available at: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1

2.6.2 Legal Notice 253 of 2014, Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations, 2014 (SL 504.1242), hereafter referred to as the 'Framework Regulations' empowered the Minister, provided that there is no satisfactory solution in terms of Article 9(1) of the Birds Directive, to open an Autumn live-capturing season for the seven finch species by means of a notice in the Government Gazette. According to these regulations, an Autumn live-capturing season may only be opened for a maximum period of seventy-three days from October to December of the same year with a maximum bag limit for any season of 12,000 Linnets, 800 Goldfinches, 4,500 Greenfinches, 2,350 Siskins, 500 Hawfinches, 5,000 Chaffinches and 2,350 Serins. The Framework Regulations further provide the criteria for eligibility for a special licence for live-capturing and set a procedure for the application stage, including an application fee, and the conditions that are to be included in the licence issued. These Regulations also establish the means of capture, that is, by means of traditional clap nets on sites that had been previously approved by the Wild Birds Regulation Unit and registered with the Commissioner of Police. Annex II to this report consists of a specimen of the licence issued for the 2014 Autumn finch live-capturing season and includes conditions as reflected in the aforementioned Framework Regulations. These conditions included, *inter alia*, the dates and permitted hours of the season, provisions related to location and configuration of live-capturing sites and live-capturing stations, restrictions pertaining to mesh size to be used, the maximum footprint of each live-capturing station (maximum of 38 square metres for a pair of clapnets), provisions related to authorised method of capture and prohibition for leaving armed nets during hours when live-capturing is not permitted, seasonal and individual bag limits (10 birds of the relevant species per licensee), requirements concerning the use of live decoys (maximum of 21 live decoys per live-capturing site; all decoys must be ringed with a special single-use ring supplied by the Wild Birds Regulation Unit), requirement to immediately ring with a single-use ring provided by the Unit, and report birds caught through a telephonic game reporting system and in the *Carnet de Chasse*, requirement to immediately report any scientific ring recoveries and to immediately release birds fitted with scientific ring, requirement to immediately release birds not of the relevant species should accidental capture occur, requirement to immediately release birds that may be accidentally caught over one's bag limit, requirement to keep relevant documentation, including approved site plans, *Carnet de Chasse*, Special License and ID Card at all times whilst practicing live-capturing activity or travelling to and from live-capturing site, restrictions pertaining to permitted size of cages in which birds can be kept during live-capturing activity, and other restrictions and prohibitions. In addition to these conditions, licensed live-capturers were also to abide with the provisions laid down in the Conservation of Wild Birds Regulations (S.L. 504.71). Offences against any provision of the Special License are subject to harsh penalties envisaged in Regulation 27 of the Conservation of Wild Birds Regulations (S.L. 504.71). Except where the offence consisted solely of an administrative or minor violation listed in Schedule VIII of the said Regulations (such as the use of any kind of portable cage-trap, whether with a net or not which does not exceed the length of 60cm on any of its sides), any other offences or breaches of license conditions trigger automatic seizure of Special and General Licences, seizure of rings, birds

[2] SL 504.124 available at: http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12211&l=1

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

2.7 Legal Notice 250 of 2014, Conservation of Wild Birds (Declaration on a derogation for a 2014 Autumn live-capturing season for Finches) Regulations, 2014 (S.L. 504.122) declared the opening of the 2014 live-capturing season for finches from 20 October to 31 December 2014, inclusive of both days.

3. Consideration of the conservation status of the seven finch species

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 seven finch species in question. In line with the "judicious use" requirement, this review of scientific data was undertaken in order to ascertain that the conservation status of these species would not be threatened by the application of a limited Autumn 2014 live-capturing season.

3.2 Data per EU Member State was based on the latest literature that provides country-specific trends, that is, Birdlife International's (2004) Birds in Europe II, whereas the latest species-specific population trends were based on the annual census as compiled by the European Bird Census Council. The assessment reveals that all seven finch species are characterised by extremely large populations and geographical range. BirdLife International (2004) classifies the Pan-European populations of Chaffinch, Goldfinch, Greenfinch, Hawfinch, Serin and Siskin as Secure and the Linnet as having undergone a Moderate Recent Decline. Also, BirdLife International (2004) classified the Linnet as having an Unfavourable conservation status in Europe (SPEC 2).

3.3 The most recent update on the conservation status at the time of the assessment was provided by the European Bird Census Council (EBCC, 2013[3]). According to this dataset, the Chaffinch, Goldfinch, Greenfinch and Hawfinch retained a Favourable conservation status at the Pan-European level, but the Linnet, Siskin and Serin populations experienced a Moderate Decline and thus have an Unfavourable conservation status at the Pan-European Level.

3.4 Within the EU territory (EU 28), the situation is somewhat different. Based on BirdLife International's (2004) definition of Stable (not more than 10% change in 10 years), the EU populations of Goldfinch, Siskin and Hawfinch increased in both the minimum and maximum number of pairs, whereas the EU populations of Greenfinch, Chaffinch and Serin remained stable. The minimum EU population of Linnet remained stable (-2.17%) but the maximum number of pairs decreased (-12.94%). On the other hand, the Linnet's geomean population remained stable (-9.80%).

3.5 The situation with respect to the reference populations, which form a subset of the EU population based on ring recoveries in Malta for six finch species (Raine, 2007) and in Italy for Hawfinch (Spina and Volpini, 2008) also differs considerably. The minimum and maximum number of pairs of Linnet, Goldfinch and Hawfinch increased whereas the minimum and maximum

[3] Trends of Common Birds in Europe, 2013 update. Available at: http://www.ebcc.info/index.php?ID=509

number of Greenfinch, Siskin, Chaffinch and Serin pairs remained stable (not more than 10% change in 10 years).

3.6 Notwithstanding the overall stable or increasing trend of the source (reference) EU population (ring recoveries in Malta and Italy), the calculation of "small numbers" and the resultant harvest quotas are based on only those European populations with a stable or increasing population. This meant that in the case of Linnet, two EU Member States, namely Slovenia and Slovakia, which collectively form 3% of all ring recoveries of this species in Malta (Raine, 2007) were eliminated from the reference population. In the case of Hawfinch, Belgium was eliminated from the reference population, which forms 0.57% of all ring recoveries of this species in Italy (Spina and Volpini, 2008). In the case of the other species, including Siskin and Serin, none of the source populations have experienced a decline (are all stable or increasing) thus no countries were omitted from the respective reference populations.

3.7 The detailed information on the assessment of conservation status for each of the species concerned, as well as determination of "small numbers" is contained in Part B of Annex I to this report.

4. Issuance of Autumn 2014 finch live-capturing licences

4.1 Applications for a special finch live-capturing licence were received during a 19-day period between 15 July and 2 August 2014. During the same period, eligible applicants could also apply for a general live-capturing licence through the submission of a single application form (Annex III). Possession of general license (*Carnet de Chasse)*, on its own, does not entitle one to practice any live-capturing, which is subject to a separate Special License. However in order to obtain Special License, applicants had to be also in the possession of a valid *Carnet de Chasse*. The applicable fees were sub-divided according to the following categories:

Category	**Fee**
Category A: Individuals already in possession of a valid general live-capturing licence (*Carnet de Chasse* 2014–2015)	€0 – no charge for *Carnet de Chasse*
Category B: Individuals renewing their *Carnet de Chasse* 2013–2014	€33.98 (€20 *Carnet de Chasse* fee + €13.98 police fee)
Category C: Individuals who were in possession of a pre-2012 *Carnet de Chasse*	€63.98 (€20 *Carnet de Chasse* fee + €13.98 police fee + €30 exam)
Category D: Individuals who were never in possession of a live-capturing licence	€63.98 (€20 *Carnet de Chasse* fee + €13.98 police fee + €30 exam)
Live-capturing special licence (Finches)	€55
Single-use rings	€0.50 each, up to a maximum of 10.

4.2 The number of live-capturers in possession of a valid general live-capturing licence as at July 2014 stood at 2,658 individuals. From this total, 550 did not

submit an application for a special licence. A total of 4,629 applications were submitted, as shown in the following table.

General live-capturing licences by category		Malta	Gozo
Category A	**2,365** (51.12%)	1,730 (73.2%)	635 (26.8%)
Category B	**7** (0.15%)	7 (100%)	0 (0%)
Category C	**303** (6.55%)	245 (81%)	58 (19%)
Category D (new applicants)	**1,951** (42.2%)	1,470 (75.3%)	483 (24.7%)
Total requests for General Licence	**4,628** (100%)	3,452 (74.67%)	1,176 (25.33%)
Invalid applications	**1**	0	1
Total applications submitted	**4,629**	3,452	1,177

4.3 From this total of 4,629 applicants, 70 did not apply for a special licence, thus opting to renew / retain the general live-capturing licence only. The total number of individuals who were in possession of a general license but did not apply for any live-capturing special licence in 2014 stood at 620 (550 + 70). Over 91% (n=4,171) applied for the finches live-capturing licence, two of which were renounced before the season opened (one licensee passed away and the other renounced his general live-capturing licence on 13 October 2014; both had applied for only the finch live-capturing special licence). One application was not completed correctly and was thus considered invalid. The following table lists the number of applicants according to their licence category (Categories A–D). The special licences were distributed as follows:

2014 live-capturing special licences		Malta	Gozo
Persons in possession of special finch live-capturing license only	**3,336** (73.17%)	2,371 (69.65%)	965 (83.55%)
Persons in possession of special finch live-capturing license and Golden Plover/Song-Thrush special live-capturing license)	**835** (18.32%)	698 (20.5%)	137 (11.86%)
Total	**4,171 (91.49%)**	3,069 (90.15%)	1,102 (95.41%)

4.4 All applications, except one, were considered valid since the applicants fulfilled the application requirements and criteria (e.g. mobile number, registered site plans, etc.). Individuals who were either in possession of an expired general live-capturing licence (Category C applicants) and those who were never in possession of a general live-capturing licence were requested to sit for a licensing examination before being issued with a live-capturing general licence (2014–2015 *Carnet de Chasse* booklet).

4.5 In total, 2,165 applicants sat for the licensing examination. The exams were held at St Elmo Examination Hall (Valletta) and in the Exams Centre in Victoria (Gozo). In all there were around 22 sessions (mornings, noon and afternoon) held on the 19th, 20th, 22nd, 26th, 27th, 29th August, on 26th September and 3rd October. Applicants were notified of their exam appointment by means of registered letter, which described the exam procedure and contained a syllabus on which the applicants would be examined. Each exam session was 1 hour in duration and consisted of a written multiple-choice test. The exam paper consisted of two parts: Part 1 dealt with applicable regulations (dates of the season, permitted hours, bag limits, permitted and prohibited methods, legal sizes of cages, regulations

pertaining to live-decoys, ringing and reporting requirements, etc). Part 1 had a total maximum score of 60%. Part 2 contained a visual species identification test (pictures of species that can be legally captured under the terms of the derogation, and look-alike species that are protected), and a written identification test listing names of various species. Part 2 carried 40% weighting. Each question had a weighted score. Pass mark was set at 50%. A copy of the syllabus and exam paper is enclosed as Annexes IV and V to this report.

4.6 Applicants who either failed to show up for the exam or failed the exam were allowed to re-sit. Following the re-sit sessions held on 26 September 2014 in Malta and 3 October 2014 in Gozo, a total of 2,142 individuals passed the exam, as shown in the following table.

Examination Sessions	**Malta**	**Gozo**	**Total**
Attended exam	1,664	458	2,122
Absent	32	9	41
Disinterested	1	1	2
Total applicants			**2,165**
Passed	1,652	458	2,110
Failed	9	0	9
Disqualified	3	0	3
Sat for re-sit	36	0	36
Unable to attend initial session and applied to sit during re-sit session	4	9	13
Total re-sits and persons who did not attend initial session			49
Passed re-sit exam	32	0	32
Failed re-sit exam	0	0	0
Total passed	1,684	458	**2,142**

4.7 The Wild Birds Regulation Unit issued a total of 4,171 special licences for the Autumn 2014 finch live-capturing season. Three licences remained uncollected, hence in total there were **4,168** active licences for the 2014 finch live-capturing season, as shown in the following table.

Number of licences issued	4,171
Number of uncollected licences	3
Active licences	**4,168**

4.8 The Autumn 2014 live-capturing licence (*vide* Annex II) set a number of conditions for the 2014 live-capturing season, as provided in the Framework Regulations (SL 504.124) and the Notice of Derogation (SL 504.122). The Regulations also included *inter alia*, restrictions on the mesh size to be used (not less than 18mm × 18mm), and the requirement for the licensee to immediately report a catch by dialling the number indicated on the 2014 special licence, followed by the placing of the species-specific single-use ring (white, green or orange depending on the species) on the tarsus of the finch. Moreover, before leaving the live-capturing site, the licensees were required

to record the date, location and the amount of finches caught. In the event that no finches were caught the licensee was required to specify '0' or 'X'.

4.9 At any one time a licensed person could only make use of a maximum of twenty-one (21) specimens from the relevant species, including their hybrids, as live-decoys, with a ceiling of not more than seven live-decoys for any one species as per Article 7(k) of SL 504.124. All live-decoys, including hybrids, had to be fitted with a seamless closed ring, signifying that the bird is captive-bred or legally purchased. In addition to these conditions, licensed live-capturers were also required to abide with the provisions laid down in the Conservation of Wild Birds Regulations (SL 504.71).

4.10 Licensees were expected to immediately report their catches in real time by calling the number specified in their Special Licence and through their *Carnet de Chasse* before leaving the live-capturing site. They were also required to abide by the time restrictions and respect the seasonal bag limit per licence of 10 birds. Licensed finch live-capturers were required to carry their 2014 special licence for live-capturing and the *Carnet de Chasse* (February 2014–January 2015) at all times, together with the relevant registered site plans as approved by the Wild Birds Regulation Unit.

Screening and registration of site plans

4.11 Between 2nd and 31st July 2014, the Wild Birds Regulation Unit coordinated an exercise to update the register of live-capturing sites so as to ensure that only those sites that strictly conform to the parameters stipulated in the new legislation[4] could be registered. Another aim of the exercise was to obtain up-to-date information on the number, location and configuration of existing trapping sites, as well as on how these sites are linked to individual persons. This information was gathered with the view to subsequently digitalize all site plans and plotting these on Geographic Information Systems for enforcement and verification purposes. Registration was conducted without prejudice to any potential government decision concerning any derogations, and without prejudice to any third party rights or any laws or regulations.

4.12 Interested persons were able to register up to two live-capturing stations located in not more than two separate sites, with each live-capturing station consisting of not more than two pairs of horizontal clap-net areas manually operated from a single location (hide). Detailed guidance concerning the quality of acceptable site plans and other eligibility criteria was published in advance and during the exercise[5].

4.13 Around 40 data operators were deployed at four screening stations in Malta and in Gozo. Each screening station was equipped with GIS-enabled facilities including:

- A standard basemap of the Maltese Islands and set of high definition optical and infrared aerial photo digital survey sheets (maps) pertaining to 1998, 2003, 2004, 2008, 2010, 2012 and 2014. Various

[4] As at the date of commencement of the registration exercise, the legislation referred to in section 2 of this Report was still at proposal stage. It was published on 15th of July 2014.

[5] This guidance can be accessed from:
https://www.gov.mt/en/Government/Press%20Releases/Pages/2014/June/30/pr141464.aspx
https://www.gov.mt/en/Government/Press%20Releases/Documents/Map.jpg
http://msdec.gov.mt/en/Document%20Repository/WBRU/Zoni%20Protetti.jpg
http://msdec.gov.mt/en/Document%20Repository/WBRU/Vetting%20of%20live-capturing%20stations%20(site%20plans)MT.pptx

sub-sets of each year's survey sheet was available at each computer terminal at each screening station;

- A standard set of layers indicating: (a) No-trapping zones consisting of bird sanctuaries (a list of which can be found in Schedule V of S.L. 504.71) and protected beaches; (b) All protected habitats within Natura 2000 sites containing natural habitat types bearing codes 1150, 1210, 1240, 1310, 1410, 1420, 1510, 2110, 2210, 2220, 3140, 3170, 5230, 5330, 5410, 5420, 5430, 6220, 8210, 92A0, 92D0, 9320, 9340, 9540 and 9570 as listed in Schedule I of the Flora, Fauna and Natural Habitats Protection Regulations; (c) areas outside Natura 2000 sites that support natural habitats, including Scheduled Level 1 and Level 2 Areas of Ecological Importance and Sites of Scientific Importance; and (d) official Department of Agriculture and Paying Agency's digital register of agricultural land parcels.

4.14 All data operators received specialised training on screening procedure, delivered by the Wild Birds Regulation Unit. The screening and registration process followed the following decision-making procedure, as also summarised in the flowchart presented below:

- Step 1: Ascertain the identity of the registrant;

- Step 2: Ascertain that the site plans presented for registration conform to stipulated quality parameters;

- Step 3: Ascertain that the sites presented for registration contain not more than two separate location per registrant, and that each location contains not more than two live-capturing stations operated from a single location (hide);

- Step 4: Locate the precise boundaries of the site on GIS map server;

- Step 5: Verify that the site is not located within the boundaries of bird sanctuaries or protected beaches, in which case registration process is terminated;

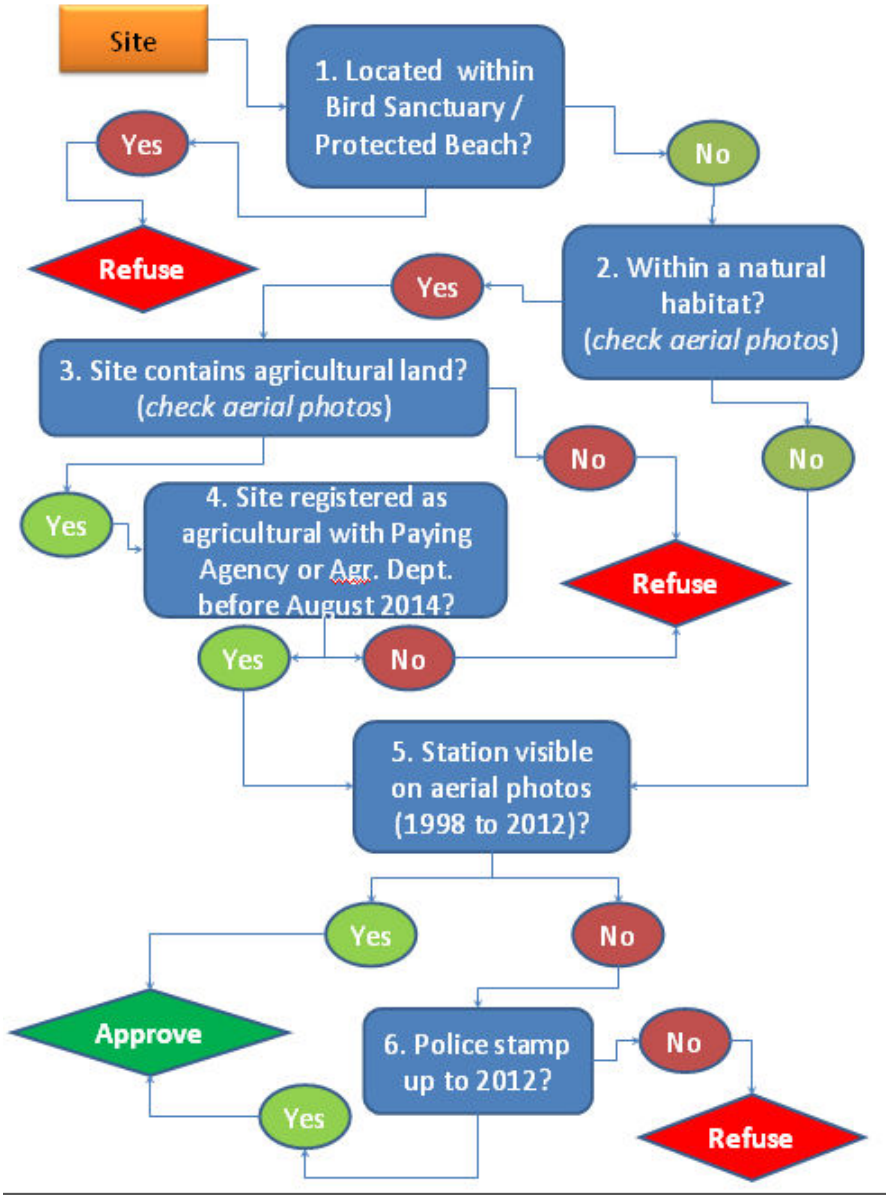
- Step 6: Verify that each site and station presented for registration is not located on designated protected area (ref to above list of protected habitats and areas). If the site is not located within any protected area, proceed to Step 8. If located within protected area, proceed to step 7.;

- Step 7: Verify whether any site located within the boundary of a protected area (other than bird sanctuary or protected beach) is situated within a cultivated agricultural land officially registered with the Department of Agriculture. If not on agricultural land that is so registered, registration process is terminated. If within agricultural land officially registered as such, proceed to step 8.;

- Step 8: Confirm whether each live-capturing station is clearly visible on aerial photo maps published prior to end of December 2012 (to ascertain that this is not a newly-created site), or, where the site is not clearly visible, check whether the live-capturing site was prior to end of December 2012 registered with the police;

- Step 9: Sites that meet the above criteria are accepted for registration, logged in to a database, whilst the site plans are officially coded, sealed with an official stamp, signed and dated. The registrant retains one original, whilst a separate original is retained by the authorities for plotting, control and verification purposes.

Screening and registration decision-making flowchart



4.15 By the end of this exercise, the Wild Birds Regulation Unit vetted a total of 6,697 site plans containing 8,122 live-capturing stations pertaining to 4,685 persons. Of these, 6,965 stations were accepted for registration, after conformity with the above criteria was ascertained.

4.16 Registration of live-capturing sites did not entitle anyone to practice any live-capturing activity on these sites, which activity could only be authorised subject to separate licensing processes and terms and conditions of relevant legislation.

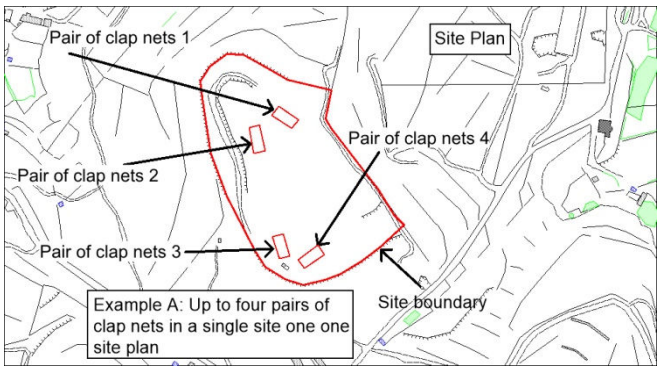
4.17 All registered site plans submitted together with applications for the 2014 autumn finch live-capturing license were digitised using a GIS mapping software.

4.18 Licensees were not allowed to submit more than two live-capturing stations per person, distributed as follows, either:

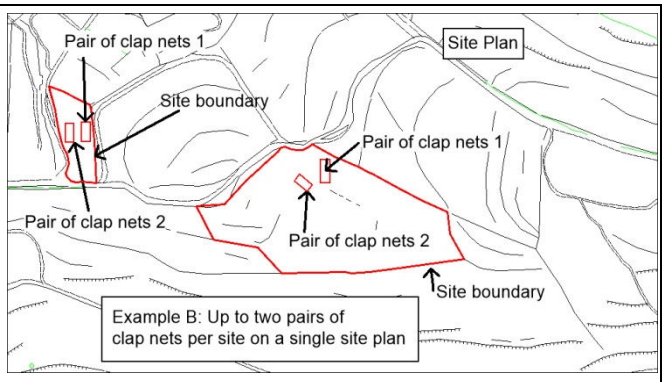
a) two live-capturing stations within the same site, with each live-capturing station having not more than two pairs of clap-nets from one hide (see Example A); or

b) two separate live-capturing stations on one site plan with each live-capturing station having not more than two pairs of clap-nets from one hide (see Example B); or

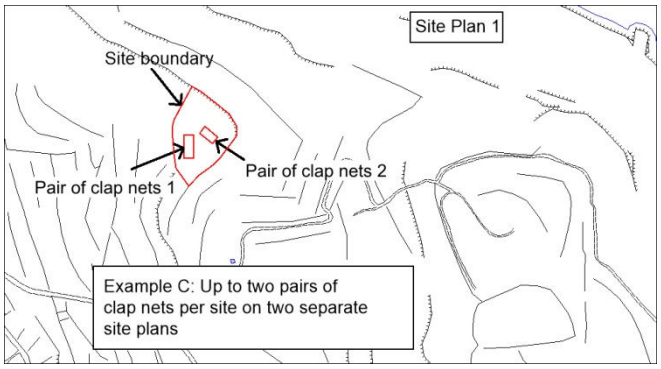
c) two different site plans, with each site plan showing a single live-capturing station containing not more than two pairs of clap-nets from one hide (see Example C).

