Gwida għal trasferiment ta' għasafar protetti ibbalzmati reġistrati mal-Awtorità għall-Ambjent u r-Riżorsi jew il-predeċessur tagħha sal-31 ta' Mejju 2003 (ver. 2: 06/03/2025)

Sfond legali

L-ipproċessar u t-trasferiment ta' għasafar ibbalzmati protetti reġistrati mal-Awtorità tal-Ambjent u r-Riżorsi jew il-predeċessur tagħha sal-31 ta' Mejju 2003 huwa regolat permezz tar-Regolamenti 21(6) sa (11) tar-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi (Leġislazzjoni Sussidjarja 549.42 tal-Liġijiet ta' Malta).

F'konformità mar-Regolament 21(10) u mingħajr preġudizzju għall-provvedimenti tiegħu, ebda persuna ma tista' tittrasferixxi jew tiddisponi minn xi għasfur jew għasfur mhux tat-territorju Ewropew li jkun reġistrat, sakemm ma tkunx awtorizzata bil-miktub mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi (WBRU).

Talbiet li tista' tikkunsidra it-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi

Sidien ta' kollezzjonijiet ta' tajr ibbalzmat reġistrat li beħsiebhom jagħmlu xi waħda mit-tibdiliet indikati hawn taħt għandhom jimlew l-applikazzjoni misjuba f'Anness A, jiffirmawha kif suppost, u jissottomettuha fl-uffiċċju tad-WBRU, Santa Venera jew l-uffiċċju fir-Rabat, Għawdex. It-Taqsima toħroġ awtorizzazzjoni bil-miktub biex tippermetti tali trasferiment jew tibdil fl-indirizz tal-kollezzjoni, hekk kif kien iddikjarat fl-1998 jew 2003, wara li jsiru il-verifiki meħtieġa.

Bidla fl-indirizz fiss ta' kollezzjoni reġistrata, iżda mhux trasferiment lil persuna oħra – Dan japplika għal sidien ta' kollezzjonijiet ta' tajr ibbalzmat reġistrat li beħsiebhom jibdlu l-post fiżiku fejn tinżamm il-kollezzjoni tagħhom. Ser jiġu aċċettatti sa massimu ta' żewg indirizzi fiżiċi, wieħed li jaqbel mal-karta tal-identità u indirizz ieħor. It-tieni indirizz ser ikun aċċettat biss jekk tinġieb prova li sid il-kollezzjoni ser ikollu aċċess għal din il-propjetà minħabba l-fatt li r-responsabbiltà tal-kollezzjoni fl-intier tagħha tibqa' tas-sid tal-kollezzjoni.

Donazzjoni lill-Mużew Nazzjonali tal-Istorja Naturali – Sidien ta' kollezzjonijiet tat-tajr ibbalzmat reġistrat li jixtiequ jagħtu b'donazzjoni l-kollezzjoni tagħhom lill-Mużew Nazzjonali tal-Istorja Naturali għandhom jinfurmaw lid-WBRU. It-Taqsima tiggwida lis-sid biex jikkomunika mal-Mużew sabiex ikun jista' jiġi stabbilit jekk il-kollezzjoni hijiex fi stat adekwat għal donazzjoni. Ladarba l-kampjuni jiġu kkonfermati mill-Mużew, is-sid għandu jissottometti l-formola tal-applikazzjoni inkluża bħala Anness A ma' dan id-dokument lid-WBRU. Din l-applikazzjoni għandha telenka l-għasafar kollha li ser jgħaddu lill-Mużew bħala donazzjoni. Wara li jsiru l-verifiki kollha neċessarji, inkluż identifikazzjoni tassonomika u l-immarkar tal-kampjuni b'apparat ta' identifikazzjoni, id-WBRU toħroġ awtorizzazzjoni bil-miktub biex tippermetti tali donazzjoni.

Rimi ta' uħud mit-tajr ibbalzmat reġistrat jew il-kollezzjoni reġistrata kollha – Sidien ta' kollezzjonijiet ta' tajr ibbalzmat reġistrat li beħsiebhom jiddisponu minn xi uħud mill-għasafar fil-kollezzjoni reġistrata jew il-kollezzjoni reġistrata kollha, għandhom jissottomettu l-formola tal-applikazzjoni mimlija u ffirmata kif suppost lid-WBRU. Wara li jsiru l-verifiki kollha neċessarji, inkluż ir-ritorn ta' kwalunkwe apparat ta' identifikazzjoni mlibbes fuq l-eżemplari, skont ir-Regolament 21(11) tal-L.S.549.42, id-WBRU toħroġ awtorizzazzjoni bil-miktub biex tippermetti r-rimi tal-eżemplari.

