

ORNIS COMMITTEE

MINUTES of the Ornis Committee Meeting held on 2 April 2024 at 16.00 at the Wild Birds Regulation Units Offices in Gozo and online.

Members Present:

- Dr Joseph Grech (Chairman)
- Mr Darrin Stevens (ERA representative)
- 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)

1. Approval of minutes of the previous meeting

The vote on the minutes of the meeting dated 10 October 2023 was postponed.

2. License to carry out culling of pigeons with Gzira Local Council

The Committee was asked to approve a proposal for a culling period in Gzira, lasting 12 months from the date of publication of the Government Notice, consistent with the previous period outlined in Government Notice 1169/2021.

The members voted as follows:

	In favour	Against	Abstention
Chairman	1		
ERA	1		
FKNK	1		
BLM		1	
Mr Anthony Caruana	1		

Mr Joseph Grech	1		
Dr Gaynor Saliba	1		
Total	6	1	

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

3. Request for sampling of feathers from Yelkouan Shearwater (*Puffinus Yelkuoan*) and Scopoli's Shearwater (*Calonectris Diomedea*) in Malta

The Committee was asked to approve a request to sample feathers from the Yelkouan Shearwater (*Puffinus yelkouan*) and Scopoli's Shearwater (*Calonectris diomedea*) in Malta.

The members voted as follows:

	In favour	Against	Abstention
Chairman	1		
ERA	1		
FKNK	1		
BLM	1		
Mr Anthony Caruana	1		
Mr Joseph Grech	1		
Dr Gaynor Saliba	1		
Total	7		

The item was unanimously approved.

4. Request for Blood and Feather Sampling from Spotted Flycatcher

The Committee was asked to approve a request to sample blood and feathers from the Spotted Flycatcher (*Muscicapa striata*), specifically the Mediterranean Flycatcher (*M. t. tyrrhenica*), in Malta for laboratory analysis abroad. This request seeks to continue the research conducted during the 2022 and 2023 studies. A special license was granted for previous studies via Government Notice No. 1553/2021 published on 11/26/2021 and No. 441/2023 published on 04/06/2023.

The members voted as follows:

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

Total	7		
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The item was unanimously approved.

5. Request for research derogation: Live sampling of blood, feathers and cloacal swabs from Spanish Sparrows (*Passer hispaniolensis*) in Malta, postage of collected blood, feather and cloacal samples to a laboratory abroad

The Committee was presented with a request for a research derogation to conduct live sampling of blood, feathers, and cloacal swabs from Spanish Sparrows (*Passer hispaniolensis*) in Malta. The collected samples will be sent to a laboratory abroad for analysis.

Mr Mark Sultana provided an overview of the request and stated that the research is not being conducted by BLM but the individuals conducting the sampling—Dr Metzger and Dr Gatt— have obtained a ringing license from BLM.

He stated that the process involved only the blood sampling, ensuring no harm comes to the birds, and eliminates the need to transport them abroad for study. The primary aim is to analyse the DNA of the birds, identifying their origin in comparison to similar species from three different countries. The ultimate goal is to distinguish the Spanish Sparrows that originate from Malta. Dr Metzger and Dr Gatt are also seeking permission to transport blood samples to a foreign laboratory for further analysis.

The members voted as follows:

	In favour	Against	Abstention
Chairman	1		
ERA	1		
FKNK	1		
BLM	1		
Mr Anthony Caruana	1		
Mr Joseph Grech	1		
Dr Gaynor Saliba	1		
Total	7		

The item was unanimously approved.

6. 2024 Spring Hunting season for Turtle Dove and Quail

Mr Richard Lia presented a report on the conservation status of turtledove and quail.

First and foremost, he emphasised the importance of non-disclosure of any WBRU document prior to discussion of the same within the Committee. He noted that the WBRU report on the conservation status of turtledove and quail was disseminated to the press before it has been thoroughly discussed by the Committee. He said that as per the established procedure, all reports are published on WBRU's website following discussion by the Committee.

On BLM press release which suggested the existence of corruption and collusion within the WBRU, Mr Lia firmly refuted these claims, asserting that the report is produced under his expertise as a conservation biologist and is free from external influence. He clarified that there has been no

extrapolation of data, countering any indications otherwise presented in court and reaffirming that the report is based solely on factual data available to both the WBRU and himself. Moreover, he referred to a press released by BLM, dated 27 March 2024, which criticises the Annual Report issued by the WBRU, claiming it contains various flaws that are used to justify the Spring Hunting Derogation. He highlighted that the integrity and accuracy of his reports are paramount, and any inaccuracies could have significant implications for conservation efforts and public trust. In this light, Mr Lia stated that he could not tolerate BLM comments and requested a retraction.

In response, Mr Sultana apologised for the issuance of the press release prior to discussions with the Committee, acknowledging Mr Lia's concerns. He however stated that even if BLM had released the statement after the report's review, it would not have substantially changed the outcome. Mr Sultana clarified that his criticism was not against Mr Lia personally, but there were flaws in the report which in BLM's views were intended to facilitate the opening of the Hunting Season.

Mr Lia disagreed with BLM's assessment, but upon request of the Chairman and other members accepted to discuss WBRU's report on the subject matter.