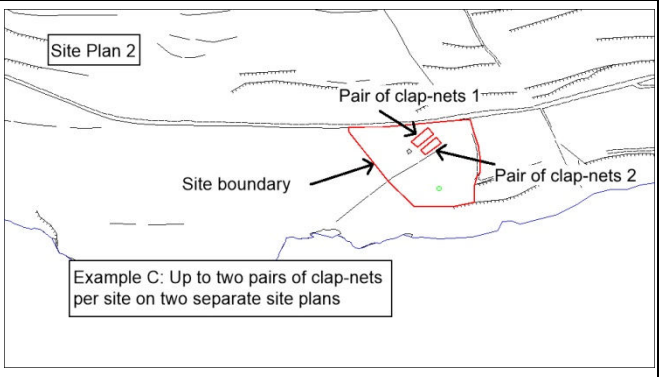


Example 'A': Two live-capturing stations within same site (and site plan)



Example 'B': Two live-capturing stations in separate sites on same site plan





Example 'C': Two separate live-capturing stations on two separate site plans

4.19 A total of 6,438 live-capturing stations (11,370 clap-net pairs) were submitted by 4,171 licensees. This total includes individuals in possession of the finches special licence only as well as those who had applied for both the finches and Golden Plover/Song-Thrush special licences. The data excludes individuals who had applied for only the Golden Plover/Song-Thrush special licence. The majority (59%, n=3,809) of finch live-capturing stations were registered on more than one licensee, equivalent to 6,727 pairs of clap-nets that were shared by more than one licence holder at any one time.

Registered finch live-capturing stations in 2014

	Stations*	Clap-net pairs*	Licensees*
Malta	4,362	8,211	2,694
Gozo	2,076	3,159	1,477
Total	**6,438**	**8,849**	**4,171**

* Data refers to licensees in possession of the finches special licence and licensees in possession of both the finches and Golden Plover/Song-Thrush special licences.

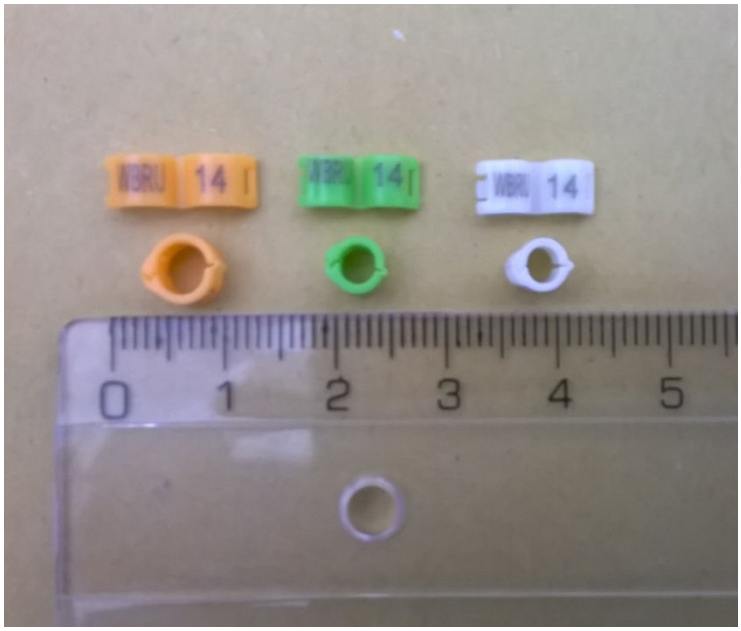
4.20 Following digitisation of all site plans submitted by the licensees, a post-vetting verification exercise was carried out. Registration for a total of 198 clap-net pairs were revoked either because upon further examination the

location did not meet the protected area criteria specified in the Framework Regulations (S.L. 504.124) or because the licensee had exceeded the permitted limit of two stations/four clap-net pairs. 73% (n=144) were intended exclusively for finch live-capturing whereas 27% (n=54) were intended to be used for finches as well as Golden Plover/Song-Thrush.

Single-use rings

4.21 The applicants were required to declare the quantity of single-use rings up to a maximum of ten (any combination of colours up to ten in total). For the finches special licence, the single-use rings (finch rings) were issued in three different sizes bearing the official seal "WBRU 14". The finch rings were colour-coded according to the species (and size), as shown below.

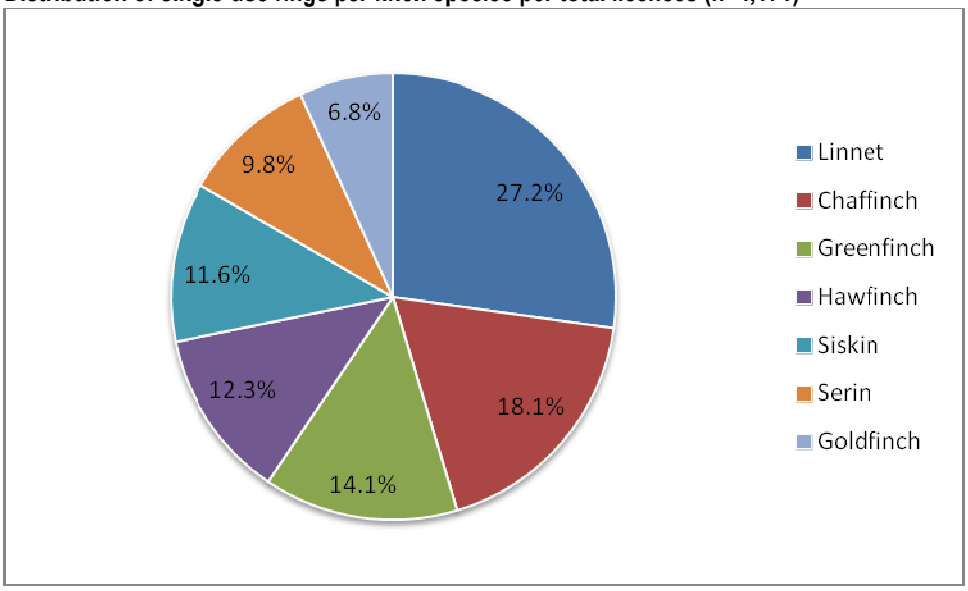
Ring colour	Species
White	Linnet, Chaffinch, Serin, Siskin and Goldfinch
Green	Greenfinch
Orange	Hawfinch



WBRU-14 single-use finch rings

4.22 The limit imposed on single-use rings corresponded with the individual seasonal bag limit of ten finches. The distribution of finch rings per species is shown in the figure below. Finch live-capturers applied for a total of 41,591 rings. The Linnet topped the list with 27.2% of all requests, followed by the Chaffinch (18.1%), Greenfinch (14.1%), Hawfinch (12.3%), Siskin (11.6%), Serin (9.8%) and Goldfinch (6.8%).

Distribution of single-use rings per finch species per total licences (n=4,171)



Collection of unused rings

4.23 Following closure of the 2014 finch live-capturing season, licensed live-capturers were legally required to return all unused finch rings together with their 2014–2015 live-capturing general licence between the 2nd and 13th February 2015. By this deadline, 3,816 finch live-capturers returned a total of 31,380 finch rings. The remaining balance of 2,989 unreturned rings, which were claimed as lost, as shown in the table below, was subject to a €5 fine per ring.

Number of finch rings distributed	41,591
Number of finches caught	7,222
Number of finch rings returned	31,380
Balance subject to €5 fine per ring not returned	**2,989**

5. Real-time game reporting system

5.1 According to the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-capturing Season for Finches) Regulations, licensed live-capturers were obliged to immediately report their catch by calling on number 27790200 as specified in the special licence. This immediate real-time reporting requirement applied in addition to the requirement to also report the birds caught in *Carnet de Chasse*, prior to leaving the live-capturing site.

5.2 The reporting system deployed a filtering / verification system which ensured that only registered mobile numbers pertaining to licensed individuals (as specified in their application form) were able to use the reporting system. An automated voice system guided the caller to select the species, followed by the quantity caught. As soon as the call was registered the system would send an automated text message to the caller as an acknowledgement of the species and quantity caught. This SMS was to be retained throughout the season for potential inspection by enforcement officers. The telephonic system also contained a number of messages that reminded callers of their legal obligations, including bag limits, permitted hours, etc. Should a live-

capturer attempt to report birds caught over his allowed quota, he would be immediately prompted to release the birds caught, and the report would be lodged for enforcement purposes.

5.3 Throughout the duration of the derogation, the Wild Birds Regulation Unit had access to monitor individual and national quota uptake for both species in real time. Summary daily capture reports were also received at the end of each day's permitted hours. These reports stipulated the total number of birds reported caught per species during each day, cumulative totals, as well as the detailed information pertaining to the precise time of each report, and the registered mobile phone number pertaining to each licensee making such a report.

5.4 All data was simultaneously and securely stored on two servers, with automatic back up every five minutes. A total of 32 telephone lines were available at any one time in case of simultaneous reports.

5.5 The game reporting system generated two types of reports that were forwarded to the Wild Birds Regulation Unit on a daily basis. 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. The system was programmed to automatically inform the callers that their individual seasonal bag limit of ten specimens was reached, at which point no further calls would be accepted from such numbers. These reports were closely monitored throughout the season, with a view to keeping track of various variables, including (i) the total number of birds per species caught per day, (ii) cumulative totals (seasonal bag limits), and (iii) individual seasonal bag limits per licence. The relevant data is presented below.

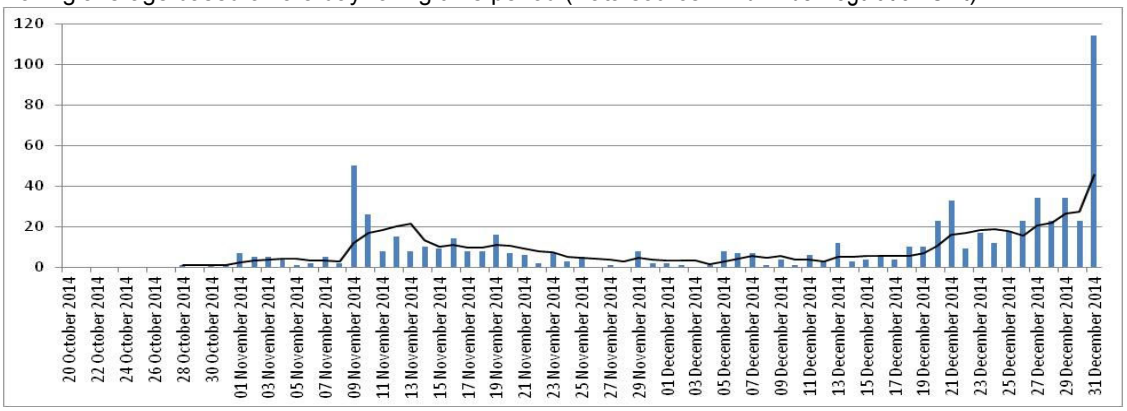
Captured Finches per day of season (as reported through the game reporting system)
(Data source: Wild Birds Regulation Unit)

Date	Serin	Siskin	Goldfinch	Linnet	Chaffinch	Hawfinch	Greenfinch
20-Oct-14					4	1	
21-Oct-14				2	1	7	
22-Oct-14		1			1	3	
23-Oct-14		2			11	5	1
24-Oct-14		7		5	35	6	3
25-Oct-14		2		12	12	9	
26-Oct-14		11		20	46	20	2
27-Oct-14		4		13	39	31	5
28-Oct-14	1	1		30	19	9	3
29-Oct-14		5		58	36	20	6
30-Oct-14	1	4		58	26	29	8
31-Oct-14	1	6	1	68	58	20	12
01-Nov-14	7	4	1	40	65	19	11
02-Nov-14	5	3		42	36	28	7
03-Nov-14	5	14		38	34	25	12
04-Nov-14	4	2	1	32	16	5	5
05-Nov-14	1	1	2	24	20	9	2
06-Nov-14	2			17	18	13	4
07-Nov-14	5	2		26	20	10	3

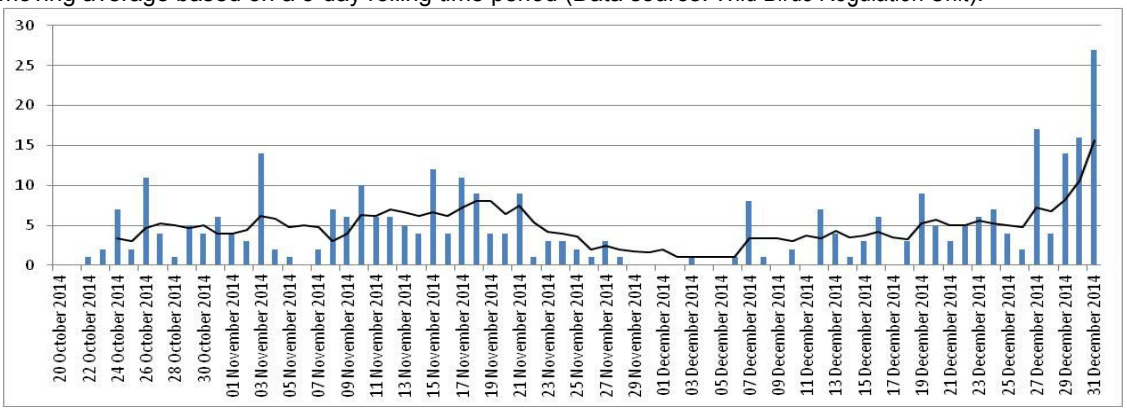
Date	Serin	Siskin	Goldfinch	Linnet	Chaffinch	Hawfinch	Greenfinch
08-Nov-14	2	7		35	24	16	10
09-Nov-14	50	6		179	113	53	45
10-Nov-14	26	10	4	143	85	25	21
11-Nov-14	8	6		44	33	22	7
12-Nov-14	15	6		53	27	20	36
13-Nov-14	8	5	1	92	19	20	25
14-Nov-14	10	4		93	72	17	62
15-Nov-14	9	12	1	140	69	19	59
16-Nov-14	14	4	2	83	90	15	42
17-Nov-14	8	11		78	69	24	26
18-Nov-14	8	9	1	38	44		21
19-Nov-14	16	4	2	72	40		34
20-Nov-14	7	4	1	49	31		22
21-Nov-14	6	9	3	43	19		8
22-Nov-14	2	1	2	28	27		10
23-Nov-14	7	3		33	25		11
24-Nov-14	3	3		20	8		1
25-Nov-14	5	2	3	46	18		19
26-Nov-14		1		27	11		3
27-Nov-14	1	3		22	21		13
28-Nov-14		1		15	6		1
29-Nov-14	8			30	7		3
30-Nov-14	2			11	13		3
01-Dec-14	2			4	8		6
02-Dec-14	1			9	5		2
03-Dec-14		1	2	5	8		1
04-Dec-14	1			33	8		9
05-Dec-14	8			11	3		2
06-Dec-14	7	1	1	21	7		10
07-Dec-14	7	8		13	3		2
08-Dec-14	1	1	3	27	7		8
09-Dec-14	4		1	32	7		6
10-Dec-14	1	2		12	4		1
11-Dec-14	6		1	4	9		3
12-Dec-14	3	7		14	6		2
13-Dec-14	12	4		20	4		12
14-Dec-14	3	1	1	39	13		10
15-Dec-14	4	3	1	19	3		2
16-Dec-14	6	6		10	9		2
17-Dec-14	4			18	8		7
18-Dec-14	10	3	1	28	9		7
19-Dec-14	10	9	1	38	13		8
20-Dec-14	23	5	1	56	17		25
21-Dec-14	33	3	2	46	13		9
22-Dec-14	9	5	2	39	9		14

Date	Serin	Siskin	Goldfinch	Linnet	Chaffinch	Hawfinch	Greenfinch
23-Dec-14	17	6		34	4		14
24-Dec-14	12	7	4	45	15		16
25-Dec-14	18	4	2	35	14		12
26-Dec-14	23	2	7	67	20		33
27-Dec-14	34	17	2	69	24		24
28-Dec-14	23	4	3	51	17		27
29-Dec-14	34	14	3	74	8		28
30-Dec-14	23	16	8	41	21		22
31-Dec-14	114	27	8	178	44		58
Total	**700**	**336**	**79**	**2951**	**1708**	**500**	**948**
National Bag Limit	2,350	2,350	800	12,000	5,000	500	4,500
Total finches caught as percentage of National Bag Limit	**30%**	**14%**	**10%**	**25%**	**34%**	**100%**	**21%**

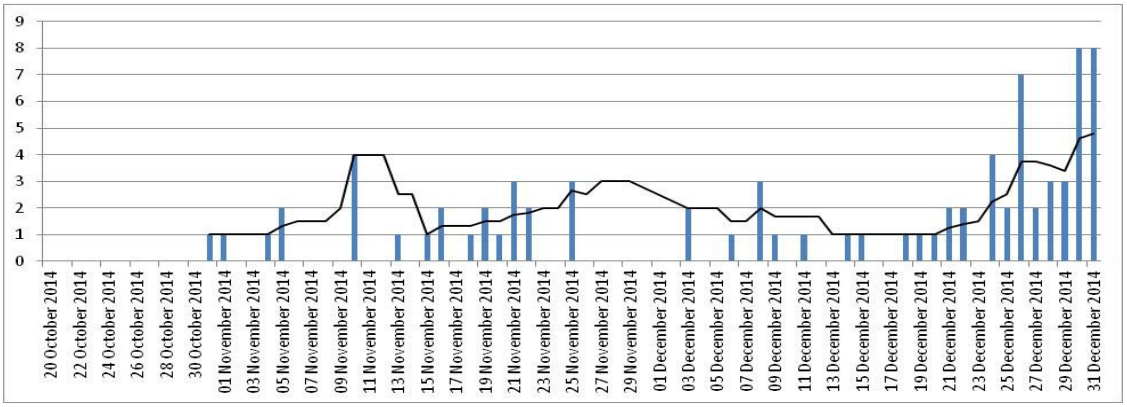
Daily total number of Serins captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



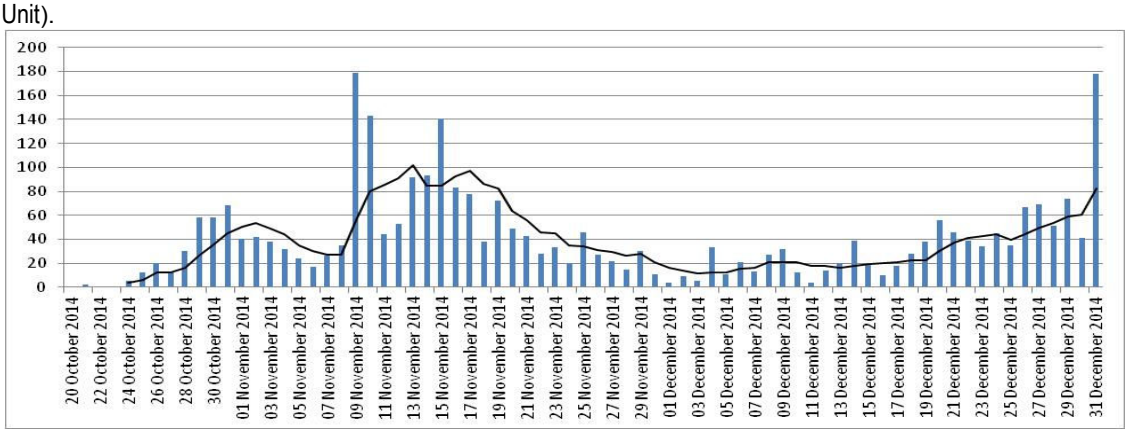
Daily total number of Siskins captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



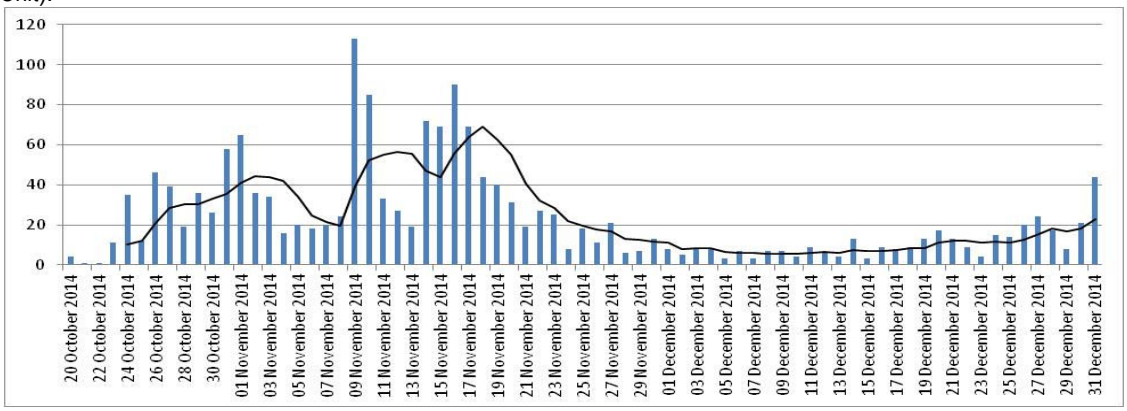
Daily total number of Goldfinches captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



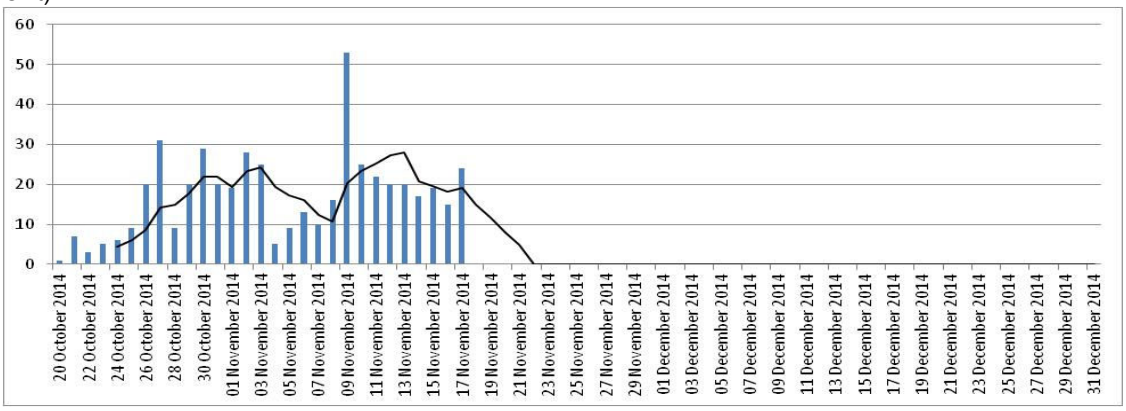
Daily total number of Linnets captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



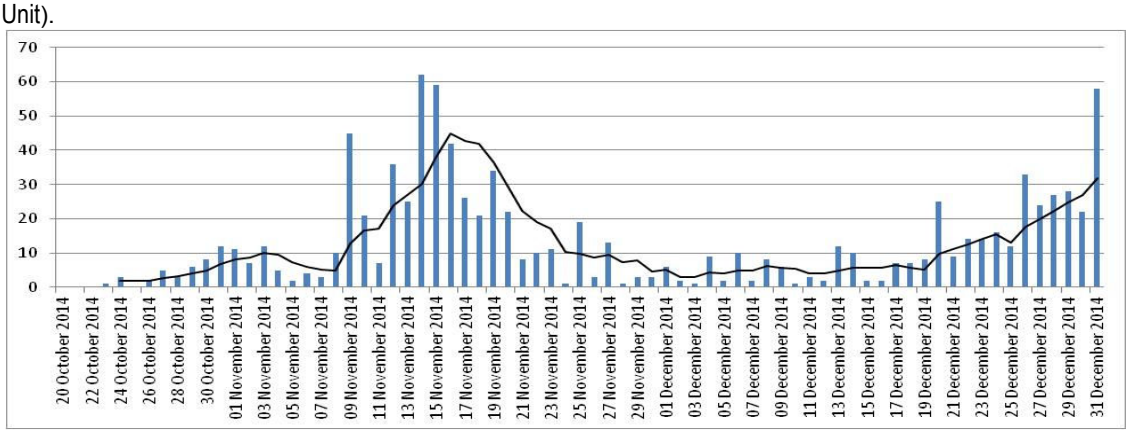
Daily total number of Chaffinches captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



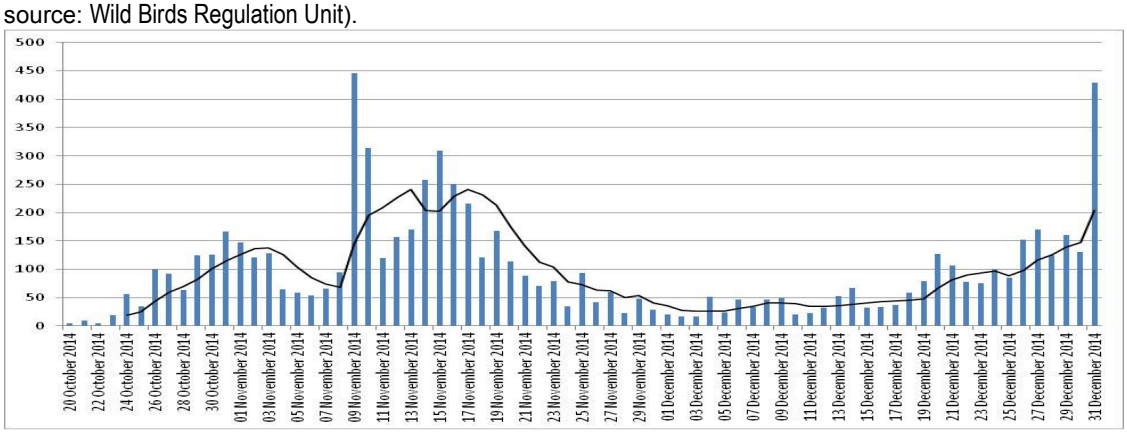
Daily total number of Hawfinches captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



Daily total number of Greenfinches captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



Daily total number of finches (seven species combined) captured during the autumn 2014 season. The solid black line represents a moving average based on a 5-day rolling time period (Data source: Wild Birds Regulation Unit).