Trasferiment ta' uħud mit-tajr reġistrat jew il-kollezzjoni reġistrata sħiħa lil persuna oħra – Sidien ta' kollezzjonijiet ta' tajr ibbalzmat reġistrat li beħsiebhom jittrasferrixxu xi għasafar reġistrati jew il-kollezzjoni kollha għandhom jissottomettu applikazzjoni mimlija u ffirmata kif suppost. Wara li jsiru l-verifiki kollha neċessarji, id-WBRU toħroġ awtorizzazzjoni għat-trasferiment tal-kampjuni, kemm lis-sid oriġinali u kemm lis-sid il-ġdid, u ċertifikat għaż-żamma tagħhom lis-sid il-ġdid, wara li l-kampjuni kollha jkunu ġew identifikati tassonomikament u mmarkati b'apparat ta' identifikazzjoni. Jekk is-sid preċedenti li kellu t-tajr reġistrat f'ismu ikun għad fadallu xi tajr reġistrat fuq ismu wara li jiġi vverifikat it-trasferiment tal-bqija tal-kollezzjoni, jinħariġlu ċertifikat aġġornat għaż-żamma tat-tajr.

- **Trasferiment ta' tajr reġistrat, identifikat tassonomikament u mmarkat b'apparat ta'identifikazzjoni (itteggjat)**

Hekk kif mitlub min Avviż Legali A.L. 299/2024: *Regolamenti tal-2024 li jemendaw ir-Regolamenti dwar il-Konservazzjoni tal-Għasafar Selvaġġi*, it-trasferiment ta' kwalunkwe għasfur jew għasfur li mhux tat-territorju Ewropew li jkun ġie ddikkjarat mal-Awtorità għall-Ambjent u r-Riżorsi jew il-predeċessur tagħha sal-31 ta' Mejju 2003, li jkun ġie identifikat tassonomikament u mmarkat b'apparat ta' identifikazzjoni (itteggjat) mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi jew il-predeċessur tagħha, jista' jsir wara li tiġi sottomessa formola ta' notifika tat-trasferiment maħruġa għal dan il-għan mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi.

Sidien ta' tali tajr li beħsiebhom jitrasferixxu xi uħud mill-għasafar fil-kollezzjoni reġistrata jew il-kollezzjoni reġistrata kollha, għandhom jissottomettu *Bird Transfer Notification Form* (misjuba f'Anness B), mimlija u ffirmata lid-WBRU. Id-dettalji tal-proċess jinstabu fl-istess formola.

- **Trasferiment ta' tajr reġistrat li għadu ma ġiex identifikat tassonomikament u mmarkat b'apparat ta' identifikazzjoni (mhux itteggjat)**

Sakemm ma jkunx hemm avviż ieħor, is-sottomissjoni ta' applikazzjonijiet għal trasferiment ta' għasafar ibbalzmati reġistrati li għadu ma ġiex identifikat tassonomikament u mmarkat b'apparat ta'identifikazzjoni ilu wieqaf mill-01 ta' Ottubru 2020 sabiex l-ipproċessar ta' eluf ta' talbiet pendenti ikun jista' jsir.

Minkejja dan, id-WBRU tista' taċċetta u tipproċessa applikazzjonijiet speċifiċi għat-trasferiment tal-kollezzjonijiet **sħaħ** ta' tali tajr ibbalzmat rreġistrat f'ċirkostanzi eċċezzjonali, jekk ikun hemm biżżejjed prova għas-sodisfazzjon tad-WBRU, li t-talba jistħoqqilha proċessar iżjed mgħaġġel. Dawn iċ-ċirkostanzi eċċezzjonali jistgħu jinkludu:

Wirt – Il-werrieta legali ta' persuna li ġiet nieqsa li fuqha kienet irreġistrata kollezzjoni tat-tajr ibbalzmat jistgħu japplikaw biex jittrasferixxu l-kampjuni fuq isimhom. Fil-każ li l-werrieta legali ma jistgħux jew ma jridux iżommu l-kampjuni, id-WBRU tista' tikkunsidra t-trasferiment ta' tali kampjuni lil terzi persuni. Il-werrieta għandhom jipprovdu lid-WBRU id-dokumenti li ġejjin:

