

ORNIS COMMITTEE

MINUTES of the Ornis Committee Meeting held on 10 October 2023 at 16.00 at the Wild Birds Regulation Units Offices in Gozo and online.

Members Present:

- Dr Joseph Grech (Chairman)
- Mr Anthony Caruana (Independent Member)
- Mr Joseph Grech (Independent Member)
- Dr Gaynor Saliba (Independent Member)
- Mr Joe Perici Calascione (Member representing persons licensed to hunt and, or, to take) [Federation for Hunting and Conservation Malta (FKNK)]
- Perit Andrew Psaila (Member representing persons licensed to hunt and, or, to take)
- Mr Mark Sultana (Member representing persons knowledgeable in, or working for, the protection of avifauna) [BirdLife Malta (BLM)]
- Mr Nicholas Barbara (Member representing persons knowledgeable in, or working for, the protection of avifauna)
- Mr Mark Gauci (Member with knowledge of, and experience in avifauna)
- Mr Lucas Micallef (Member with knowledge of and experience in hunting and taking of birds)
- Mr Jean Paul Portelli (Secretary)

In attendance:

- Mr Richard Lia (Head, Wild Birds Regulation Unit)

Excused:

- Mr Darrin Stevens (ERA representative)

1. Approval of the Agenda

The agenda was unanimously approved by all the members present.

2. Approval of the Minutes

The minutes of the meeting dated 20 September 2023 were approved by all members present.

3. Matters Arising and Matters to Report

None.

4. Latest Update on the Conservation Status of European Golden Plover and Song Thrush ([Item Document (Doc Item 4)])

The Committee invited Mr Richard Lia, WBRU, to join the meeting. WBRU delivered a detailed presentation on the latest update of the conservation status for the golden plover and song thrush. WBRU also provided the necessary clarifications put forward by the Committee.

5. Salvage Permit/ Road Kill [Proposal submitted by Malta Taxidermy Federation (Doc Item 5)]

The Committee agreed to postpone discussion on this item to a future meeting.

6. Removal of EURING from the Conservation of Wild Birds Regulations (Subsidiary Legislation 549.42 of the Laws of Malta) [Discussion on Wording of Legal Amendment]

The Committee discussed the main points of discussion, which centred around:

- (i) Ensuring legal clarity;
- (ii) Recognition of the ringing scheme, not the individual ringer;
- (iii) Compliance with international standards: It was emphasized that all ringing schemes operating under Maltese law needed conform to established international standards for scientific bird ringing. Compliance is vital for ensuring that Malta's practices align with global standards, thereby validating the integrity of data collection;
- (iv) Addressing the Monopoly of EURING in Malta (as raised by FKNK): A significant concern raised by FKNK was the current perceived monopoly held by EURING in Malta. FKNK argued that this monopoly restricts competition and diversity in bird ringing management. The Committee discussed how the proposed amendments could facilitate a more inclusive framework, allowing other bird ringing schemes to function as long as they meet required scientific and legal criteria. The objective is to prevent any single organization from monopolizing the bird ringing process in Malta and to foster a competitive environment.
- (v) Definition of 'Ringing Scheme': A substantial portion of the discussion was dedicated to the legal definition of the term 'ringing scheme' which is to be included in Regulation 2 of Subsidiary Legislation 549.42. This definition will play a central role in regulating bird ringing activities and determining the accreditation process. The Committee debated the need for clear criteria that strike a balance between regulatory control and flexibility, enabling multiple schemes to operate while ensuring compliance with both scientific and international standards.

The Committee agreed that the WBRU should be tasked with drafting the specific wording for the definition of 'ringing scheme'. Once this draft is provided, the Committee will review and cast its formal opinion during future meetings. The Committee also acknowledged the importance of addressing the monopoly concerns raised by FKNK, ensuring the wording reflects a fair framework for all ringing schemes.

BLM were not in agreement to this proposal.

7. Proposed new Schedule XI (Internal Ring Sizes)

The Committee agreed to postpone discussion on this item to a future meeting due to information required from ERA.

8. Suspension (or revocation) of "the relevant licence"

The Committee was informed that, Dr Anthony Borg, Office of the State Advocate, requested to be present for the meeting to discuss which licence should be suspended when an accused is only found guilty of illegal possession of birds.

It was highlighted that this issue involves legal questions related to enforcement and regulatory penalties, which may not fall within the remit of the Ornithology Committee. Members expressed concerns about their direct role in determining the suspension of licences, emphasising that such decisions likely fall under the remit of enforcement authorities and legislative frameworks, rather than within the conservation policy or advisory functions typically entrusted to the Ornithology Committee.

After thorough discussion, the Committee reached a unanimous decision to remove this item from the agenda. It was concluded that the Ornithology Committee lacks the required competence over the suspension or revocation of licences pertaining to illegal bird possession. The Committee agreed that this matter should be managed by the relevant legal and enforcement authorities, rather than Ornithology.

9. Legal Amendment to Safeguard School Grounds and Boundaries [Item proposed by Birdlife Malta and Document Attached]

The Committee was asked to discuss a proposed legal amendment aimed at safeguarding school grounds and their surrounding boundaries. The amendment, proposed by BLM, focuses on the legal distance that applies to hunting or trapping activities around schools.