5.6 The overall seasonal bag limit for Hawfinch was reached on 17 November 2014. Government Notice 1167/2014[6] was issued on that same day declaring that the Autumn 2014 finch live-capturing licences had lapsed and were considered revoked only in respect of the live-capturing of the Hawfinch and that they remained unaffected with regard to the other species. An SMS was

[6] https://www.gov.mt/en/Government/Government%20Gazette/Documents/2014/11/Government%20Gazette%20-%2017%20November.pdf

sent out simultaneously to all licensees to inform them regarding closure of the season for Hawfinch.

5.7 Over the period of the derogation, an individual seasonal bag limit of ten birds was reached by 69 licensees, as shown below.

Total number of finches declared caught by each licensed live-capturer (Data source: Wild Birds Regulation Unit)	
Total finches declared caught during season	**Number of licensed finch live-capturers**
0	1962
1	618
2	532
3	314
4	214
5	133
6	108
7	80
8	63
9	75
10	69
>10	0
Total	**4,168**

5.8 Sixty-nine live-capturers reached their seasonal limit of ten finches, as follows: 11 in October, 8 in November and 50 in December, as shown in the table below.

Number of live-capturers reaching seasonal bag limit of ten finches (Data source: Micro Technology Consultancy Limited)	
Date	**No. of Licensees**
24/Oct/14	1
26/Oct/14	2
29/Oct/14	1
30/Oct/14	5
31/Oct/14	2
16/Nov/14	1
17/Nov/14	1
21/Nov/14	1
22/Nov/14	1
26/Nov/14	1
27/Nov/14	1
29/Nov/14	1
30/Nov/14	1
24/Dec/14	1
25/Dec/14	2
27/Dec/14	2
28/Dec/14	3
29/Dec/14	5
30/Dec/14	7
31/Dec/14	30
Total	**69**

6. Finch migration study

6.1 An independent scientific study was carried out between 20 October and 31 December 2014, inclusive of both dates, in order to obtain an estimate of migratory influxes of the seven finch species during the derogation period. The study, carried out by Ecoserv (2014), was commissioned by the Wild Birds Regulation Unit, with its overall objective being the following: *To provide an independent study on the influx or passage of the 7 finch species: Linnet* (Carduelis cannabina)*, Chaffinch* (Fringilla coelebs)*, Serin* (Serinus serinus)*, Goldfinch* (Carduelis carduelis)*, Greenfinch* (Carduelis chloris)*, Hawfinch* (Coccothraustes coccothraustes) *and Siskin* (Carduelis spinus) *during the Autumn/Winter 2014 migration period*.

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

1. Daily datasheets with raw counts for each of the 7 finch species.
2. A monitoring report for Autumn/Winter 2014 finch 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 7 finch species.

    c) A daily estimate of the influx of each of the 7 finch 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 with the bag data extracted from *Carnet de Chasse* for the same period between 2002 and 2008.

6.3 The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (Malta, Gozo and Comino), with data gathered during an 11-week period from 20 October until 31 December 2014. Given that the study was mainly intended to quantify the influx of migrating finches, the count stations were located at strategic locations along the coast. A full copy of the survey report is attached in Annex VI, with key conclusions summarised below.

6.4 During the survey, two individuals - a field assistant capable of identifying finch species 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 individuals of the seven species were made at each of 6 different sites on each day during the monitoring period.

6.5 Each group of 6 sites was surveyed once every 4 days, such that a total of 21 sites were surveyed in total over each period of 4 days. The study site at Comino was included in the 6 sites surveyed on any one day, such that this site was surveyed on a daily basis; when weather conditions precluded surveys at the Comino site due to unavailability of sea transport services, these were undertaken at alternative sites (in Armier or Qala) instead. Counts obtained across this network of observation stations over the survey period are given in the following table.

Total daily counts of finches compiled through the autumn migration study (Data source: Ecoserv, 2014).

Date	Total daily counts						
	Linnet	Chaffinch	Serin	Goldfinch	Greenfinch	Hawfinch	Siskin
20-Oct-14	1	18	0	0	0	9	0
21-Oct-14	5	4	0	0	0	3	0
22-Oct-14	2	0	2	0	0	4	1
23-Oct-14	2	17	0	0	0	0	0
24-Oct-14	0	53	0	0	0	0	1
25-Oct-14	34	52	0	0	0	0	0
26-Oct-14	24	112	0	0	1	2	0
27-Oct-14	4	29	0	0	0	1	0
28-Oct-14	13	20	0	0	2	1	0
29-Oct-14	55	12	0	0	14	2	0
30-Oct-14	22	19	1	0	3	1	1
31-Oct-14	48	62	12	0	13	0	4
1-Nov-14	13	23	0	0	6	3	7
2-Nov-14	87	67	10	1	5	4	28
3-Nov-14	21	11	2	0	0	0	1
4-Nov-14	16	7	6	0	0	3	0
5-Nov-14	10	9	0	0	0	0	0
6-Nov-14	2	2	0	0	0	0	0
7-Nov-14	2	2	0	0	0	0	0
8-Nov-14	7	7	0	0	0	0	0
9-Nov-14	61	30	34	0	14	1	2
10-Nov-14	29	27	6	0	11	0	1
11-Nov-14	0	3	0	0	0	0	0
12-Nov-14	4	4	6	0	3	0	0
13-Nov-14	12	4	0	0	3	0	0
14-Nov-14	4	36	0	0	6	0	0
15-Nov-14	42	8	0	0	7	0	0
16-Nov-14	10	16	18	0	18	0	0
17-Nov-14	8	12	0	0	0	0	0
18-Nov-14	10	6	0	0	0	1	0
19-Nov-14	8	7	10	0	7	0	0
20-Nov-14	0	11	0	0	1	0	0
21-Nov-14	12	5	9	0	0	0	1
22-Nov-14	7	7	3	0	3	0	0
23-Nov-14	4	5	0	0	5	0	0
24-Nov-14	7	0	0	0	1	0	0
25-Nov-14	11	0	1	0	0	0	0
26-Nov-14	2	5	0	0	0	0	0
27-Nov-14	0	3	0	0	4	0	0
28-Nov-14	1	0	4	0	0	0	0
29-Nov-14	2	1	0	0	3	0	0
30-Nov-14	1	5	7	0	0	0	0
1-Dec-14	11	3	0	3	0	0	1
2-Dec-14	3	0	0	0	0	0	0
3-Dec-14	2	1	0	0	2	0	0
4-Dec-14	1	6	5	0	5	0	0
5-Dec-14	5	2	0	0	2	0	0
6-Dec-14	4	2	0	0	2	0	1
7-Dec-14	0	1	0	0	2	0	0
8-Dec-14	0	0	0	0	2	0	0
9-Dec-14	3	2	1	0	0	0	0
10-Dec-14	0	0	0	0	1	0	0
11-Dec-14	0	3	0	0	0	0	0
12-Dec-14	6	1	0	0	3	0	0
13-Dec-14	4	1	2	0	4	0	0
14-Dec-14	7	0	1	0	0	0	0

Date	Total daily counts						
	Linnet	Chaffinch	Serin	Goldfinch	Greenfinch	Hawfinch	Siskin
15-Dec-14	0	3	0	0	0	0	0
16-Dec-14	2	0	3	0	0	0	0
17-Dec-14	0	4	0	0	0	0	0
18-Dec-14	0	0	2	0	2	0	0
19-Dec-14	0	3	0	0	0	0	0
20-Dec-14	0	0	2	0	2	0	0
21-Dec-14	0	0	1	0	1	0	0
22-Dec-14	3	4	2	0	0	0	0
23-Dec-14	0	0	0	0	2	0	0
24-Dec-14	0	0	2	0	0	0	0
25-Dec-14	0	0	1	0	0	0	0
26-Dec-14	0	0	0	0	0	0	0
27-Dec-14	0	1	1	0	0	0	0
28-Dec-14	0	0	0	0	0	0	0
29-Dec-14	0	0	0	0	0	0	0
30-Dec-14	0	0	0	0	0	0	0
31-Dec-14	0	2	0	0	0	0	0
Total counts	**654**	**760**	**154**	**4**	**160**	**35**	**49**

6.6 The mean daily counts did not indicate any large migratory peaks for any of the seven species, but higher values recorded in certain periods suggest a general trend of migratory influx during the following periods: Linnet, late October to mid-November; Chaffinch, late October to mid-November; Greenfinch, November and early December; Serin, November; Hawfinch, late October. However, no discernible trend was noted in the case of Siskin and Goldfinch due to the low number of counts of individuals recorded for these two species. On the other hand, observations by the authors of the 2014 finch migration study report (Ecoserv, 2014) indicate a high migratory influx of Hawfinch before 20 October when the present study was initiated. The raw counts for most of the species varied appreciably among the different stations. Such variation is to be expected in studies such as the present, given that birds may have a strong influx at one site and a potentially much lower one at a different site, even if the two sites are separated by a very small distance of even a few hundred metres (Ecoserv, 2014).

6.7 Daily counts at different sites varied from a minimum of 0 (all seven finch species) to a maximum of 3 Goldfinches, 4 Hawfinches, 14 Greenfinches, 22 Siskins, 31 Serins, 51 Chaffinches and 62 Linnets. The data from the survey was extrapolated to obtain an estimate of the total number of finches that may have migrated over Malta on each day of the study period (see table below). These estimates should be treated with caution, given the inherent limitations and assumptions which are detailed in the finch migration study report.

Daily finch counts and extrapolated data (Data source: Ecoserv, 2014)

	Daily counts at stations		Estimated total influx		
	Min	Max	Daily Min	Daily Max	Total influx over survey period
Linnet	0	62	0	7,865	59,126
Chaffinch	0	51	0	10,126	68,709
Greenfinch	0	14	0	1,627	14,465
Siskin	0	22	0	2,531	4,430
Goldfinch	0	3	0	271	362
Serin	0	31	0	3,074	13,923

Hawfinch	0	4	0	814	3,164

7. Comparison between migratory study data and game reporting data

7.1 A comparative analysis of the results obtained during the 2014 finch migration study with the game reporting data for the 2014 derogation, as well as with the *Carnet de Chasse* (2002–2008) data for the same period (20 October to 31 December) 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 2014 finch survey should broadly follow the days when higher numbers of finches were captured (and reported in the bag data), assuming the influx of the finch species follows the same temporal trend from year to year. However if the latter assumption is incorrect, the trends would not be expected to correlate (Ecoserv, 2014).

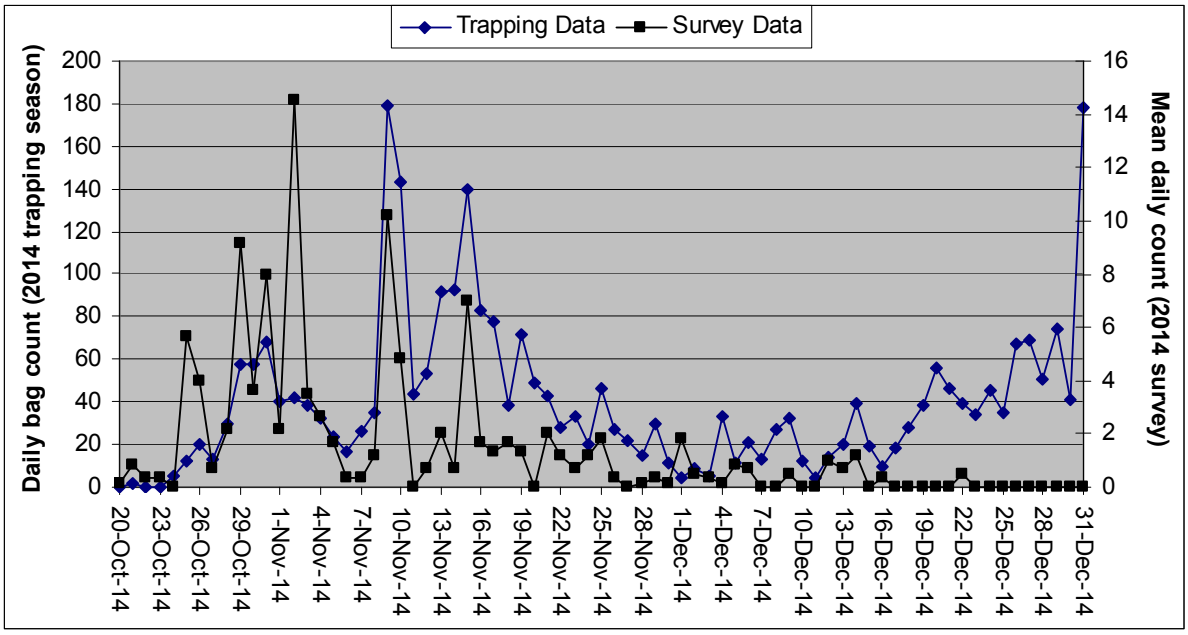
7.2 Graphical representations of the mean or total daily counts made during the 2014 finch migration survey and the daily bag counts for the same time period (20 October – 31 December 2014) of each of the 7 finch species were prepared to compare temporal trends among the two different data sets. In a graphical plot showing daily counts, a high variation in counts from day to day may overshadow temporal trends over the two-month period. To aid visual interpretation, a second set of analyses was undertaken by computing a moving average using a rolling 5-day period for the time series count data of each year. This has the effect of smoothening out the day to day fluctuations and hence making longer-term trends in mean/total daily counts or daily bag counts more apparent, thus facilitating visual interpretation of temporal trends. Note that the analyses based on a moving average do not replace those based on the raw daily counts. Rather, the graphical representations showing a 5-day moving average should be seen in conjunction with those based on daily counts, which are also presented (Ecoserv, 2014).

7.3 Since the available *Carnet de Chasse* data are based on the number of finches caught per week or decade, these could not be compared directly to the daily counts recorded during the present survey. To enable comparison with the 2002–2006 *Carnet de Chasse* weekly data, the results of the 2014 survey were used to compute the total counts for every week during the survey period (11 weeks in all). Likewise, the total count for every decade during the survey period (8 decades in all) was computed in order to render the results of the 2014 survey comparable to the 2007–2008 *Carnet de Chasse* data. Graphical representations of the weekly (2002–2006 & 2014 data) or decadal (2007–2008 & 2014 data) counts were then plotted to enable visual comparison of temporal trends (Ecoserv, 2014).

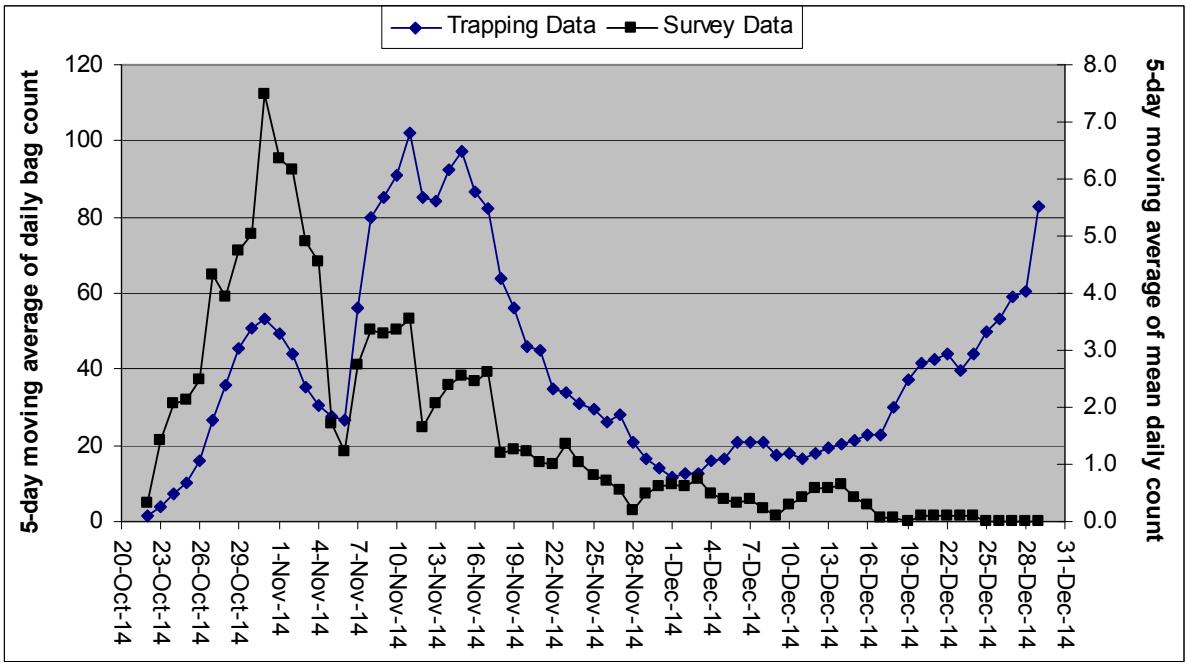
Linnet

7.4 The highest daily counts made during the 2014 survey occurred in early November, while the highest bag counts occurred in mid-November. Thus, the general trend observed in the bag counts for 2014 and daily counts recorded during the 2014 survey is of slightly higher counts in the early part of the live-capturing season, up to around 20 November. Both the number of Linnet observed per day during the 2014 survey and the number of Linnet caught declined thereafter. Live-capturing reports indicated a slight increase in the number of Linnet caught during the last week of December 2014,

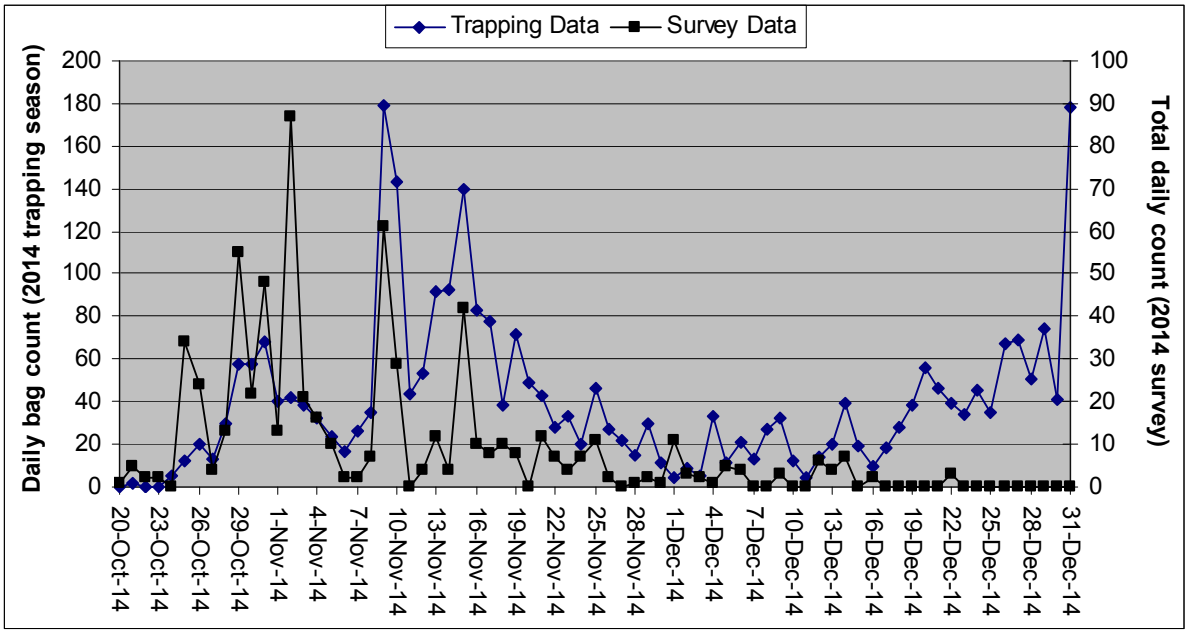
whereas the daily counts from the 2014 survey continued to decline until the end of the survey period. When the results from the 2014 survey were compared to the 2002 – 2008 *Carnet de Chasse* data, very similar temporal trends were observed, with higher counts occurring in weeks 2-3 / decade 2, corresponding to early to mid-November, followed by a steady decline until the end of December (Ecoserv, 2014).



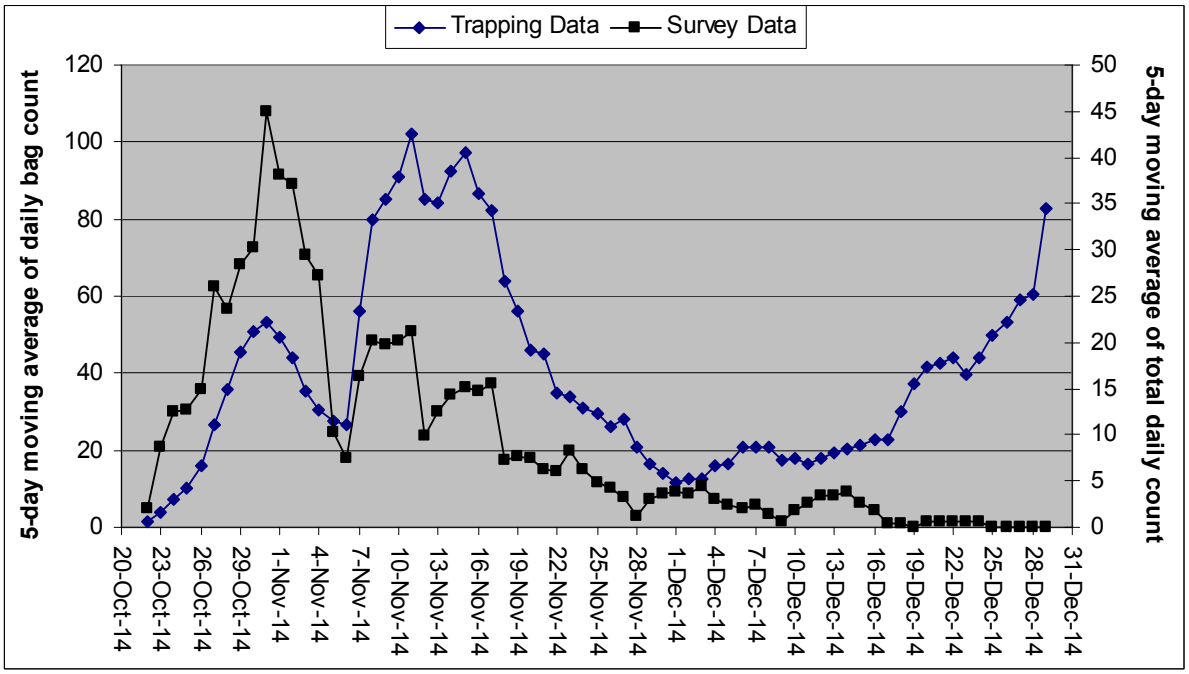
Daily bag count of Linnet during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