1. Iċ-ċertifikat tal-mewt (*causa mortis*) tad-dikjarant oriġinali.
2. Dokument iffirmat minn nutar pubbliku li huwa ukoll kummissarju għall-ġuramenti li jindika d-dettalji (isem, kunjom u n-numru tal-karta tal-identità) tal-werriet/a tal-kollezzjoni tat-tajr ibbalzmat reġistrat abbażi tat-testment tad-dikjarant oriġinali, u dikjarazzjoni li tikkonferma li l-werriet/a jikkonferma/w id-diviżjoni tal-kampjuni tal-għasafar reġistrati kif indikat fl-applikazzjonijiet għat-trasferiment mehmuża ma' tali dokument (irreferi għall-punt 3 hawn taħt).
3. Applikazzjoni għat-trasferiment li tinsab fl-Anness A mimlija kif suppost għal kull wieħed mill-werrieta b'sezzjoni 7 tal-formola li tispeċifika l-isem komuni sħiħ tal-ispeċi u n-numru tal-apparat ta' identifikazzjoni (jekk applikabbli) ta' kull għasfur reġistrat li għandu jiġi trasferit lil kull werriet. Kull applikazzjoni għal trasferiment għandha tkun iffirmata minn nutar pubbliku li huwa ukoll kummissarju għall-ġuramenti.
4. Jekk il-werriet/a ma jistax/jistgħux iżomm/u l-kampjuni hu/huma stess, għandha timtela applikazzjoni għat-trasferiment għal kull terza persuna, b'Sezzjoni 7 tal-formola tispeċifika l-isem komuni sħiħ tal-ispeċi u n-numru tal-apparat ta' identifikazzjoni (jekk applikabbli) ta' kull għasfur reġistrat li għandu jiġi trasferit lil kull persuna. Id-dokument għandu jiġi ffirmat kemm mill-werriet/a kif ukoll mit-terza persuna li ser tirċievi l-kampjuni. Kull applikazzjoni għal trasferiment għandha tkun iffirmata minn nutar pubbliku li huwa ukoll kummissarju għall-ġuramenti.

Detriment għas-saħħa – Jekk kollezzjoni reġistrata tat-tajr ibalzmat tiġi ppruvata medikament li hija ta' detriment għas-saħħa ta' sidha, jew fattur predisponibbli għad-dannu għas-saħħa ta' sidha, is-sid tal-kollezzjoni għandu jipprovdi rapport mediku ippreparat u ffirmat minn **speċjalista mediku fis-settur relevanti għal tali kundizzjoni ta' saħħa**, li jikkonferma li ż-żamma tat-tajr ibbalzmat huwa ta' detriment jew fattur ta' predisposizzjoni għal dannu għas-saħħa lil sid il-kollezzjoni. Din il-proċedura tapplika għall-għasafar ibbalzmati kollha rreġistrati fuq l-individwu li jitlob dan it-trasferiment u għalhekk mhux se jkun possibbli li jiġi limitat it-trasferiment għal kampjuni magħżula mill-kollezzjoni reġistrata tal-individwu.

- It-trasferiment ta' kampjuni li jkunu diġa ġew identifikati tassonomikament u mmarkati b'apparat ta' identifikazzjoni jista' jsir permezz tal-*Bird Transfer Notification Form* (misjuba f'Anness B – dettalji tal-proċess fl-istess formola). Din il-formola trid timtela għal kull individwu li ser jieħu għandu it-tali kampjuni imsemmija fl-istess formola (formola għal kull individwu).

- It-trasferiment ta' tajr li jkunu għadhom ma ġewx identifikati tassonomikament u mmarkati b'apparat ta' identifikazzjoni (mhux itteggjati) jista' jsir permezz tal-applikazzjoni misjuba f'Anness A. Dawn il-kampjuni jistgħu jiġu trasferiti biss għal għand persuna waħda sakemm isiru il-verifiki neċessarji. Dawn il-kampjuni ma jistgħux jerġgħu jiċċaqalqu qabel jiġu identifikati tassonomikament u mmarkati b'apparat ta' identifikazzjoni, u tali ċaqliq ikun jista' jsir biss wara li tiġi sottomessa l-applikazzjoni misjuba f'Anness B, kif spjegat fil-punt preċedenti.

Ċirkustanzi eċċezzjonali oħra – Persuni li minħabba ċirkustanzi eċċezzjonali oħra ma jistgħux iżommu l-kollezzjonijiet tat-tajr ibbalzmat tagħhom għandhom jipprovdu evidenza dokumentata li tipprova, għas-sodisfazzjon tad-WBRU, li tali kwistjoni jistħoqqilha proċessar mgħaġġel tal-applikazzjoni.