BLM presented their proposal to introduce a 200-meter buffer that protects school grounds from hunting or trapping activities. It was argued that this introduction was necessary to ensure a higher level of safety and protection for students and educational environments. BLM highlighted potential risks associated with the current distance and emphasized the importance of aligning local regulations with best practices for public safety, especially in sensitive areas like schools.

FKNK submitted that additional time was required to thoroughly review the supporting documents provided by BLM. They emphasized the importance of understanding the data and rationale behind the proposal for the introduction of a distance before forming an opinion or casting a vote. FKNK noted that BLM had committed to providing the relevant supporting documents ahead of the next Ornithology Committee. In addition to reviewing the documents, FKNK also requested sufficient time to conduct their own independent research. FKNK informed the Committee that they intended to verify or challenge the findings and conclusions presented by BLM. This research will allow FKNK to provide an informed response, ensuring that any amendment to the law is based on verified data and a thorough understanding of its potential impact on both conservation efforts and hunting activities.

BLM committed to submit any supporting documents prior to further discussion.

10. Hunting at Sea [Item proposed by FKNK and Doc Item 10]

The Committee agreed to postpone discussion on this item to a future meeting.

11. Recommendations on the Application of Autumn 2023 Live-Capturing Derogations [Article 9(1)(c) of the Birds Directive for Golden Plover and Song Thrush]

The Committee discussed the application of live-capturing derogations for the 2023 autumn season concerning two bird species: the Golden Plover and the Song Thrush.

These derogations, governed by Article 9(1)(c) of the EU Birds Directive, allow for the temporary suspension of protection measures to permit the live-capturing of these species, provided that such activities do not negatively impact their conservation status.

The Committee discussed the conservation status of both the Golden Plover and the Song Thrush, considering data from recent years. It was unanimously noted that the conservation status of both species is stable, and there are no current concerns regarding population decline or endangerment at either a national or international level. This stability supports the continuation of the live-capturing derogations for the 2023 season under the same conditions as in previous years. The Committee emphasized that the derogation falls within the legal framework of Article 9(1)(c) of the Birds Directive, which allows live-capturing for the purpose of keeping under strict conditions.

The Committee concluded that, given the stable conservation status of both the Song Thrush and Golden Plover, there is no scientific or conservation reason to alter the derogation periods proposed for the 2023 season. The Committee was asked to vote for a derogation period follows:

- Song Thrush: 20 October 2023 – 31 December 2023;
- Golden Plover: 01 November 2023 – 10 January 2024.

The members voted as follows:

	In favour	Against	Abstention
Chairman	1		
FKNK	1		
BLM		1	
Mr Anthony Caruana	1		
Mr Joseph Grech	1		
Dr Gaynor Saliba	1		
Total	5	1	

The item was approved with 5 votes in favour and 1 against.

12. Recommendation on the Application of a 2023 Finches Research Derogations [Article 9(1)(b) of the Birds Directive]

The Committee discussed the application of a research derogation for the 2023 autumn season, which involves scientific research on seven finch species. The research is to be conducted under the legal framework of Article 9(1)(b) of the Birds Directive, which permits derogations for activities necessary for scientific or research purposes. The Committee was asked to vote for a derogation period between 20 October 2023 and 20 December 2023.

The members voted as follows:

	In favour	Against	Abstention
Chairman	1		
FKNK	1		
BLM		1	
Mr Anthony Caruana	1		
Mr Joseph Grech	1		
Dr Gaynor Saliba	1		
Total	5	1	

The item was approved with 5 votes in favour and 1 against.

A specific recommendation was made by FKNK regarding the wording of Clause 20(b) of the special license that was issued for this research. When a fully closed ring is used for marking the birds, the license should follow the interpretation given in Article 2 of Subsidiary Legislation 549.42, which specifies the legal conditions for bird ringing. The wording in the special license referring to the 'internal diameter' of the ring should be removed. This recommendation was made to ensure clarity and consistency with existing legislation and prevent any misinterpretation of the legal requirements for bird marking under the derogation.

The Committee unanimously approved this recommendation.

13. Research on *Passer hispaniolensis* in Malta

The Committee was presented by a proposal by Dr Alex Lawrence, which involves the collection of blood samples from up to 10 *individual Maltese Passer italiae* (sparrows) to be analysed at Lund University, Sweden. The goal was to generate a state-of-the-art reference genome for the Maltese sparrows, highlighting their unique genetic traits. This reference genome will serve as a valuable resource for further studies on the Maltese sparrows and their evolutionary differences compared to other Mediterranean sparrow populations.

According to the proposal, birds will be captured by trained personnel using mist nets and blood samples will be taken following standard procedures by qualified personnel. Moreover, immediate release of the birds will occur post-sampling to ensure minimal stress and disturbance.

The Committee expressed general support for the commencement of the research but raised several concerns. In this regard, the Wild Birds Regulation Unit was asked to consult Dr Lawrence to ensure that the research process is clear and open to inquiries, and that mist net usage is in compliance with conservation standards.

The Committee agreed to evaluate the responses received before granting final approval for the research project.

This course of action was unanimously agreed by all members present.

Dr Joseph Grech

Chairman

Mr Jean Paul Portelli

Secretary