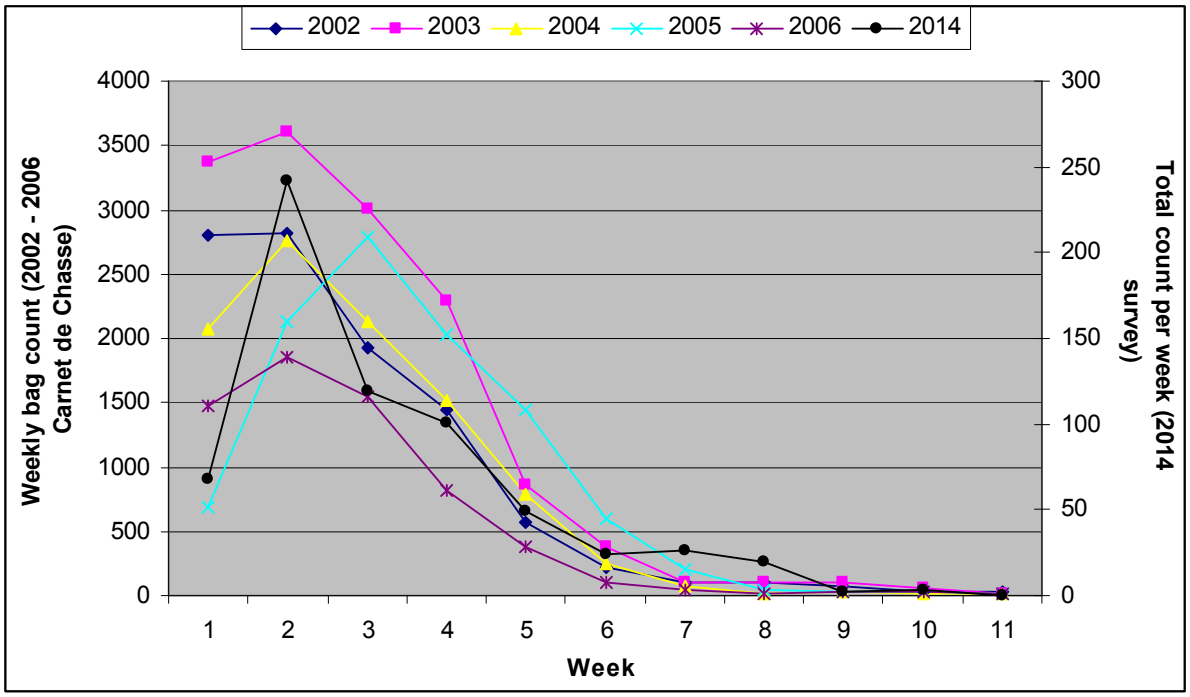
Moving average based on a 5-day rolling time period for the daily bag counts of Linnet during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



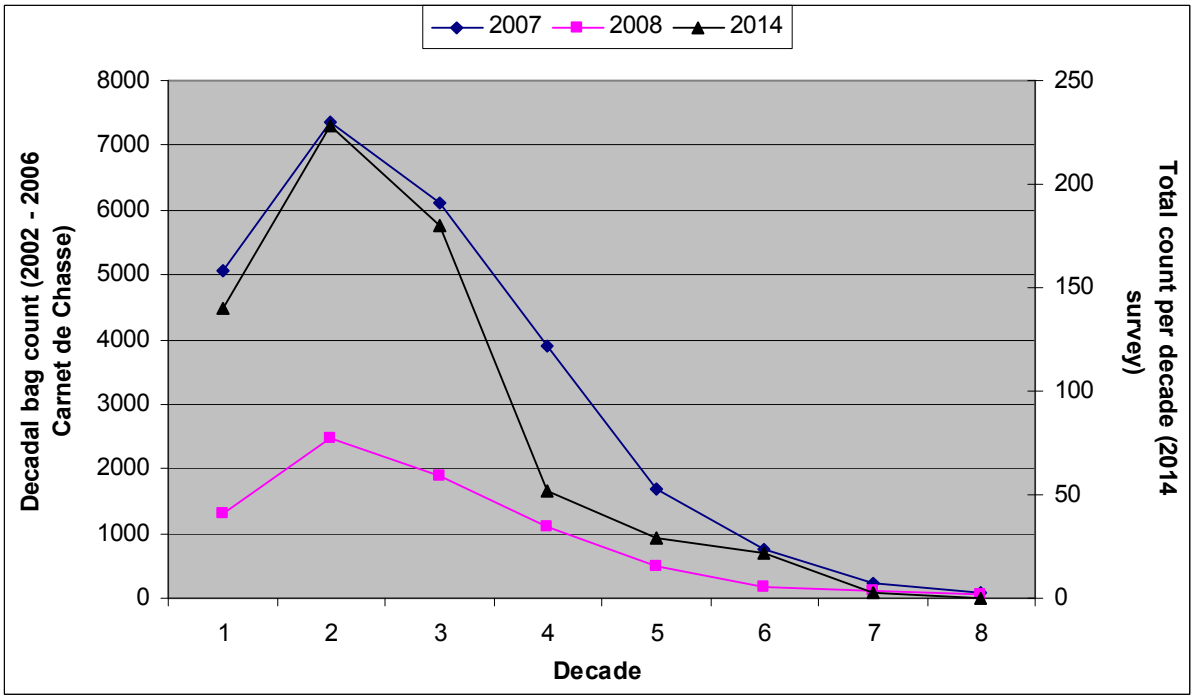
Daily bag count of Linnet during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Linnet during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



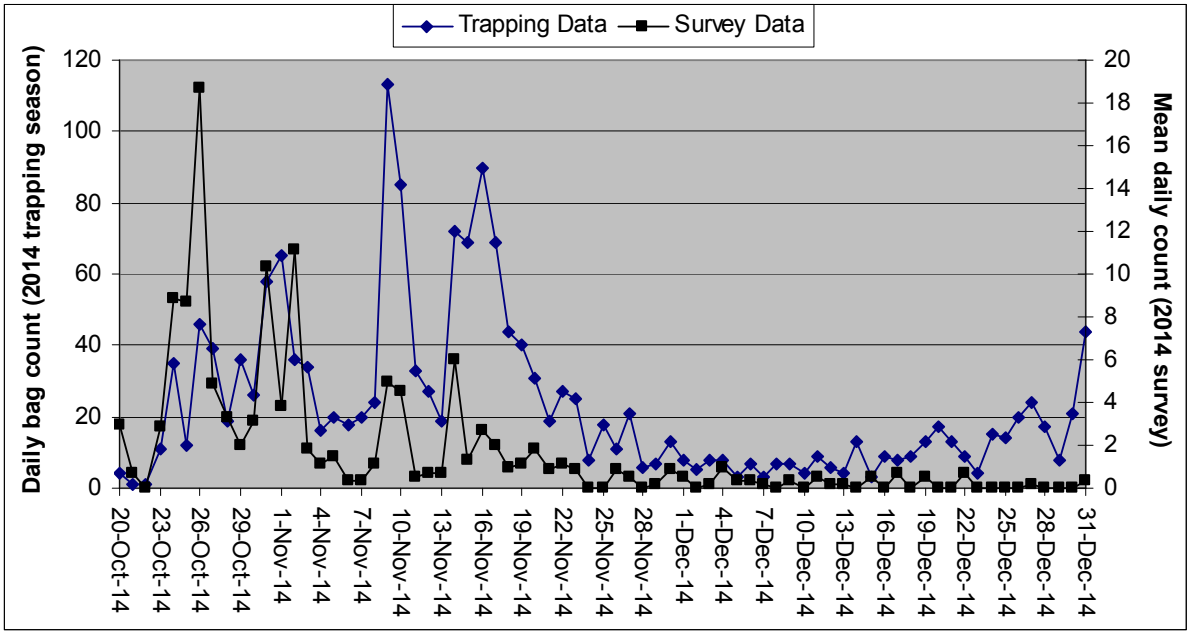
Weekly bag count of Linnet during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



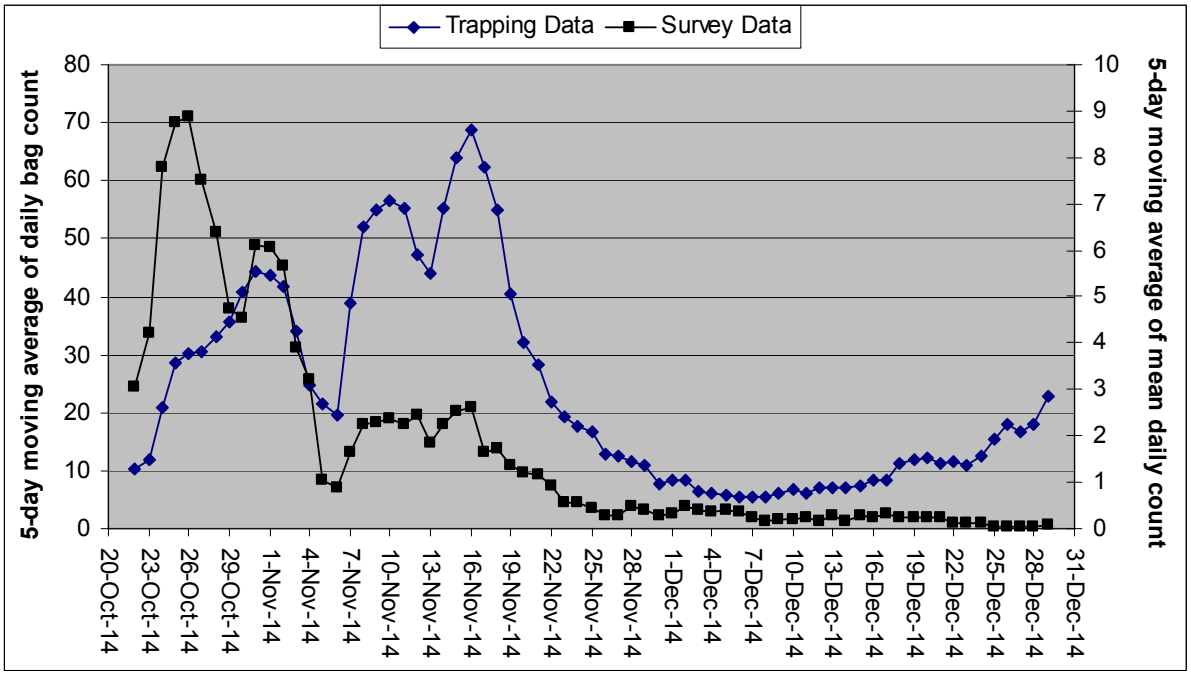
Decadal bag count of Linnet during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

Chaffinch

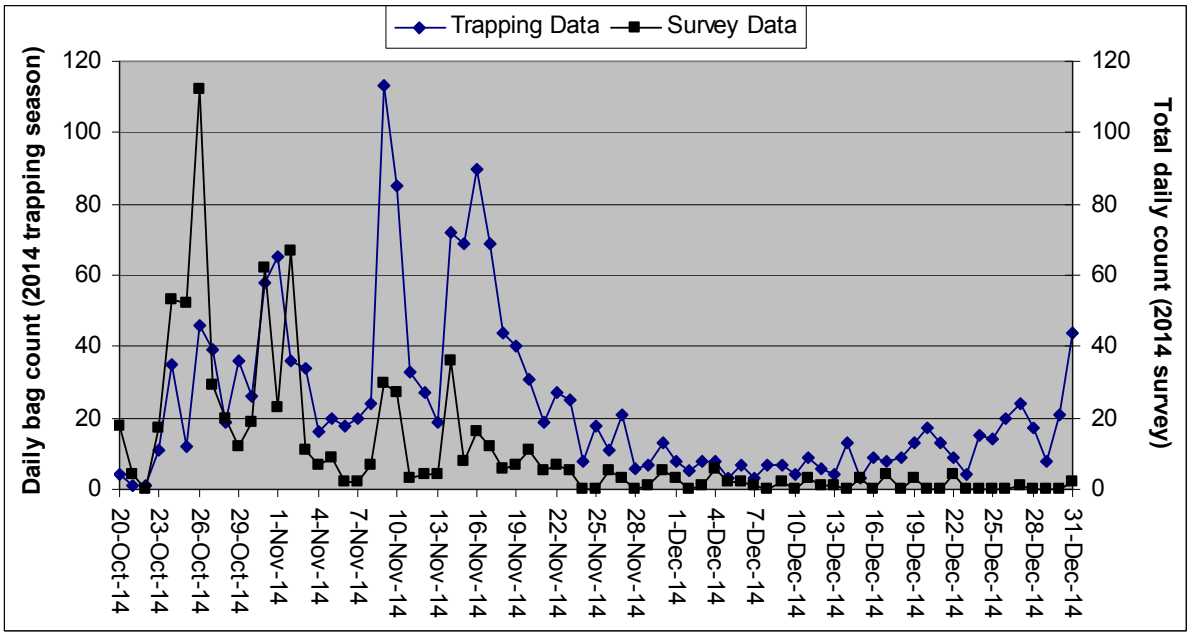
7.5 The highest daily counts recorded during the 2014 survey were made in late October and early November, while the highest bag counts were reported during early to mid-November. Thus, the general trend observed in the bag counts for 2014 and daily counts recorded during the 2014 survey is of slightly higher counts in the early part of the live-capturing season, up to around 20 November. Both the number of Chaffinch observed per day during the 2014 survey and the number of Chaffinch caught declined thereafter. Live-capturing reports indicated a marginal increase in the number of Chaffinch caught during the last week of December 2014, whereas the daily counts from the 2014 survey continued to decline until the end of the survey period. When the results from the present survey were compared to the 2002 – 2008 *Carnet de Chasse* data, very similar temporal trends were observed, with higher counts occurring in weeks 1-4 / decades 1-3, corresponding to late October to mid-November, followed by a steady decline until the end of December (Ecoserv, 2014).



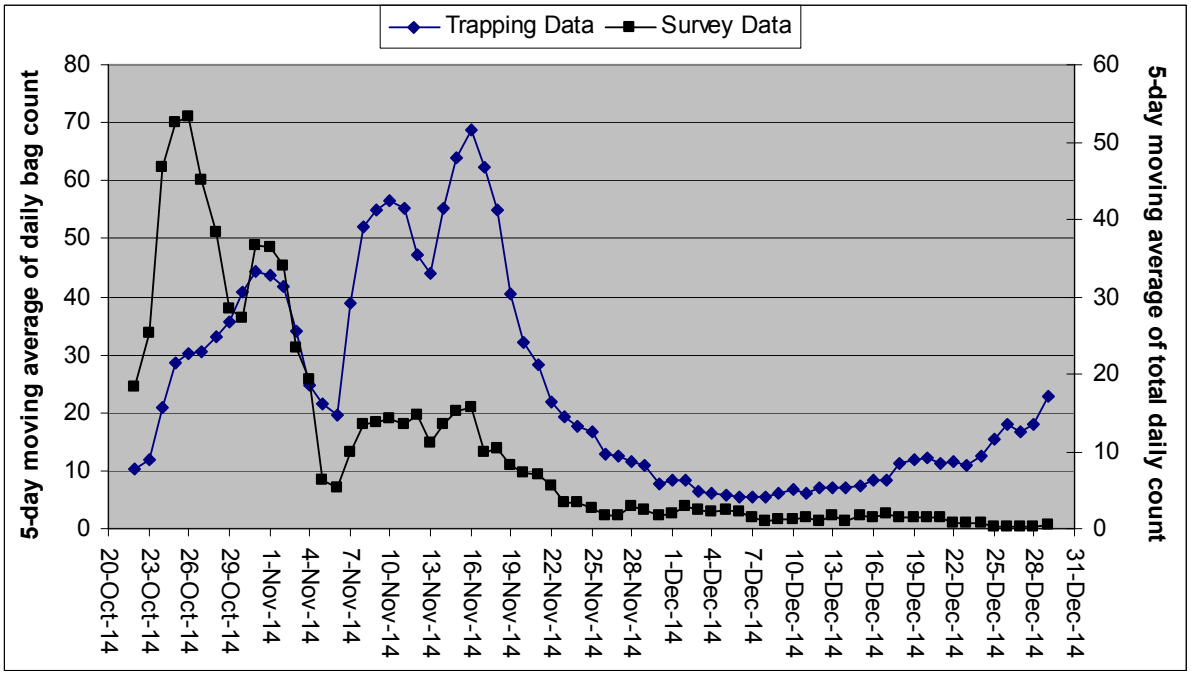
Daily bag count of Chaffinch during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



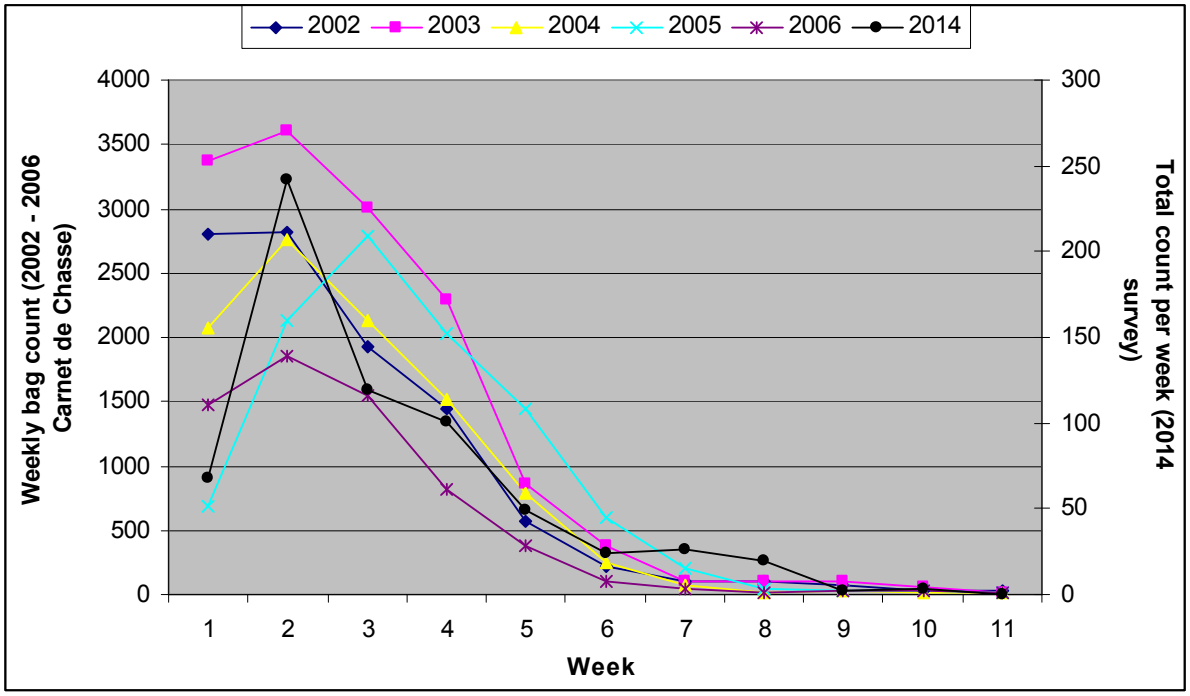
Moving average based on a 5-day rolling time period for the daily bag counts of Chaffinch during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



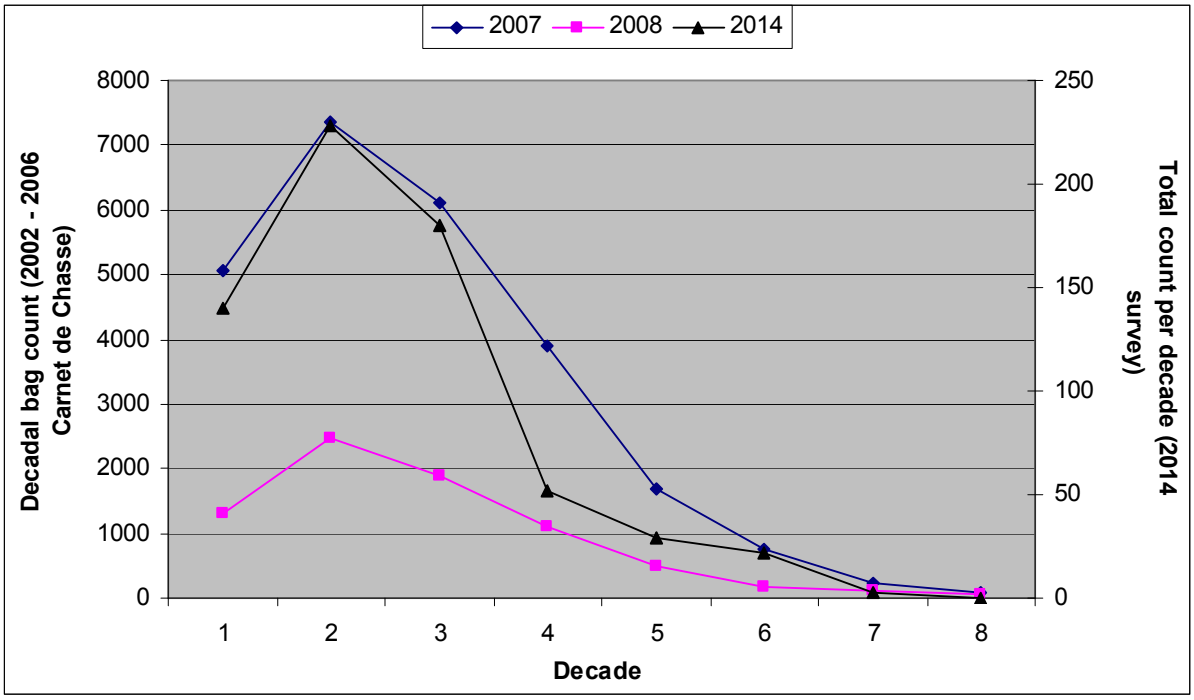
Daily bag count of Chaffinch during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Chaffinch during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



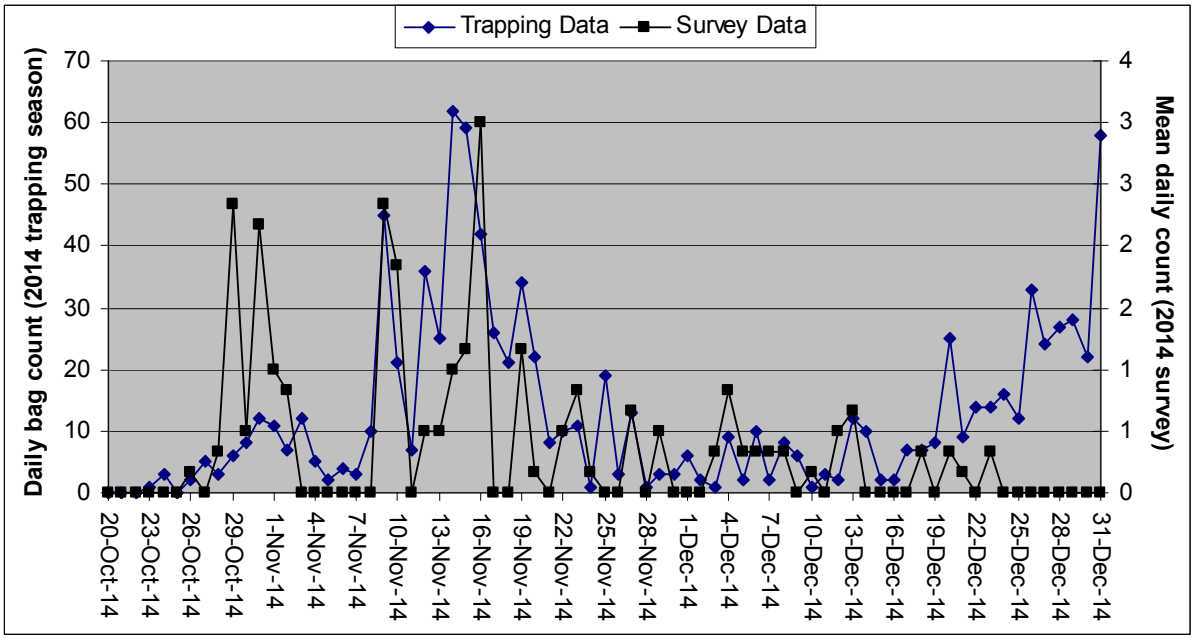
Weekly bag count of Chaffinch during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



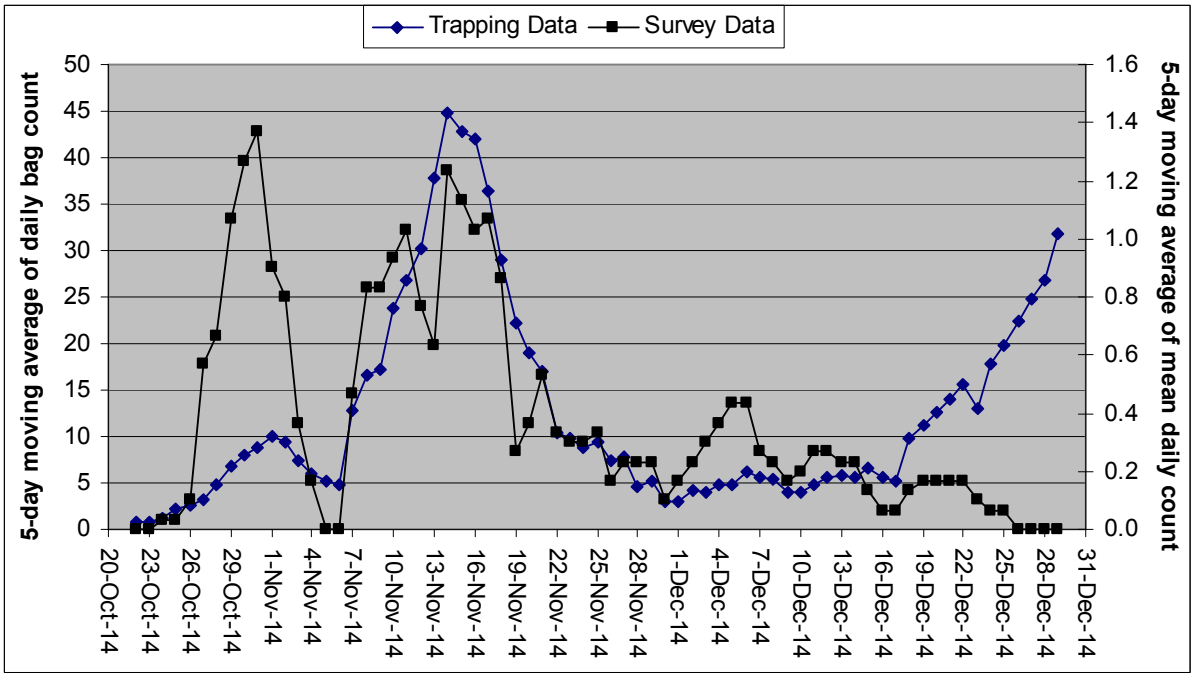
Decadal bag count of Chaffinch during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