Proċessar ta' applikazzjonijiet

L-ipproċessar tal-applikazzjonijiet għal trasferiment / ir-rimi ta' għasafar ibbalzmati reġistrati jsir f'ordni kronoloġika, jiġifieri mill-eqdem talba pendenti għal dik l-aktar riċenti. Id-WBRU tikkuntattja lill-applikant sabiex tkun tista' twettaq il-verifiki meħtieġa, inkluż identifikazzjoni tassonomika u l-immarkar tal-kampjuni b'apparat ta' identifikazzjoni (kif applikabbli) u toħroġ l-awtorizzazzjonijiet rispettivi għat-trasferiment, rimi jew donazzjoni, u ċ-ċertifikati għaż-żamma (kif applikabbli).

Huwa fl-interess tal-applikant li jikkoopera mad-WBRU matul il-fażi tal-ipproċessar ta' kull applikazzjoni peress li dan eventwalment iwassal għall-ħruġ tal-awtorizzazzjoni rispettiva. Jekk l-applikant jonqos milli jikkoopera jew jonqos milli jwieġeb għall-komunikazzjonijiet tad-WBRU fi żmien raġonevoli ta' mhux aktar minn ħmistax-il jum (15) ta' ħidma, tali applikazzjoni tiġi kkanċellata u titqies nulla u bla effett.

Guidelines for the movement of stuffed protected birds registered with the Environment and Resources Authority or its predecessor until 31 May 2003

(ver. 2: 06/03/2025)

Legal basis

The processing and transfer of stuffed protected birds registered with the Environment and Resources Authority or its predecessor until 31 May 2003 is regulated by virtue of Regulations 21(6) to (11) of the Conservation of Wild Birds Regulations (Subsidiary Legislation 549.42 of the Laws of Malta).

In line with Regulation 21(10) and without prejudice to its provisos, no person may transfer or otherwise dispose of any registered bird or non-European territory bird unless authorised in writing by the Wild Birds Regulation Unit (WBRU).

Requests that may be considered by the Wild Birds Regulation Unit

Owners of registered taxidermy collections who intend to carry out any of the below changes shall submit a duly filled signed application form, included as Annex A to this document, and present it at WBRU's head office in Santa Venera or in Victoria, Gozo. WBRU will only issue a written authorisation to allow such transfer or changes to the collection address as declared in 1998 or 2003, once the necessary verifications are made.

Change in physical address of a registered collection, but not transfer to another person – This applies to owners of registered taxidermy collections who intend to change the physical location of their entire collection. Up to two physical addresses shall be accepted as collection addresses for a person’s stuffed bird collection, one of which must match with the person’s I.D. card. The second address will only be accepted if proof is shown that the owner of the said collection will have access to the property as he shall be fully responsible for the collection in its entirety.

Donation to the National Museum of Natural History – Owners of registered taxidermy collections who wish to donate their collection to the National Museum of Natural History shall inform WBRU of their intent. WBRU will guide the owner to liaise with the Museum so that it can establish the suitability of the collection for eventual donation. Once the specimens are confirmed by the Museum, the owner shall submit the application form, included as Annex A to this document, to WBRU, listing the birds subject to donation. Following the completion of all necessary verifications, including taxonomic identification and tagging of the specimens, WBRU will issue a written authorisation to allow donation of the specimens.

Disposal of some of the registered stuffed birds or the entire registered collection – Owners of registered taxidermy collections who intend to dispose of some of the birds in the registered collection or the whole registered collection are to submit a duly filled application form. Following the completion of verifications and the return of any identification devices fitted to the specimens in line with Regulation 21(11) of S.L.549.42, WBRU will issue a disposal permit to allow the disposal of specimens.

Transfer of some registered stuffed birds or whole registered collection to another person – Owners of registered taxidermy collections who intend to change the ownership of some registered birds or the entire collection are to submit a duly filled application form. Following the completion of verifications, WBRU issues an authorisation for the transfer of specimens, both to the original owner as well as to the new owner, and an official certificate to keep to the new owner, after all specimens have been taxonomically identified and marked with an identification device. If the previous owner on whom the stuffed birds were registered has other registered stuffed birds in his collection following the verification of the transfer of the rest of the collection, an updated certificate to keep will be issued.