Greenfinch

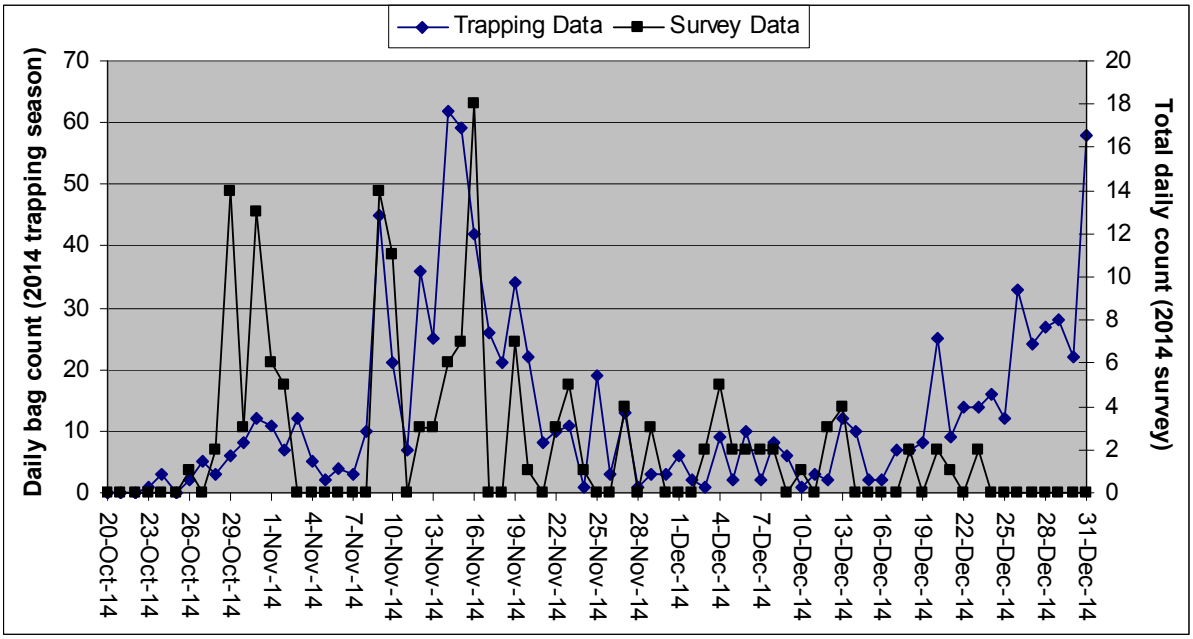
7.6 The highest daily counts made during the 2014 survey occurred between late October and mid-November, while the highest bag counts occurred in mid-November. Thus, the general trend observed in the bag counts for 2014 and daily counts recorded during the 2014 survey is of slightly higher counts in the early part of the live-capturing season, up to around 25 November. Thereafter, lower values for the number of Greenfinch observed per day during the 2014 survey and for the number of Greenfinch caught were recorded. Live-capturing reports indicated a slight increase in the number of Greenfinch caught during the last week of December 2014, whereas the daily counts from the 2014 survey continued to decline until the end of the survey period. When the results from the present survey were compared to the 2002 – 2008 *Carnet de Chasse* data, very similar temporal trends were observed, with higher counts occurring in weeks 2-4 / decades 2-3, corresponding to early to mid-November, followed by a steady decline until the end of December (Ecoserv, 2014).



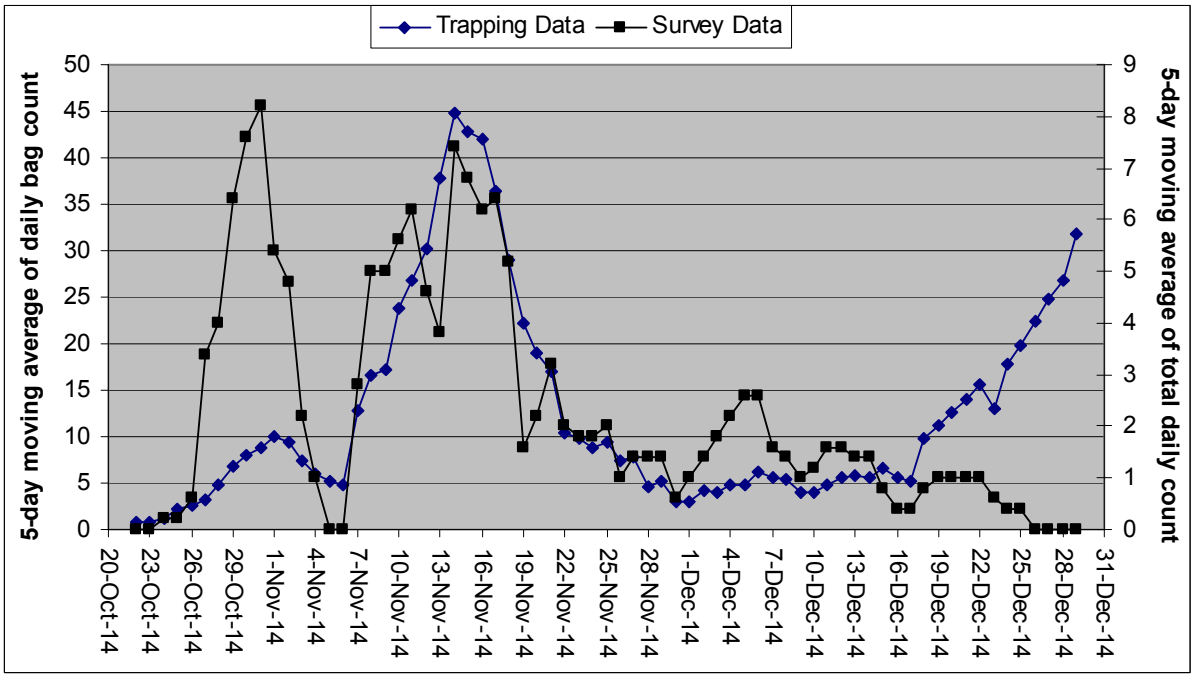
Daily bag count of Greenfinch during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



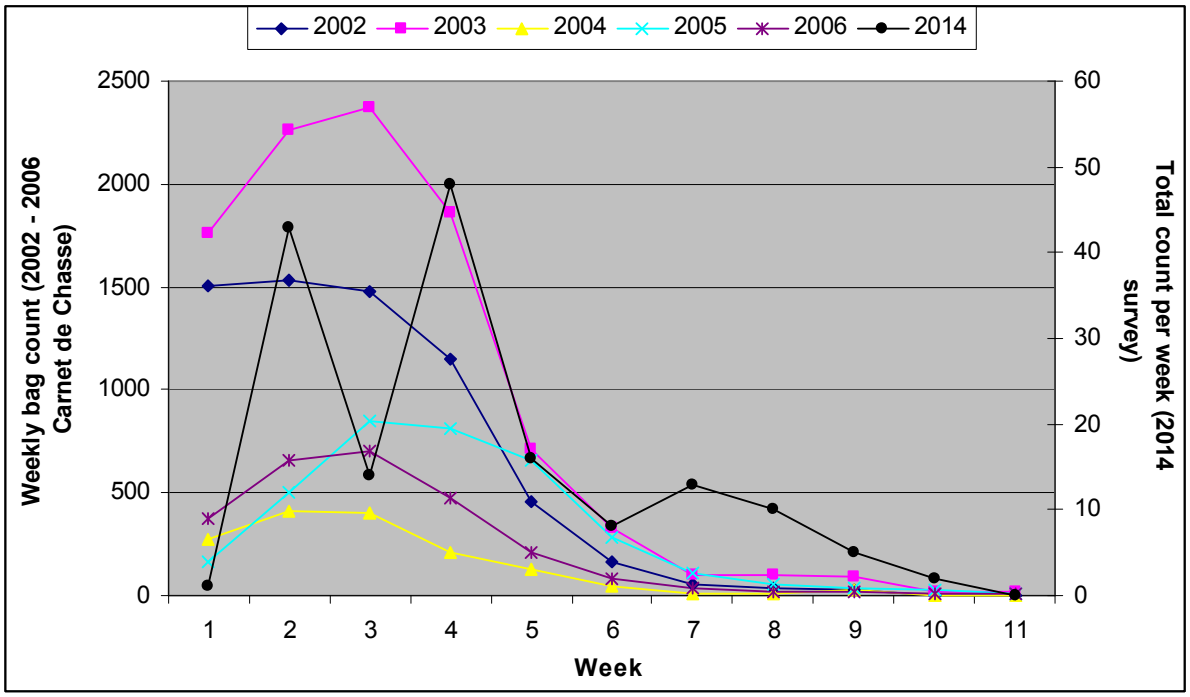
Moving average based on a 5-day rolling time period for the daily bag counts of Greenfinch during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



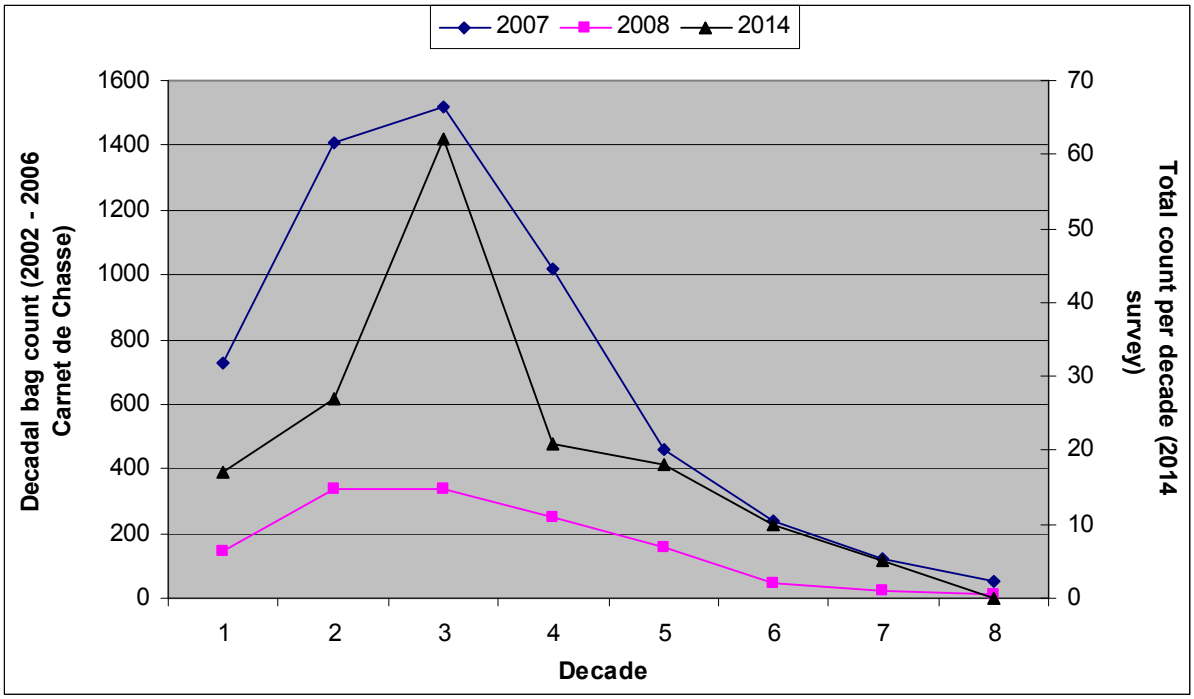
Daily bag count of Greenfinch during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Greenfinch during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



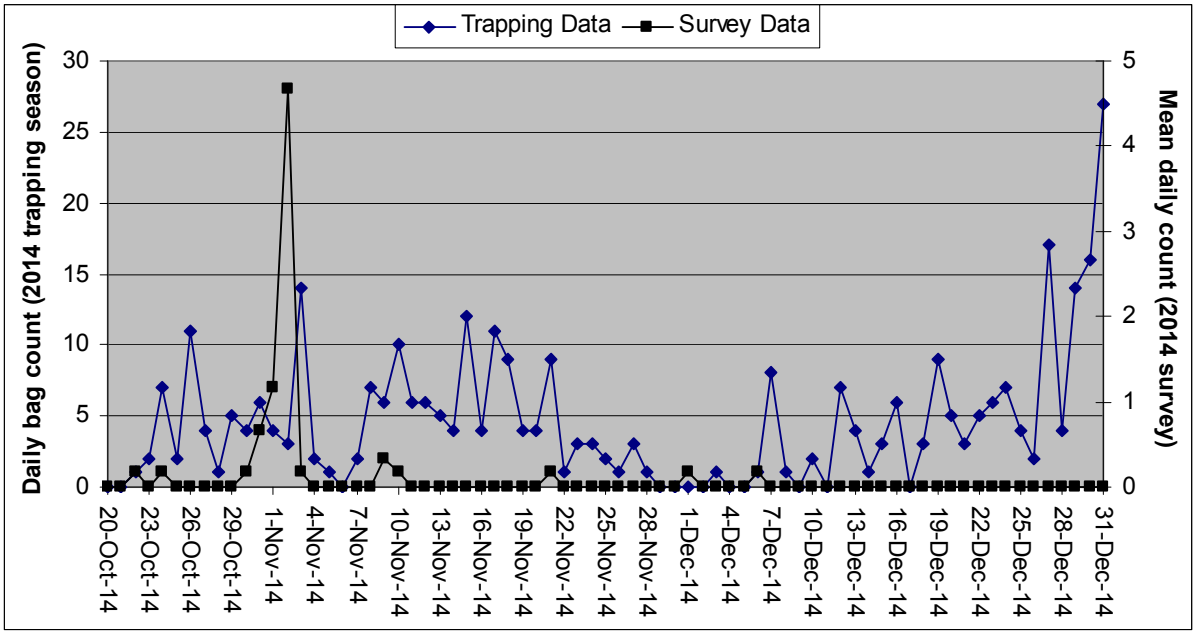
Weekly bag count of Greenfinch during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



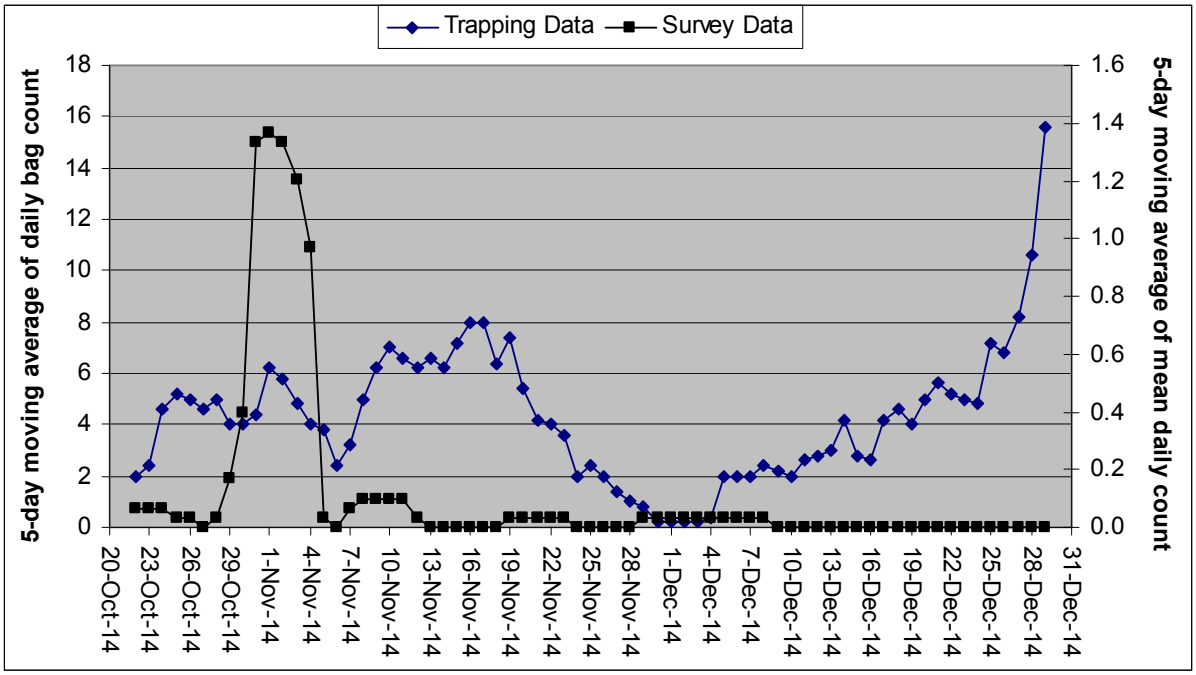
Decadal bag count of Greenfinch during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

Siskin

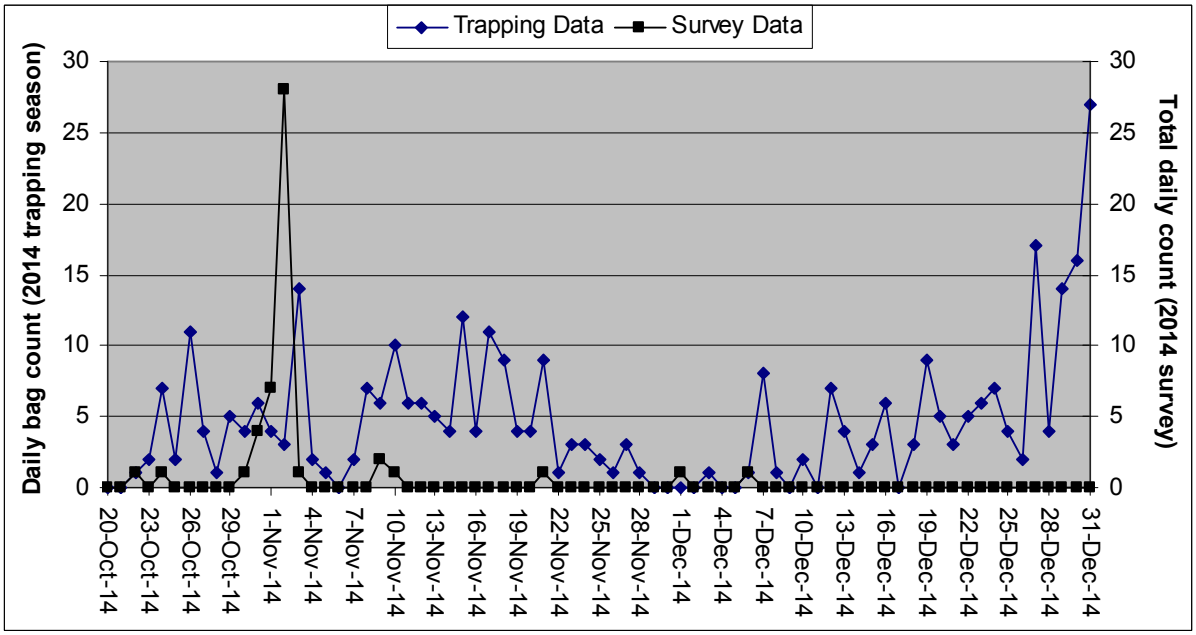
7.7 During the 2014 survey, the only relatively high count for Siskin was recorded on 2 November 2014, while very low counts were made on all of the other days during the survey. Thus inferences on temporal trends in migration rates could not be drawn based on this data. The bag counts for this species do not show any peaks, with similar counts being made between late October and late November. Bag counts during early December were slightly lower but increased again towards the end of the month. In the 2002 – 2008 *Carnet de Chasse* data, similar temporal trends were observed over the years, with higher counts occurring in weeks 1-5 / decades 1-3, corresponding to late October to late November, and a subsequent decline in counts during December (Ecoserv, 2014).



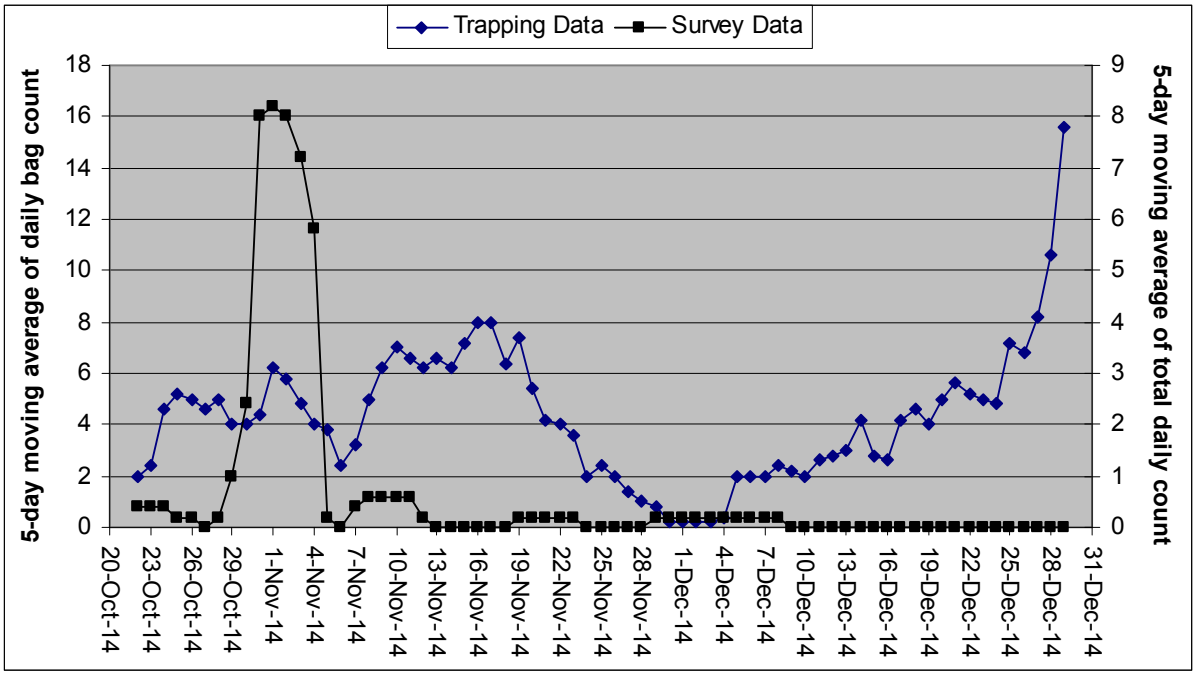
Daily bag count of Siskin during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



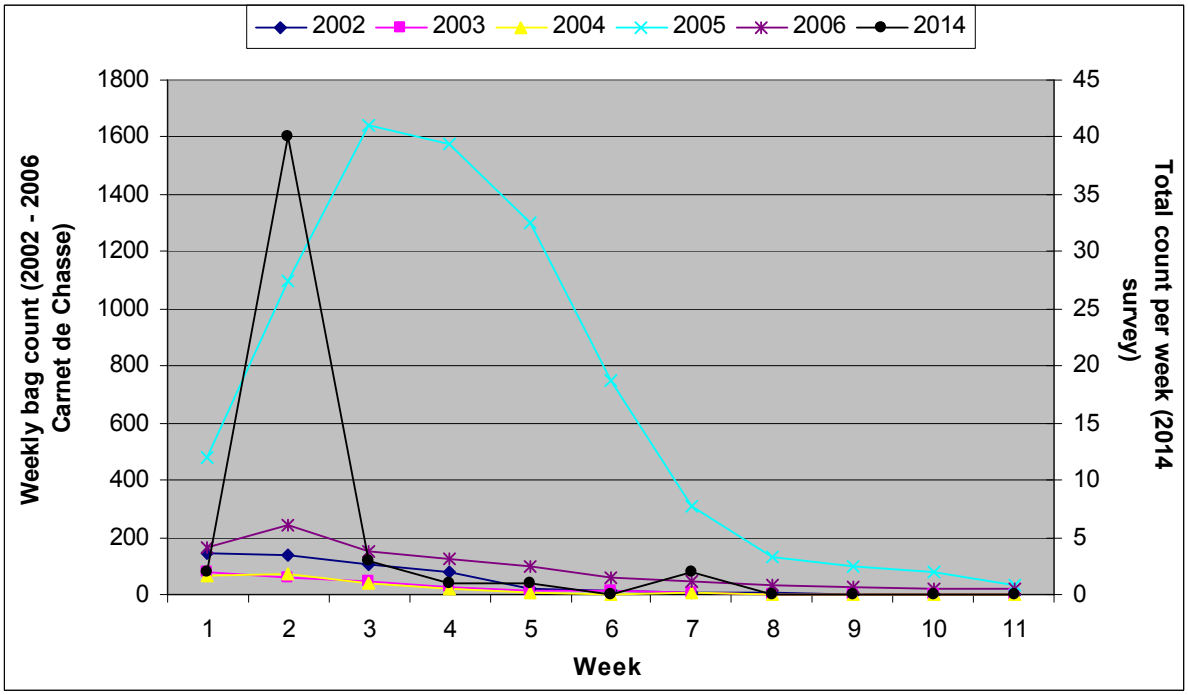
Moving average based on a 5-day rolling time period for the daily bag counts of Siskin during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



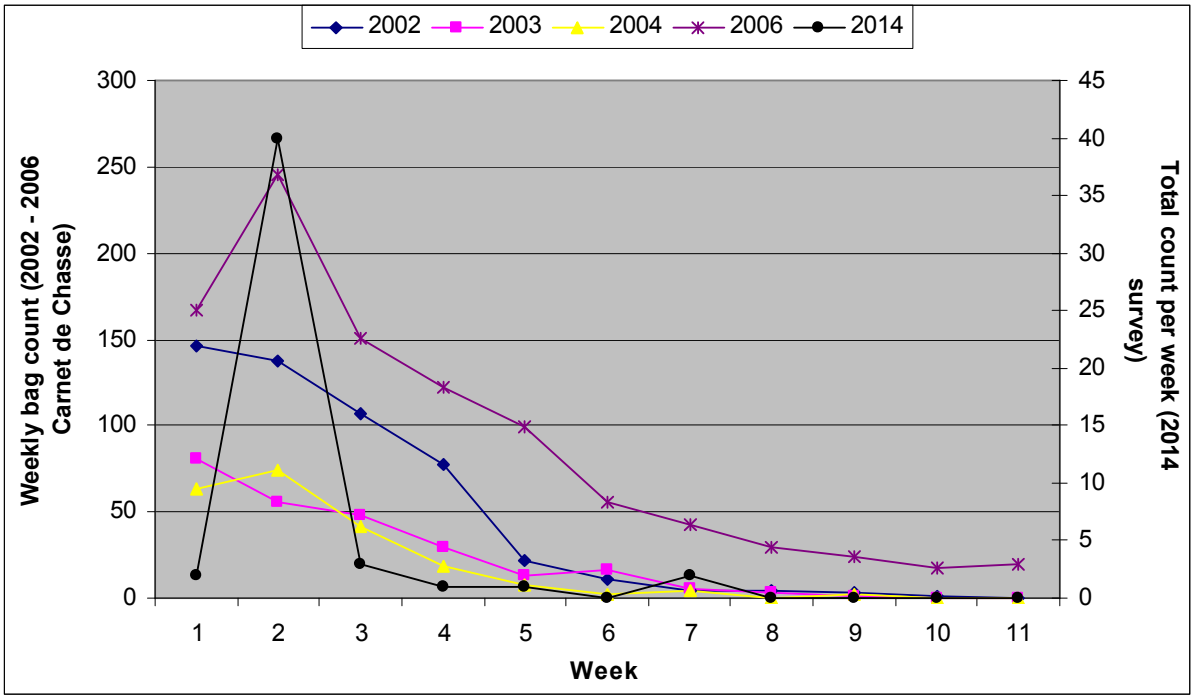
Daily bag count of Siskin during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



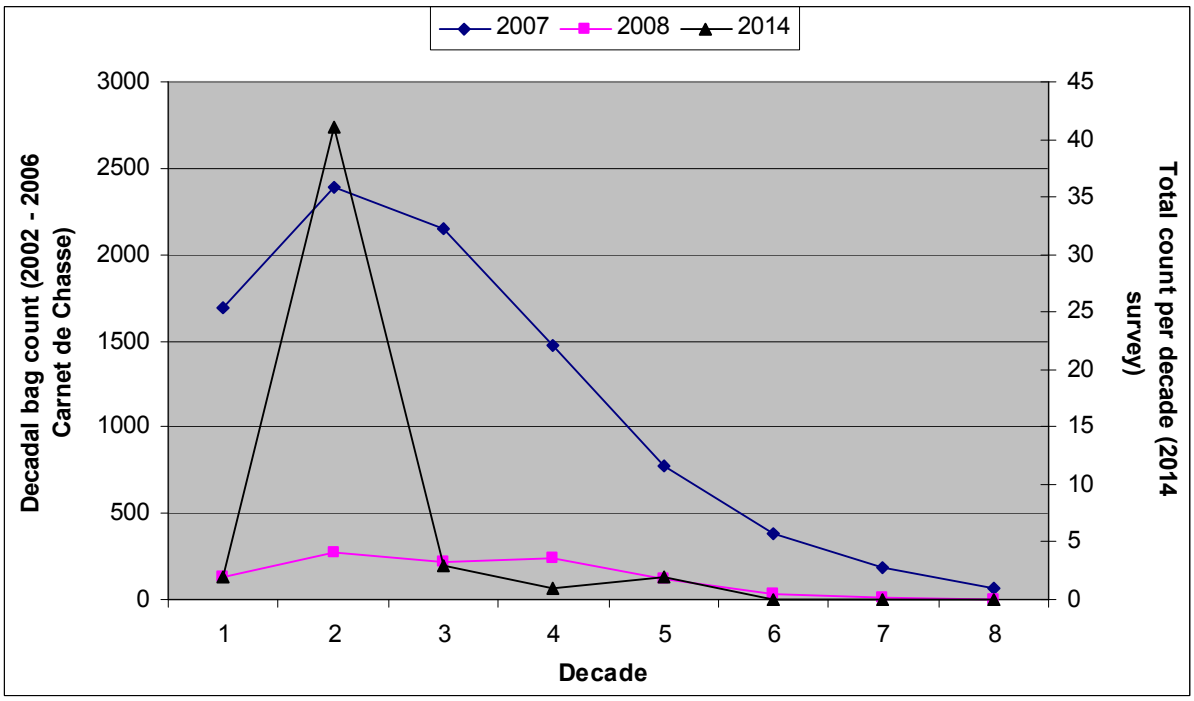
Moving average based on a 5-day rolling time period for the daily bag counts of Siskin during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Weekly bag count of Siskin during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



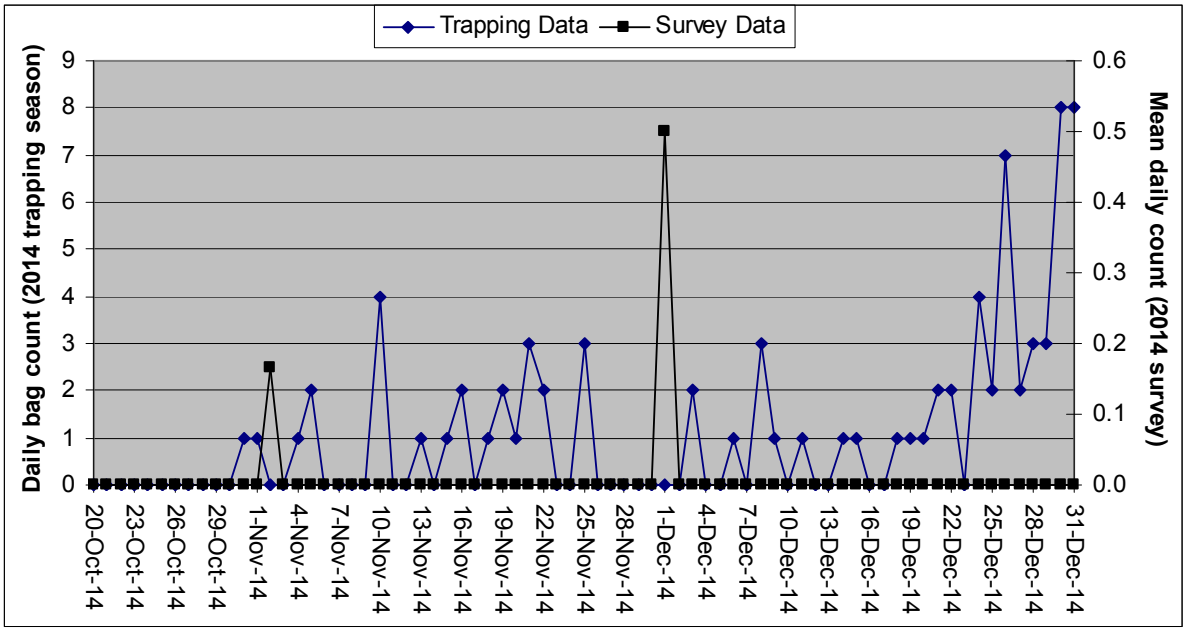
Weekly bag count of Siskin during 2002 – 2004 and 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



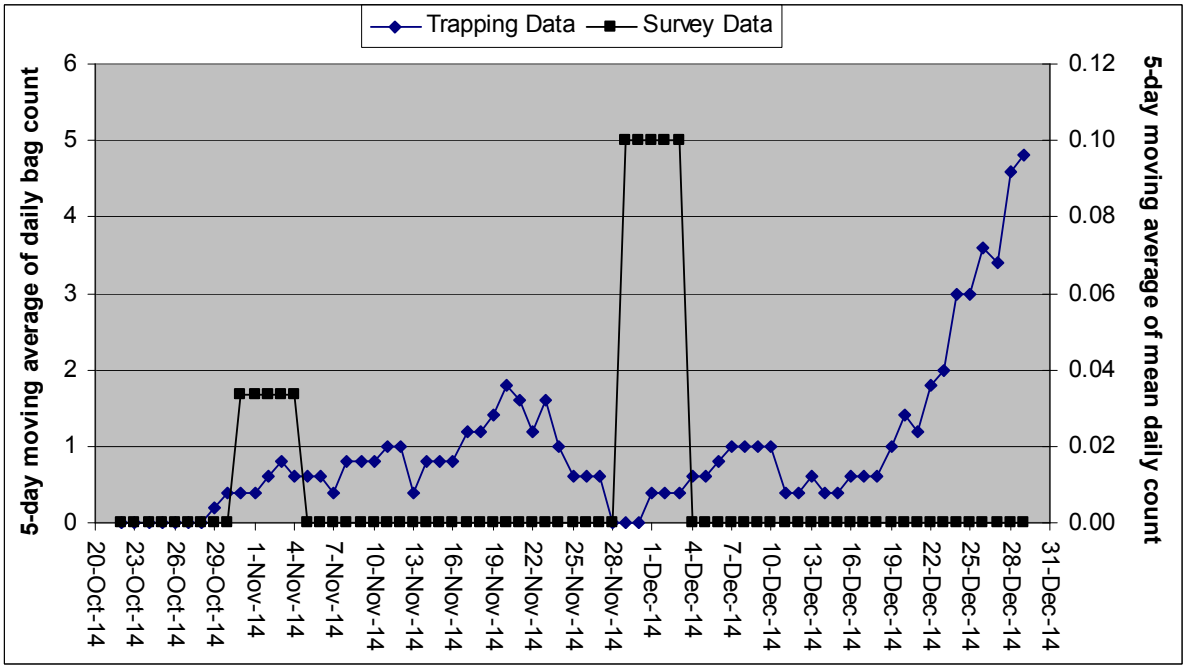
Decadal bag count of Siskin during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

Goldfinch

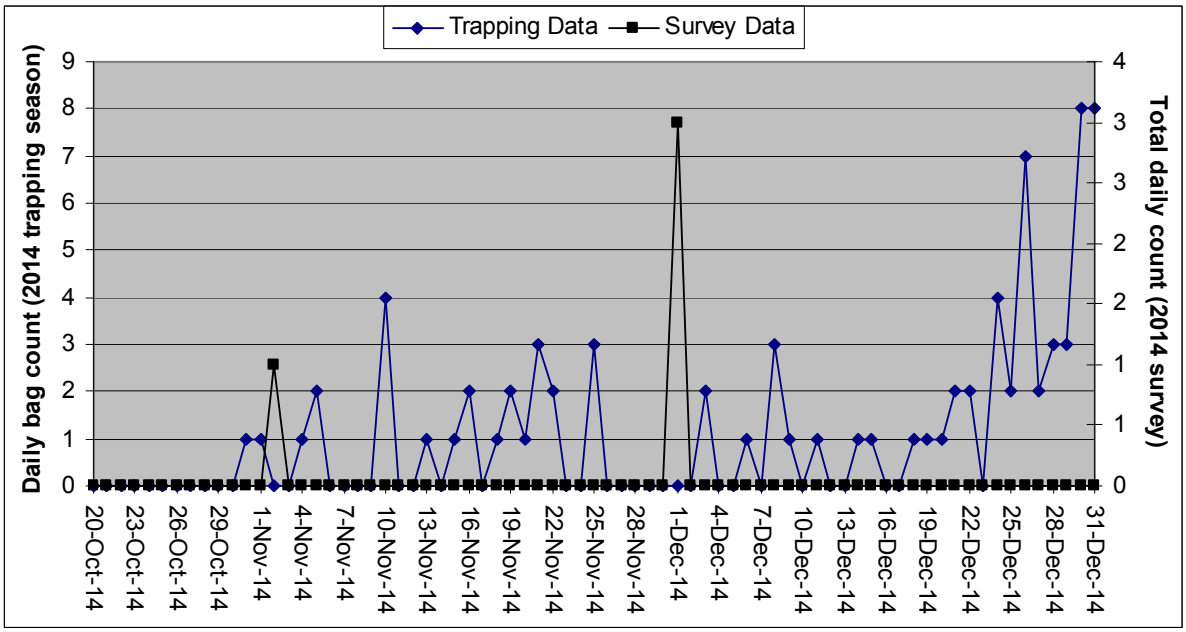
7.8 Very low counts for Goldfinch were recorded during the 2014 survey. Thus inferences on temporal trends in migration rates cannot be drawn based on this data. The bag counts for this species do not show any peaks: similar counts were made between early November and late December, with counts increasing slightly during the last week of December. In the 2002 – 2008 *Carnet de Chasse* data, similar temporal trends were observed over the years, with higher counts occurring in weeks 1-3 / decades 1-2, corresponding to late October to mid-November, and a subsequent decline in counts until the end of December (Ecoserv, 2014).



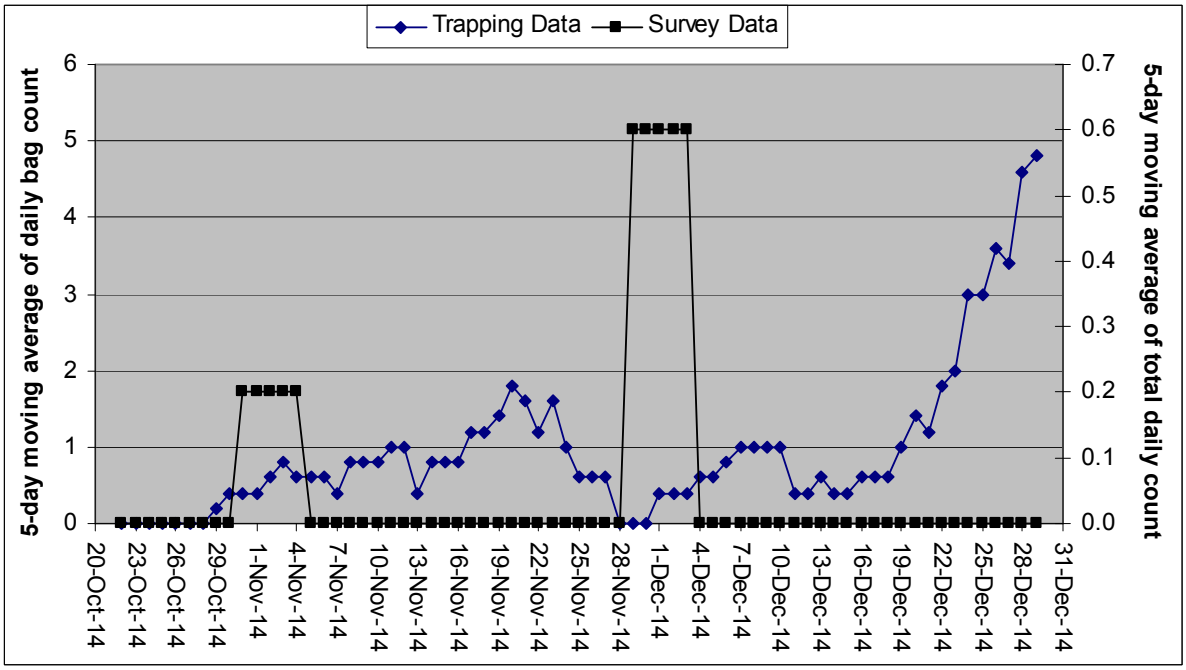
Daily bag count of Goldfinch during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



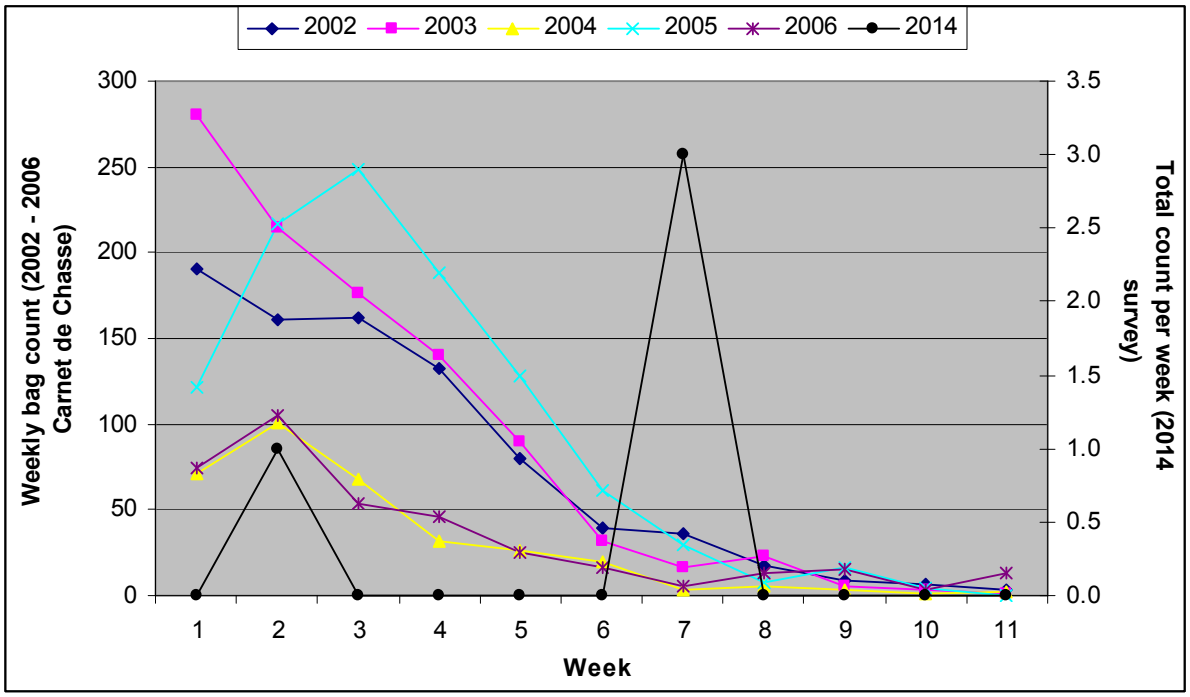
Moving average based on a 5-day rolling time period for the daily bag counts of Goldfinch during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



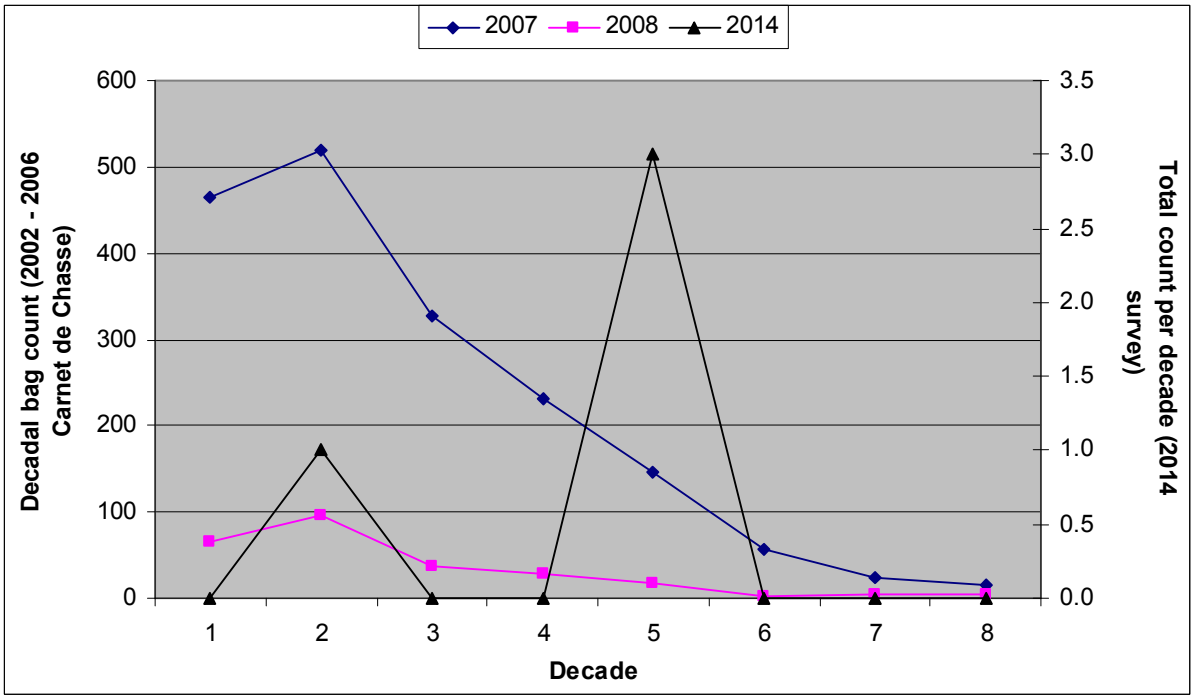
Daily bag count of Goldfinch during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Goldfinch during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Weekly bag count of Goldfinch during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

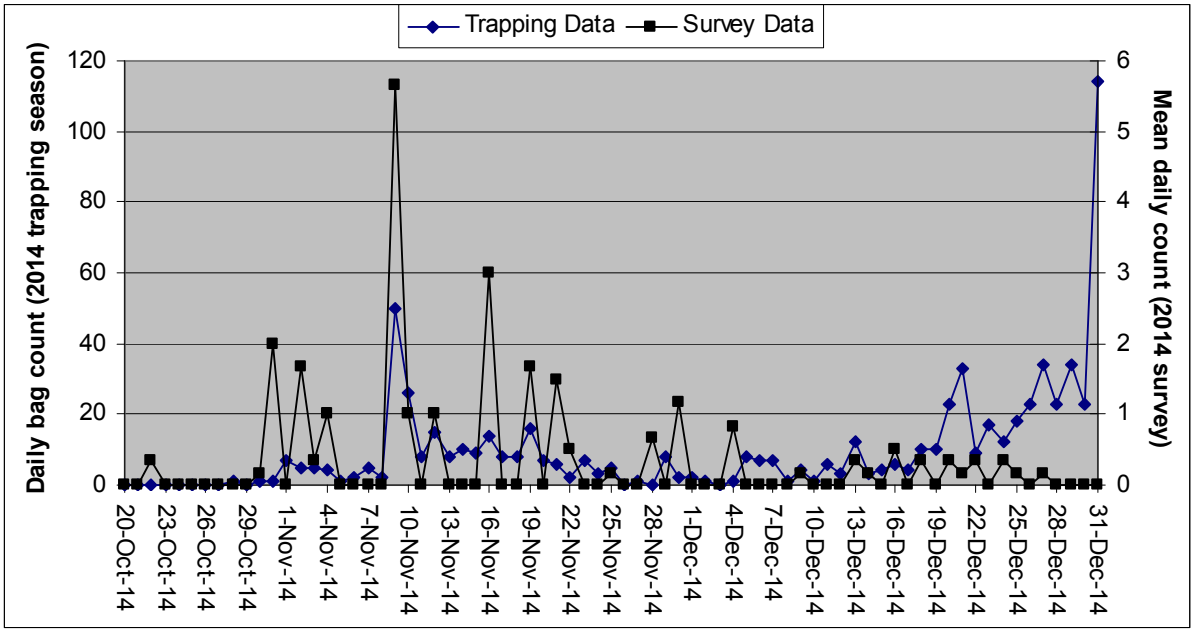


Decadal bag count of Goldfinch during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

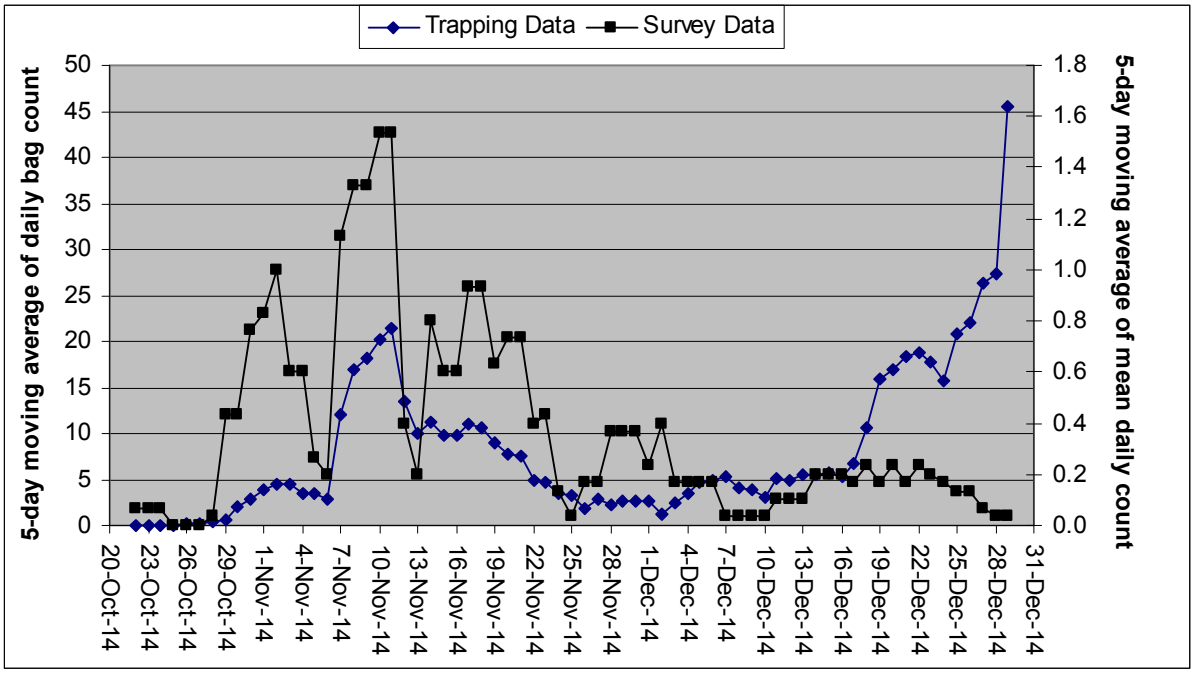
Serin

7.9 The highest daily counts recorded during the 2014 survey were made between late October and late November, with relatively higher counts being made in early to mid-November, and coinciding with a peak in the bag counts reported over the same time period. Thus, the general trend observed in the bag counts for 2014 and daily counts recorded during the 2014 survey is of slightly higher counts in the early part of the live-capturing season, up to around 25 November. The number of Serin observed per day during the 2014 survey declined thereafter.