- **Transfer of stuffed bird specimens which have been taxonomically identified and marked with an identification device (tagged)**

As per Legal Notice: LN 299/2024 *Conservation of Wild Birds (Amendment) Regulations, 2024*, the transfer of any bird or Non-European territory bird which has been declared with the Environment and Resources Authority or its predecessor by the 31st May 2003, which has been taxonomically identified and marked with an identification device by the Wild Birds Regulation Unit or its predecessor, may be carried out following the submission of a transfer notification form issued for this purpose by the Wild Birds Regulation Unit.

Owners of tagged stuffed bird specimens who wish to transfer part or the entire registered collection as was declared by them need to submit a *Bird Transfer Notification Form* (found in Annex B), filled in in its entirety and signed by both parties to WBRU. The details of the process are found within the same form.

- **Transfer of stuffed bird specimens which have not yet been taxonomically identified and marked with an identification device (not tagged)**

Until further notice, the submission of application forms requesting the transfer of stuffed protected birds has been discontinued since 01 October 2020 to allow for the processing of thousands of pending requests.

Notwithstanding the above, WBRU may accept and process specific applications for the transfer of ownership of the **entire** registered collection of stuffed birds in exceptional circumstances, if

there is sufficient proof to the satisfaction of WBRU that the request merits expedient processing. These exceptional circumstances may include:

Inheritance – The legal heirs of a deceased person on whom a taxidermy collection was registered may apply to transfer the collection on their name. If the legal heirs cannot or do not want to keep the specimens, WBRU may consider the transfer of such specimens to third parties. The heirs are to provide WBRU with the following documents:

1. The death certificate (*causa mortis*) of the original declarant.

2. A document drafted and signed by a public notary and commissioner for oaths indicating the details (name, surname and ID card number) of the heir/s of the registered taxidermy collection based on the deceased's testament, and a declaration confirming that the heir/s confirm the division of the registered bird specimens as indicated in the accompanying applications for transfer (refer to point 3 below).

3. A duly filled application for transfer contained in Annex A for each of the heirs, with Section 7 of the form specifying the full species common name and tag number (if applicable) of each registered bird to be transferred to each heir. Each application for transfer must be counter signed by the public notary and commissioner for oaths.

4. If the heir/s cannot keep the specimens themselves, a duly filled application for transfer for each third party shall be submitted, with Section 7 of the form specifying the full species common name and tag number (if applicable) of each registered bird to be transferred to each person. The document is to be signed by both the heir/s and the third-party receiver. Each application for transfer must be counter signed by the public notary and commissioner for oaths.

Detriment to health – Should a registered taxidermy collection be medically proven to be detrimental or a predisposing factor to the owner's health, the owner of the collection shall provide a medical report drawn up and signed by a **medical specialist in the relevant sector for such medical condition**, confirming that the keeping of the taxidermy collection is detrimental or a predisposing factor to his health. This procedure applies for all the stuffed birds registered on the individual requesting such transfer and thus it will not be possible to limit the transfer to selected specimens from the individual's registered collection.

- The transfer of specimens which have been taxonomically identified and marked with an identification device may be processed by virtue of the *Bird Transfer Notification Form* (included as Annex B to this document – details on the full procedure to be found within the same application form). A unique form shall be filled in for each recipient who shall

claim ownership of the specimens listed in the respective form (one form for each individual).

- The transfer of specimens which have not yet been taxonomically identified and not yet marked with an identification device (not tagged) may be processed by virtue of the application listed in Annex A to this document. These specimens may be transferred onto a single individual until the necessary verifications take place. No further movement of these birds may occur until they are identified taxonomically and marked with an identification device, and such transfer may only occur following submission of the application form included as Annex B to this document, as explained in the previous bullet point.

Other exceptional circumstances – Persons who due to other exceptional circumstances cannot keep their taxidermy collections are to provide documentary evidence proving, to the satisfaction of WBRU, that such issue merits expedited processing of the application.

Processing of applications

The processing of applications for the movement / disposal of registered birds is done in chronological order i.e., from the oldest pending request to the most recent. WBRU will contact the applicant to carry out the required verification of specimens, tagging (if applicable) and issue the respective authorisations to transfer, dispose or donate, and certificates to keep (as applicable).

It is in the interest of the applicant to cooperate with WBRU during the processing phase of each application since this should eventually lead to the issuing of the respective authorisation. Should the applicant fail to cooperate or fail to respond to WBRU's communications within a reasonable timeframe of not more than fifteen (15) working days, the application(s) will be cancelled and considered null and void.