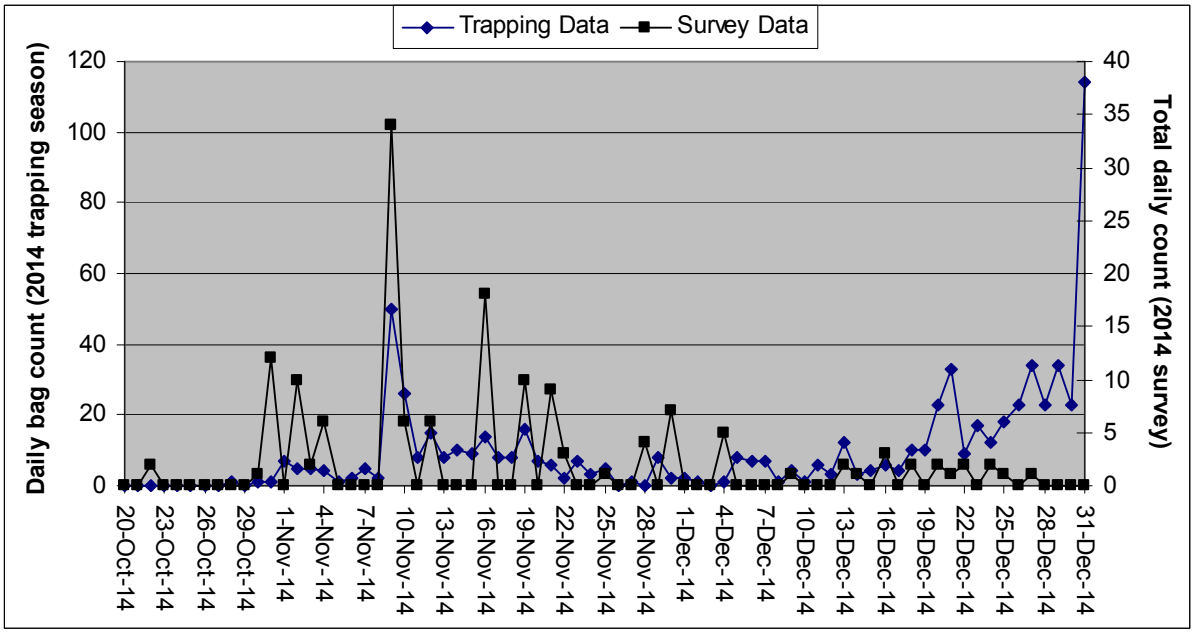
7.10 Live-capturing reports indicated an increase in the number of Serin caught during the last two weeks of December 2014; the daily counts from the 2014 survey showed a very marginal increase during the third week of December and subsequently declined until the end of the survey period. When the results from the present survey were compared to the 2002 – 2008 *Carnet de Chasse* data, very similar temporal trends were observed, with higher counts occurring in weeks 2-4 / decades 2-3, corresponding to early to mid-November, followed by a steady decline until weeks 7-8 / decades 5-6, and a subsequent increase in mid-December (weeks 9-10 / decade 7) followed by a decline until the end of December (Ecoserv, 2014).



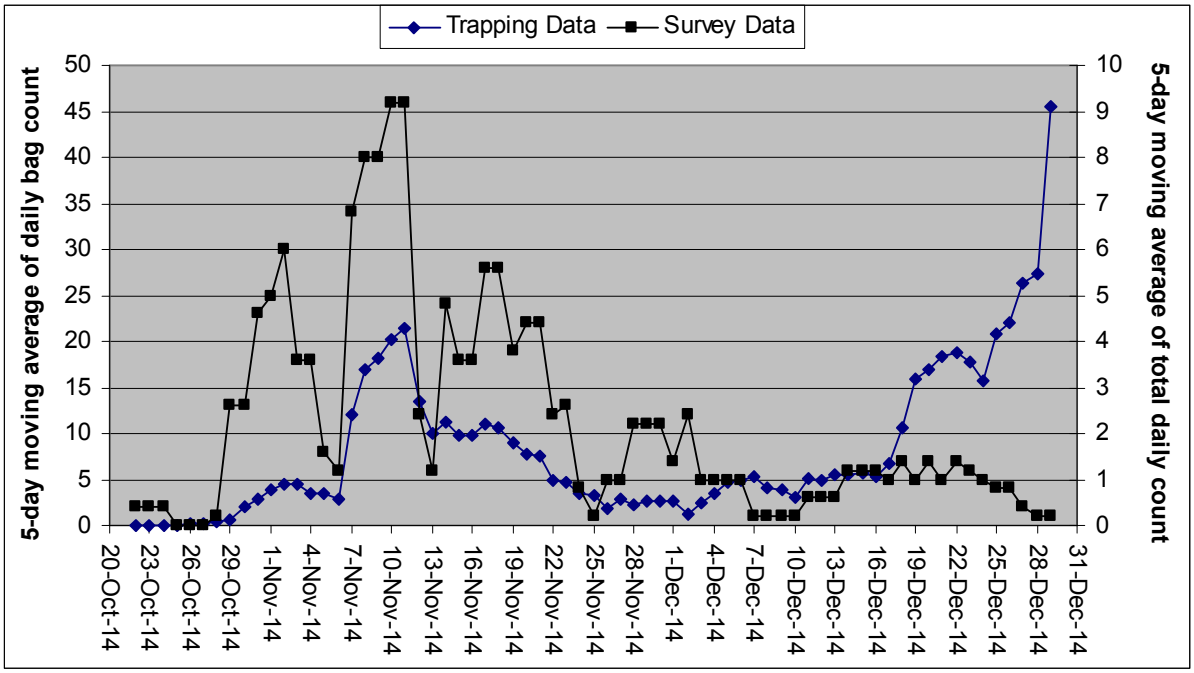
Daily bag count of Serin during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



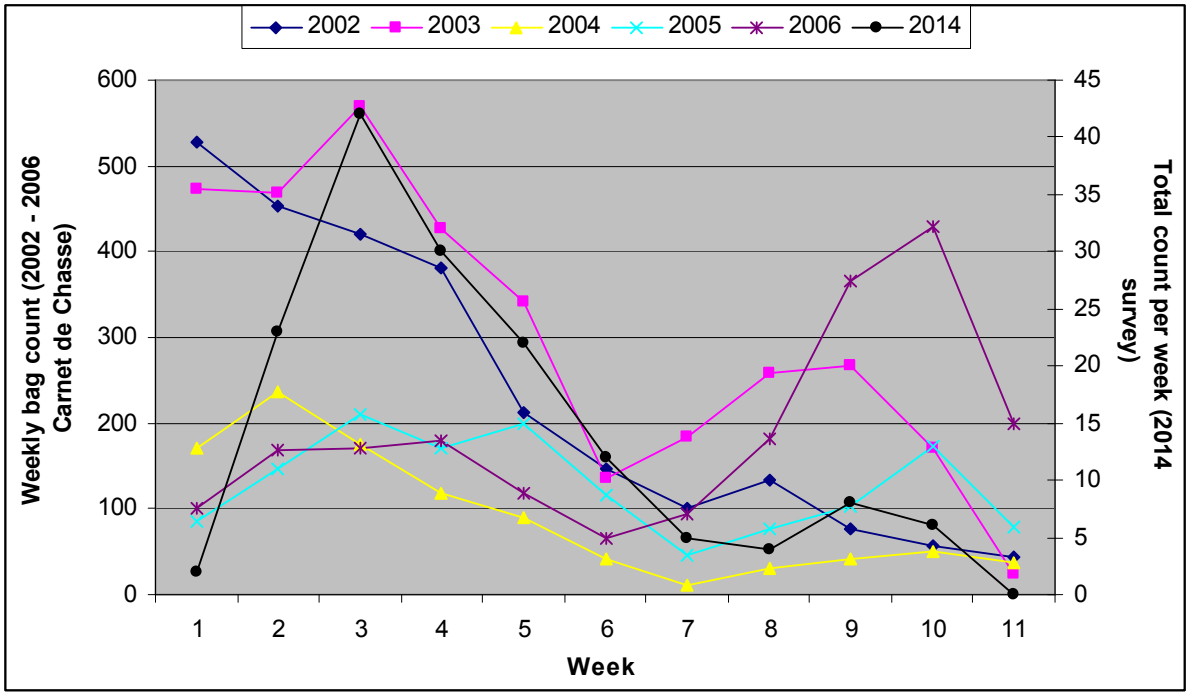
Moving average based on a 5-day rolling time period for the daily bag counts of Serin during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



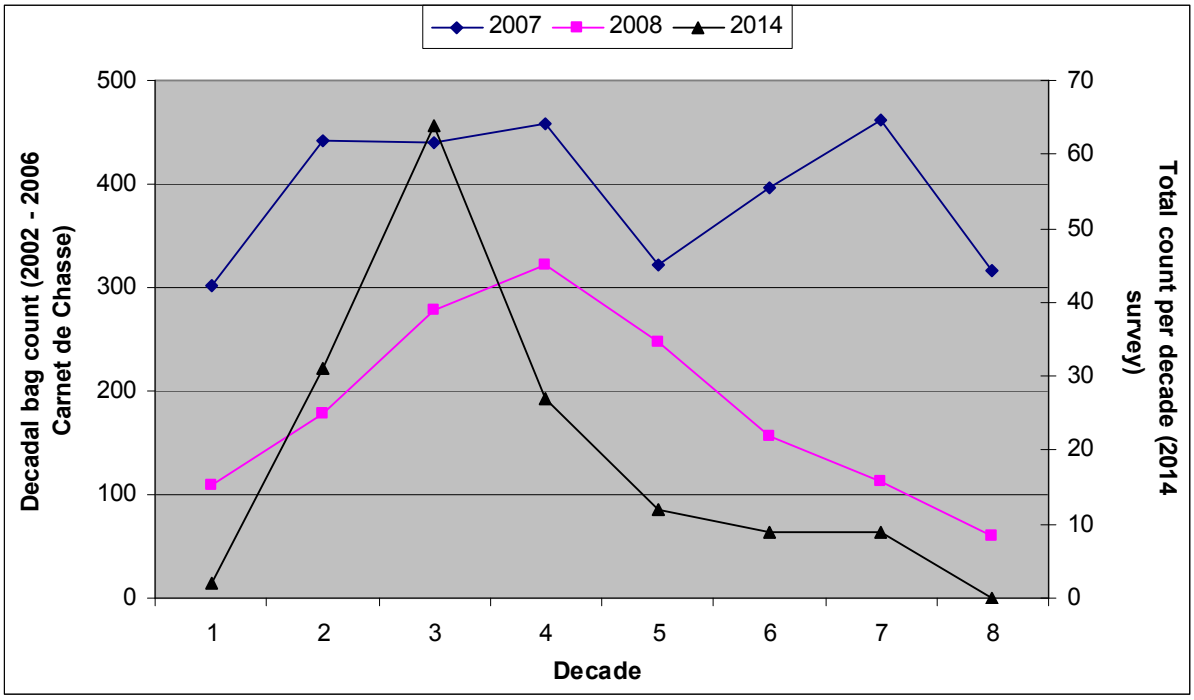
Daily bag count of Serin during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Serin during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



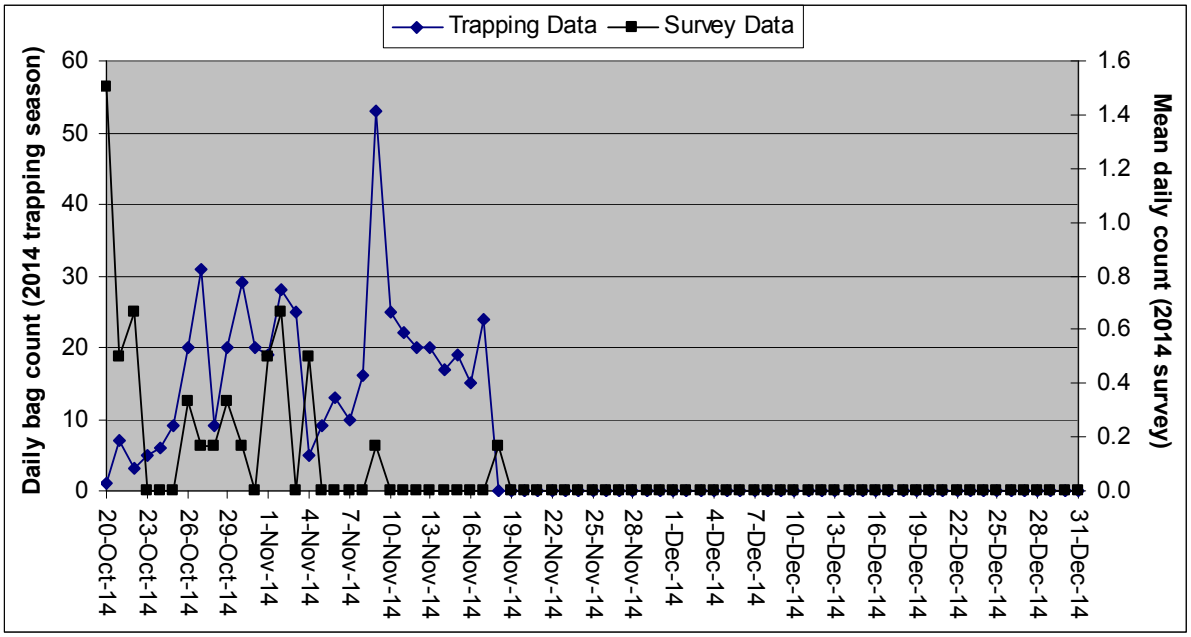
Weekly bag count of Serin during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



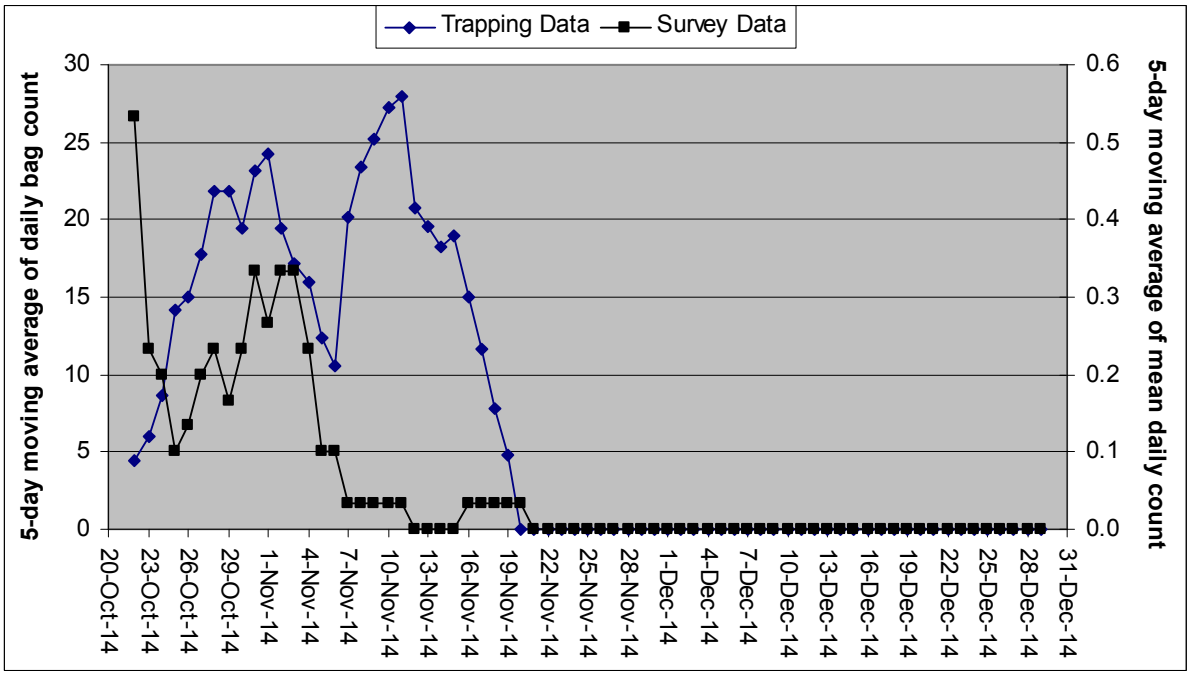
Decadal bag count of Serin during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

Hawfinch

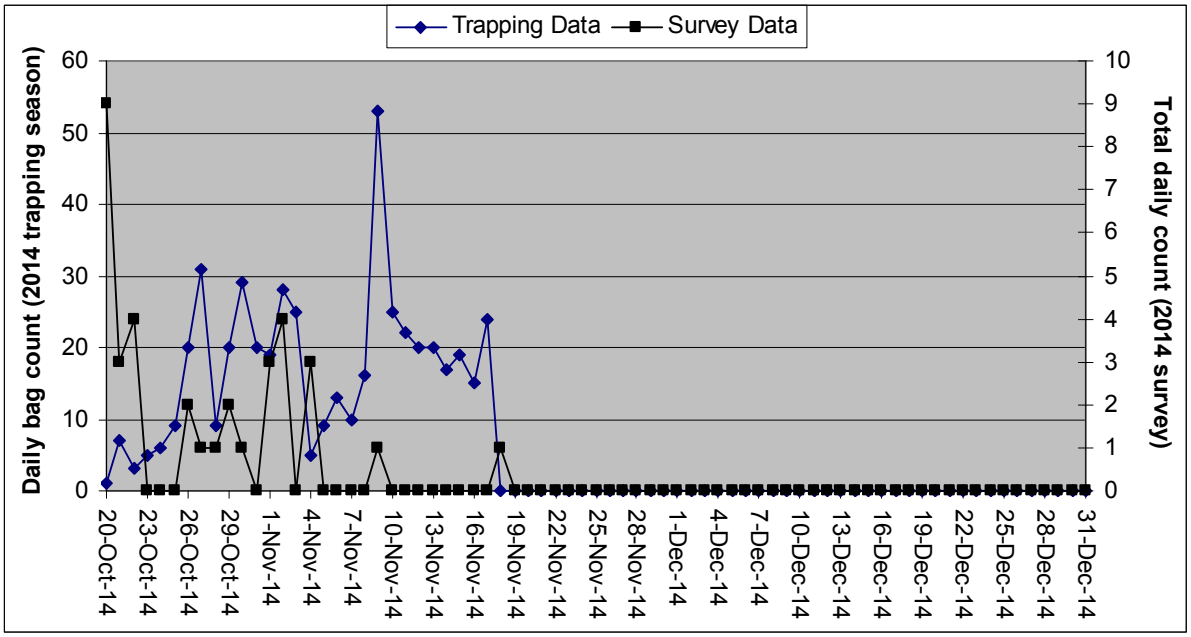
7.11 The highest daily counts recorded during the 2014 survey were made between late October and early November, with a decline thereafter until around 18 November, after which no more Hawfinch were recorded. The highest bag counts also occurred between late October and mid-November. Thus, the general trend observed in the bag counts for 2014 and daily counts recorded during the 2014 survey is of higher counts in the early part of the live-capturing season, up to around 18 November, with no Hawfinch being observed or caught thereafter. When the results from the present survey were compared to the 2002 – 2008 *Carnet de Chasse* data, similar temporal trends were observed, with higher counts occurring in weeks 2-3 / decade 2, corresponding to early to mid-November, followed by a steady decline until late November (week 7 / decade 6) (Ecoserv, 2014).



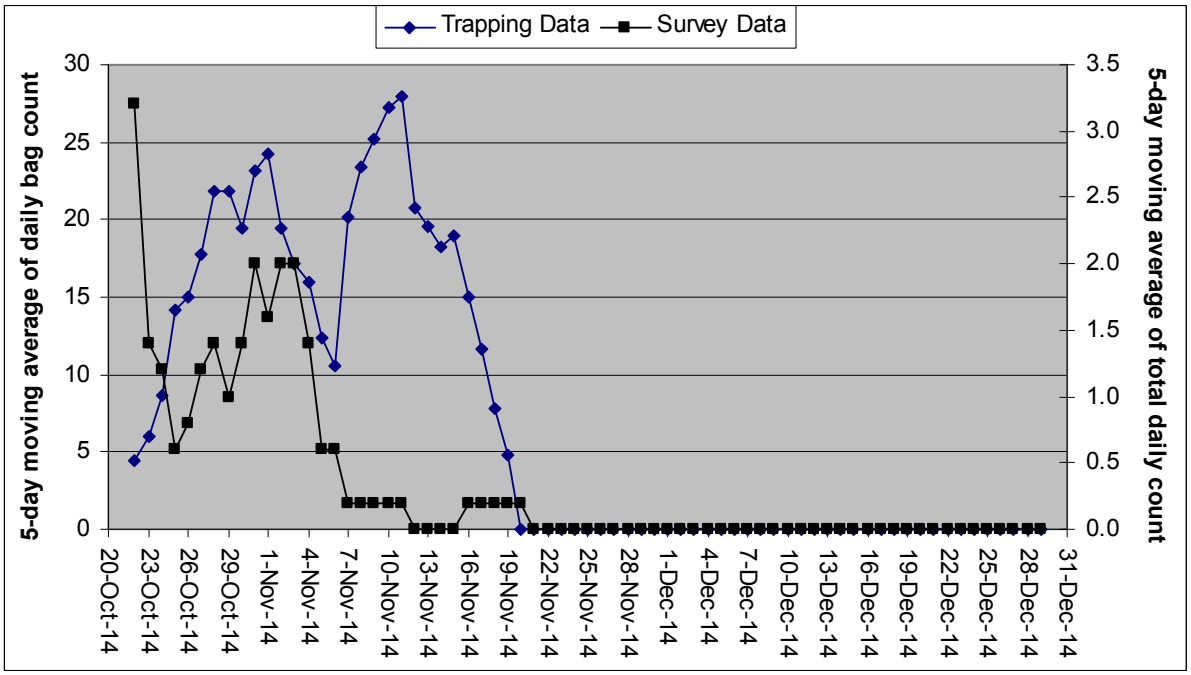
Daily bag count of Hawfinch during 2014 (blue line; values on left-side y-axis), together with the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



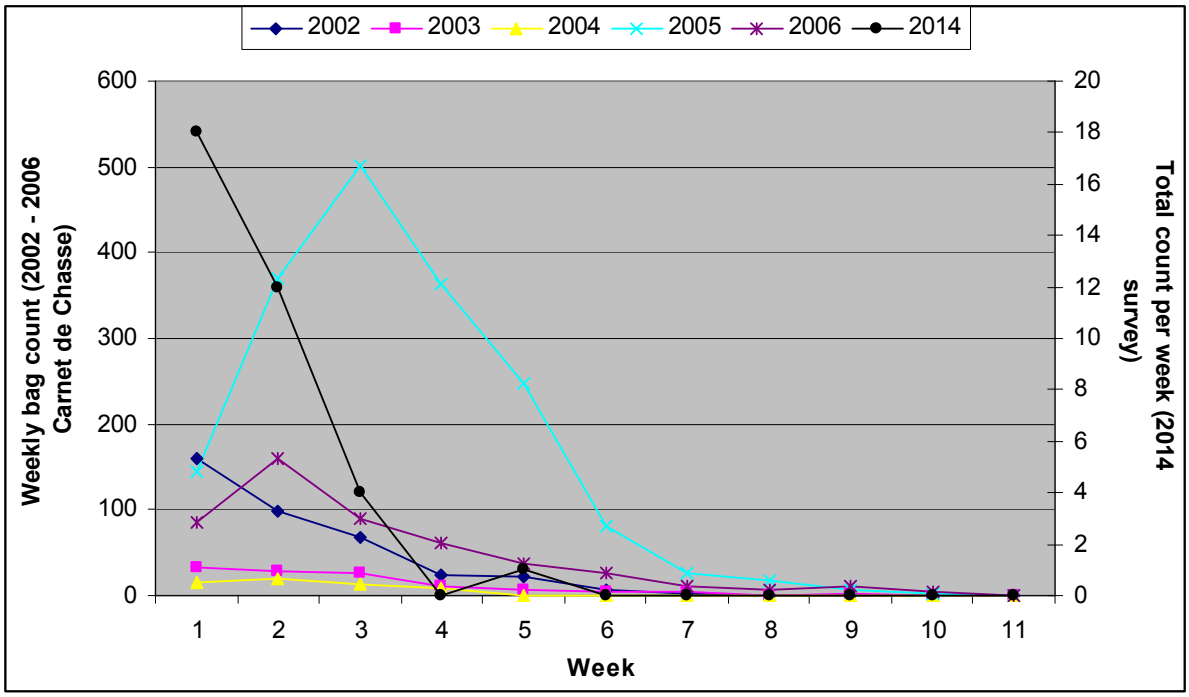
Moving average based on a 5-day rolling time period for the daily bag counts of Hawfinch during 2014 (blue line; values on left-side y-axis), and for the mean daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



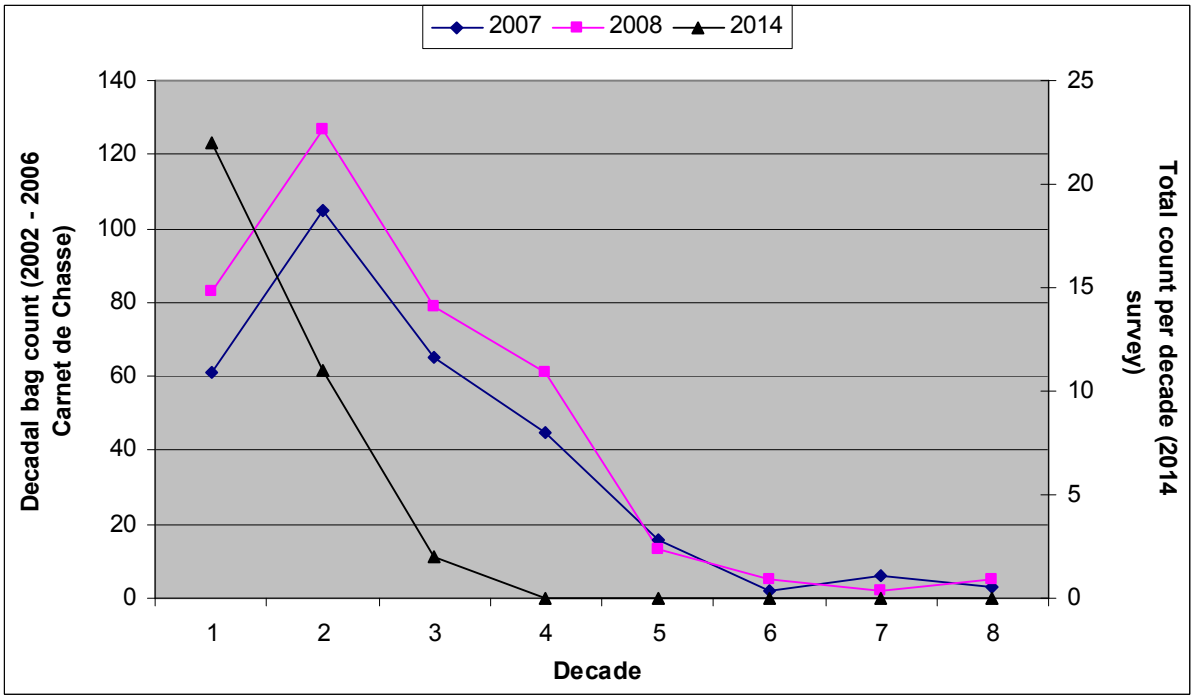
Daily bag count of Hawfinch during 2014 (blue line; values on left-side y-axis), together with the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Moving average based on a 5-day rolling time period for the daily bag counts of Hawfinch during 2014 (blue line; values on left-side y-axis), and for the total daily counts recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Weekly bag count of Hawfinch during 2002 – 2006 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per week recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).



Decadal bag count of Hawfinch during 2007 – 2008 (coloured lines; values on left-side y-axis) extracted from *Carnet de Chasse* data, together with the total count per decade recorded during the 2014 survey (black line; values on right-side y-axis), for the period 20 October to 31 December (Source: Ecoserv, 2014).

8. Enforcement and strict supervision

Staff training

8.1 Prior to the start of the season, enforcement officials detailed to carry out controls in the field underwent a training programme comprising two training seminars organized by the Wild Birds Regulation Unit, one on 28 August 2014 (around 50 officers) held at the Police Academy and the other on 15 October 2014 (around 30 officers) held at the Administrative Law Enforcement offices of the Malta Police Force. The attendees were trained in basic field ornithology and avian ecology, as well as on the relevant regulations and license conditions, inspection techniques, principles of surveillance and counter-poaching operations and wildlife crime detection and prosecution techniques.

8.2 Further training was held on 27 October 2014 for patrol commanding officers specifically on the use and operation of portable GIS devices used during inspections.

Overall deployment and field surveillance

8.3 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Finches) Regulations, 2014 (S.L. 504.124) stipulate that for every one thousand (1,000) licences issued in accordance with these regulations, there shall be a minimum of seven (7) officers and, or marshals, on duty during all hours for which an Autumn live-capturing season is open. Outside these hours, at least two (2) police officers and, or marshalls, shall be on duty during the hours of daylight. The Police shall continue to carry out on-the-spot checks until at least two weeks following the end of an Autumn live-capturing season, in order to prevent illegal capture. Following the closure of an Autumn live capturing season, for every one thousand (1,000) Autumn live-capturing licences issued that year, a minimum of three (3) police officers shall be on duty during the hours of daylight.

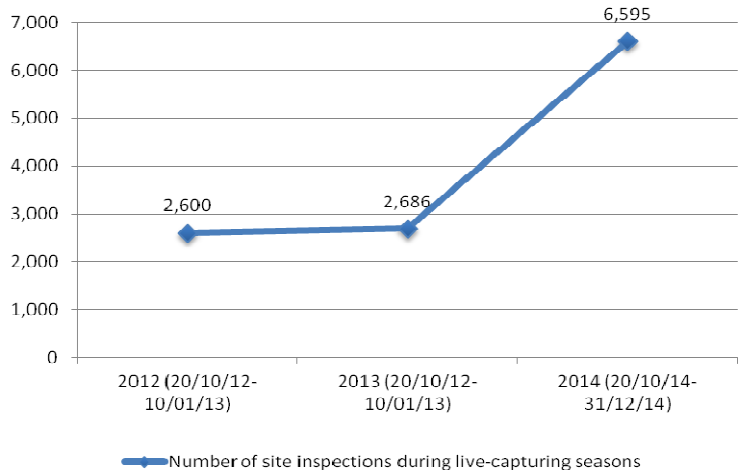
8.4 Given that a total of 4,168 licenses to capture finches was issued, this translated into an overall deployment requirement of 29 officers during permitted hours of the derogation. However, also taking into account that in parallel with the finch live-capturing season there was also a separate derogation concerning the live-capturing of Song Thrush and Golden Plover, in respect of which a further 388 special licenses were issued to non-finch live-capturers, the total deployment requirement translated into 32 officers. The Maltese authorities nonetheless opted to exceed this requirement to ensure the strictest supervision possible.

8.5 During the Autumn 2014 live capturing season (20 October 2014 to 31 December 2014), the enforcement authorities deployed a total overall complement of 57 officers to oversee and supervise the parameters of the derogation as follows:

Entity	**Number of officers**	**Duties**
Administrative Law Enforcement Unit (ALE) of the Police	24	Field patrols, surveillance, inspections, investigations, prosecution
District police officers seconded to the (ALE)	20	Field patrols, surveillance, inspections, investigations, prosecution
Armed Forces of Malta	8	Field patrols and surveillance
Wild Birds Regulation Unit	5	Verification of compliance with registration conditions; field inspection of sites; assistance to police in prosecution processes, other expert services

8.6 Police officers and officers from the Armed Forces of Malta maintained a daily field deployment that ranged between a maximum of 30 officers and a minimum of 19 officers in the field **at any point in time from 05:00hrs to 21:30hrs**, effectively covering live-capturing activity times. These figures exclude all other non-field staff who were also assigned on duties related to supervision of the live-capturing season, or field staff on shift rotation.

8.7 During the period of the derogation these officers carried out 6,595 on-site inspections (6,336 in Malta and 259 in Gozo) in various localities around the Maltese Islands, which figure represents a 2.5 times increase in inspections in comparison with the number of inspections conducted during the 2012 Golden Plover and Song Thrush derogation (2,600), and during the 2013 derogation (2,686), as shown on the graph below:



8.8 In addition to site inspections, a total of 956 spot-checks (728 in Malta and 228 in Gozo) were conducted on individual licensees whilst they were carrying out their activity, which implies that a quarter of all licensees (23%) were physically inspected at least once during the season.

8.9 Further inspections were also carried out after the closure of the autumn live-capturing season and until the end of January 2015 by the Administrative Law Enforcementcore staff complement. In addition, during the season, the Wild Birds Regulation Unit also carried out its own site inspections to verify compliance with site registration requirements. Such inspections were not included in the overall inspection statistics.

8.10 During inspections, police forces were responsible for ensuring the lawful operation of live-capturing practices. Police officers were, *inter alia*, instructed to:

- Verify that live-capturers were in possession of all requisite documents (the Carnet de Chasse, the site plans and the means of identification as per Article 7(q) of SL 504.124);
- Verify that the *Carnet de Chasse* records were in accordance with regulations;
- Verify that any captured birds had been immediately reported *via* mobile phone;
- Ensure compliance with bag limits and time restrictions;
- Ensure that no species, other than those that could be captured under the specific licenses were being targeted;
- Verify that the live-capturing site in use was the one that had been approved by the Wild Birds Regulation Unit;
- Verify that the conditions of the licence, such as, the maximum limit of decoys present on site and the maximum number of allowed clap-nets and their respective sizes were being complied with;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (SL 504.71) and other applicable legislation;

8.11 In order to facilitate the conduct of their duties, enforcement officers had 10 vehicles at their disposal. All of these 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 which facilitated the

immediate identification of any live-capturers not in possession of the requisite Autumn live-capturing licence.

8.12 Patrolling officers 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 inspections, police officers made extensive use of these devices, which have proven to be a very effective way of instantly verifying regulatory information pertaining to each licensee and their registered location. In the past, the verification of live-capturers' registration and licensing information necessitated time-consuming retrieval of physical documentation and site plans from office archives. Through 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

8.13 During the inspections carried out by enforcement staff throughout the derogation period, a total of 54 live-capturing-related infringements that qualified for legal action were detected. The nature of these infringements is outlined in the table below, which also presents a broad-brush comparison[7] with the same statistics for the Golden Plover and Song Thrush derogation implemented in 2013. Legal action is in the process of being taken against the 38 offenders.

Offences disclosed during autumn live capturing seasons	**2013 (20.10.13-10.01.14)**			**2014 (20.10.14-31.12.14)**			**Trend in offence disclosure**
	Cases in Malta	Cases in Gozo	Total number of cases	Cases in Malta	Cases in Gozo	Total number of cases	
Trapping for protected birds	13	5	18	0	0	0	Decline
Use of illegal means (eg. cage traps; artificial light; vertical nets; decoys of protected birds; pre-recorded bird calls)	10	4	14	17	3	20	Increase
Trapping using nets of prohibited mesh size	6	4	10	0	0	0	Decline
Using in excess of 21 live (finches) decoys while trapping	N/A	N/A	N/A	5	4	9	N/A
Using in excess of 10 live (Song Thrush or Golden Plover) decoys while trapping	0	0	0	0	0	0	N/A
Trapping during unpermitted hours	0	0	0	0	0	0	N/A

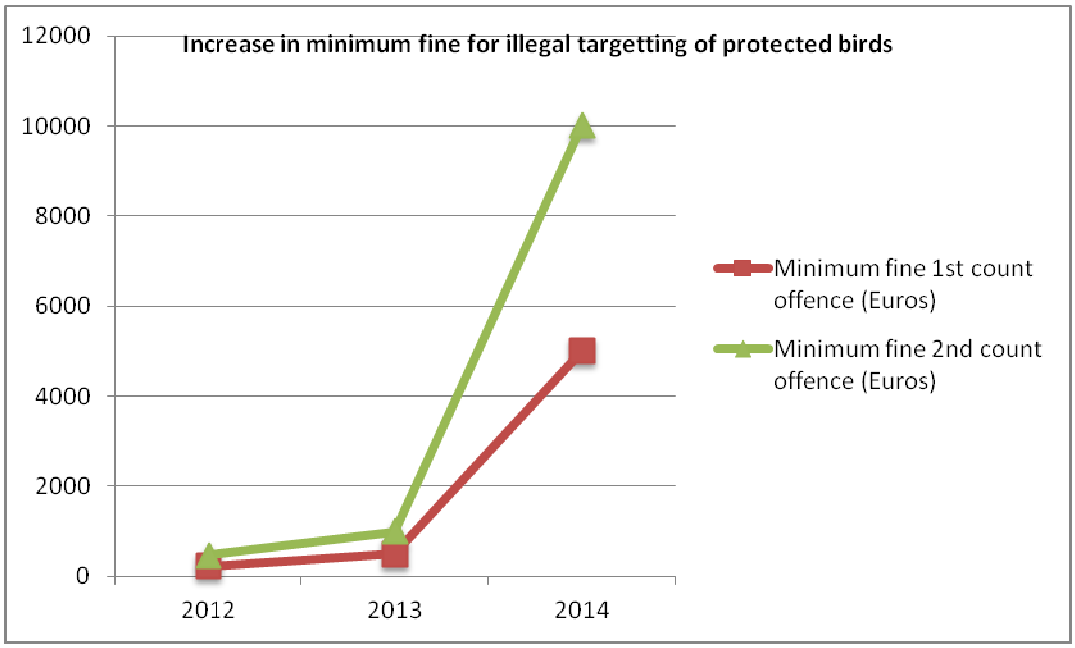
[7] Although a precise and direct comparison between the 2014 finch live-capturing derogation and the 2013 Golden Plover and Song Thrush derogation is not feasible, due to the differences in conditions of the different derogations, a broad brush comparison of statistics is still possible and gives an indication of the overall trends.

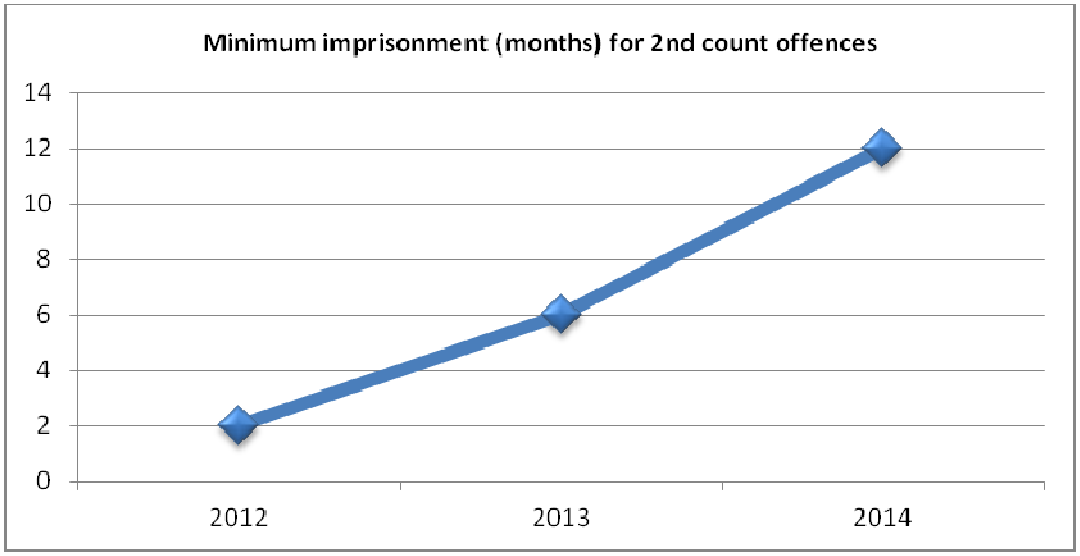
Trapping within bird sanctuaries	0	0	0	1	0	1	Increase
Trapping on unregistered sites	0	0	0	2	0	2	Increase
Trapping using unmarked decoys	2	0	2	9	6	15	Increase
Exceeding the seasonal quota of captured birds	0	0	0	0	0	0	N/A
Failure to report captured bird	0	0	0	4	0	4	Increase
Trapping without licence	7	5	13	3	0	3	Decline
Total	38	18	57	41	13	54	Decline
Number of persons apprehended	16	5	21	29	9	38	Increase

8.14 In 2014 the rate of disclosure for relatively minor violations (e.g. illegal use of pre-recorded bird calls, using unmarked decoys, failure to report captured birds) has increased, in comparison with the same statistics for 2013. This is attributable to much higher intensity of inspections and spot-checks in 2014 in comparison with 2013 (2.5 times increase), and due to a larger number of licensees (three-fold increase in comparison with 2013 number of persons licensed to capture Song Thrush and Golden Plover). As a result, a greater number of persons were prosecuted for offences committed during the 2014 season in comparison with the number of persons prosecuted for offences committed during the 2013 season.

8.15 On the other hand, there has been a drastic decline in the number of serious offences, such as trapping without a license (four-fold decline), trapping for protected species (no such cases were disclosed in 2014, in comparison with 18 cases in 2013). The above decrease in disclosed major illegalities is not only due to improvements in field deployment but it is alsoattributable to the increase in legal deterrents against abuse. Over the past 16 months, these deterrents have been progressively increased to levels that are amongst the highest in Europe. The change in the minimum and maximum penalties for all categories of offences involving illegal killing, trapping and trade in wild birds is summarised in the charts and tables below.

Penalties for illegal targeting of protected species: 2nd count offence	2012	2013	2014
Minimum fine 2nd count offence (Euros)	465.87	1,000	10,000





Minimum imprisonment (months)	2	6	12
Minimum term of suspension of license (months)	Permanent	Permanent	Permanent
Maximum fine (Euros)	9,317.49	10,000	10,000
Maximum imprisonment (months)	24	24	24
Maximum term of suspension of license (months)	Permanent	Permanent	Permanent

Penalties for illegal targeting of protected species: 1st count offence	**2012**	**2013**	**2014**
Minimum fine 1st count offence (Euros)	232.94	500	5,000
Minimum imprisonment (months)	0	0	12
Minimum term of suspension of license (months)	12	24	Permanent
Maximum fine (Euros)	4,658.75	5,000	5,000
Maximum imprisonment (months)	0	0	12
Maximum term of suspension of license (months)	36	60	Permanent

Source: Malta Police Force / Wild Birds Regulation Unit

8.16 In addition to the reforms implemented in October 2013 and in March 2014, which resulted in the increase in penalties summarised above, the Maltese authorities also introduced a system of administrative fines for minor offences, which previously used to detract strained judicial and prosecution resources on hundreds of minor cases, slowing down the entire judicial system. As a result of the introduction of this system in October 2013, minor offences are dealt with swiftly through an automatic administrative fine, in lieu of criminal prosecution. The introduction of this system resulted in greater efficiency and swiftness of the judicial process.

8.17 During the 2014 live-capturing season, 20 persons were subjected to an automatic administrative fine of €250 each for illicit use of pre-recorded bird calls whilst live-capturing. All illicit devices were seized and destroyed.

8.18 A further 18 persons apprehended during the 2014 live-capturing season are being subjected to criminal prosecution. Of these, the following cases were already decided by the courts by the end of March 2015:

Date	**Time**	**Place**	**Nature of Offence**	**Date of sentence**	**Convicted or acquitted**	**Result of case**
31/10/2014	14:52	Naxxar	Birds not ringed	25/03/2015	Convicted	Euro 1000 + confiscation + suspension of licence for 2 years
30/10/2014	11:40	Zebbug	Birds not ringed + More than 21 birds + Possession of protected birds	25/03/2015	Convicted	Euro 700 + confiscation + suspension of licence for 2 years

10/11/2014	07:40	Hal-Far	Seamless closed rings + Possession of protected birds	25/03/2015	Convicted	Euro 750 + confiscation + suspension of licence for 2 years
24/10/2014	11:45	Delimara	Possession of protected birds + birds not ringed + more than 21 birds	25/03/2015	Convicted	Euro 1000 + confiscation + suspension of licence for 2 years
29/10/2014	08:30	Xghajra	Possession of protected birds + more than 21 birds + seamless closed rings	25/03/2015	Convicted	Euro 2000 + confiscation + suspension of licence for 3 years
30/10/2014	08:00	Mgarr	More than 2 trapping sites + bird caller	25/03/2015	Convicted	Euro 500 + confiscation + 2 yrs suspension of licence
26/10/2014	16:10	Rabat	Birds not ringed	25/03/2015	Convicted	Euro 1000 + confiscation + suspension of licence for 2 years
26/10/2014	15:10	Dingli	Birds not ringed	25/03/2015	Convicted	Euro 500 + confiscation + 2 yrs suspension of licence
26/10/2014	08:00	M' Xlokk	Trapping iside a sanctuary + illegal cages + possession of protected birds	25/03/2015	Convicted	Euro 1000 + confiscation + suspension of licence for 2 years
25/10/2014	17:40	B' Bugia	Trapping w/o licence + bird caller	25/03/2015	Convicted	Euro 500 + confiscation + 3 yrs suspension of licence
22/10/2014	08:30	Qrendi	More than 2 trapping sites	25/03/2015	Convicted	Euro 500
27/10/2015	08:00	Rabat	Trapping w/o licence	25/03/2015	Convicted	Euro 500
26/10/2014	09:15	San Gwann	Trapping in an illegal site	25/03/2015	Convicted	Euro 500 + confiscation
13/11/2014	06:15	Lija	Trapping w/o a licence	25/03/2015	Convicted	Euro 500

9. Conclusions

The application of a finch live-capturing derogation in autumn 2014 was preceded by a series of profound analyses that considered all relevant legal, scientific and technical aspects pertaining to this derogation, as well as by an open and transparent discussion with all stakeholders.

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 will satisfy all the relevant requirements of the Birds Directive, and specifically the parameters stipulated in Article 9 (1) (c); and
b. The actual implementation of the derogation on the ground will ensure that the relevant legal parameters enacted in pursuance of point (a) above will be respected in the field through an elaborate and robust enforcement regime.

The Maltese authorities have subsequently ensured that the above two prerequisites were met in practice. After ascertaining that there is no other satisfactory solution other than the application of this limited and strictly controlled derogation, the authorities put into place a robust legal and regulatory regime that ensured that the scientific considerations pertaining to small numbers and conservation status of the species in question were being implemented in practice and that the relevant parameters of the derogation were being respected in full.

Supervision on the ground was ensured through deployment of appropriately trained and suitably equipped field officers that have doubled the intensity of field inspections in comparison with similar derogations in 2012 and 2013. The use of latest technologies (GIS, GPS, portable tablet PCs, electronic game reporting system, etc) has resulted in a greater efficiency of the overall supervision process. This was aided further by an increase in the penalties for offences, the introduction of a swift administrative fines system for minor violations in lieu of prosecution, greater regulatory control (e.g. pre-screening, registration and digitalization of all site plans), and greater efforts at promoting education and regulatory awareness (development of new syllabus, new examination procedure for live-capturers, etc).

The above efforts paid off in terms of a noticeable reduction in the incidence of serious trapping-related violations that were prevalent in the past years.