From the outset, he stated that he could only work with the available data and that accurate calculations cannot be made without actual data; therefore, updates to the data will occur once it is provided. He specified that the WBRU required data from other countries to update its data highlighted in Table 15. He concluded that reports on conservation status cannot be calculated without actual data and refuted the claim that these flaws are being used to influence the decision to open or close the hunting season. He stated that the purpose of this report is to inform the Committee's decision on whether a hunting season should be suggested, emphasising that it is not intended to advocate for its opening. In this regard, he stated that from the available data and in terms of short-term trends, the species is considered stable, while long-term trends indicate an increase.

Mr Sultana noted that Table 8 indicated a continued decline in the bird population, albeit at a slower rate when comparing 2023 to 2022. He highlighted that the trend remains concerning for both years, specifically reflecting data related to the Italian population. He stated that France, Spain, and Portugal had not hunted Turtle Doves for two years, including during the Autumn season. This absence of hunting has positively impacted bird numbers, as evidenced by favourable figures in the Western Flyway. Moreover, he expressed concerns regarding Table 14, specifically that the 2024 data closely mirrors Table 12 from the previous year, with the exception being the percentages of catches reported from Romania, Slovakia, and Bulgaria. He pointed out that the breeding totals in both tables remain the same.

Mr Lia said that he would clarify this discrepancy in a follow-up email.

Mr Sultana further expressed BLM's concerns regarding the uncertainty in recent data and emphasised that it represents trends across countries rather than individual nations, particularly concerning the data from Italy, arguing that France's data is more reliable than Italy's. He insisted that when data shows both decline and stability in bird populations, the benefit of the doubt should lean toward the species' conservation. He noted that while there was a reported trend increase of 13%, the overall population has not improved. Moreover, when comparing Tables 14 and 15, he highlighted a 30% difference, asserting that they do not contain comparable data sets.

Mr Lia clarified that while Table 14 was there to provide historical context, Table 15 was developed following the CJEU's 2018 court case concerning finches, which referenced ring recoveries. He stated that Table 14 represents data known at that time, while Table 15 offers a current reference population percentage, specifically noting a 69% figure in Italy.

Mr Sultana maintained that the two tables contain different figures due to their origins in different countries.

It was however agreed that Table 15 provided valuable information and that Table 3.5 should be amended to reflect the discussion.

Mr Barbara further reiterated that the data presented in the table indicated declining, stable, or unknown numbers, with only one country showing an increase. He stated that there is no assurance that opening the hunting season for Turtle Doves would mean that the birds are primarily from Italy. He emphasised that the Turtle Dove population is declining in the majority of countries, except for Italy, suggesting that if the Hunting Season were to open, there would be no guarantee that the birds killed would originate from Italy.

The Chairman reiterated that decisions must be based on the data currently available.

Mr Lia referred to a CJEU ruling in Case C-217/19 (*Commission v. Finland*) which clarified that a declining population trend alone does not establish an unsatisfactory conservation status. However, without supplementary evidence indicating a favourable situation, such a decline cannot be interpreted as maintaining a satisfactory population level. He thereby concluded that satisfactory groups must provide data indicating a marked decline to update the reference population for the Turtle Dove. He pointed out that, according to the EU Hunting Guide and relevant case law, the focus must be on main contingents. The guides do not assert that Turtle Doves must originate from Italy, which is why calculations are made at the reference population levels. He stressed the importance of ensuring that the measures, as stipulated in derogation under Article 9(1)(c) of the Birds Directive which is to maintain the Turtle Dove population at a satisfactory level. He asserted that even if the entrance flyway shows a 1% difference, the European Commission likely would not accept this figure given that the Turtle Dove is nearly threatened at the EU level. He noted that they would accept only birds with a clear link to Malta from other countries and mentioned that the National Bag Limit and associated case law are used to maintain the population at a satisfactory level. He further stated that Italy's Article 12 Report was reviewed and evaluated by the European Environment Agency before its publication.

Mr Perici Calascione remarked that both BLM and FKNK must avoid extremes when discussing data. He argued that BLM seemed to be contesting the principle rather than the amount, stressing that this is a minimal figure in relation to the directive and is not significant.

Mr Lia maintained that the 1% figure indicates stability and not decline, stating that he would be uncomfortable taking a different position without further data from the Scientific Advisory Group. He thereby stated that the Turtle Dove population in Malta was stable and such assertion was based on publicly available information.

Mr Stevens inquired whether there is any evidence suggesting that most Turtle Doves from Malta do not nest in Italy or if the contrary is true.

Mr Lia reiterated that most released Turtle Doves have migrated to Italy.

Mr Gauci suggested that the report should outline how data should be collected more appropriately, proposing that Committee could provide better recommendations for data collection.

A vote was taken as to whether members were in favour of the introduction a spring hunting moratorium on Turtle Doves. The members voted as follows:

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

The item was voted against, with five votes against, one vote in favour and one abstention.

A vote was subsequently taken as to whether in principle members were in favour of a spring hunting season. The members voted as follows:

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

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

FKNK subsequently proposed voting on a recommendation for the Spring Hunting Season to mirror that of the previous year. The proposal included hunting for Quail from 10 April to 30 April 2024, with a quota of 2,400 birds and for Turtle Dove from 17 April to 30 April 2024, with a quota of 1,500 birds.

BLM pointed out that according to Article 10 of the Conservation of Wild Birds Regulations, specifically Regulation 10(6), the Minister should receive recommendations from the Committee at least four weeks before the hunting season opens. FKNK contested this interpretation, referencing past instances where voting occurred under similar circumstances.

Dr Saliba suggested that the vote should be conducted in principle, leaving the final decision regarding the Spring Hunting Season's opening to the Minister's discretion. ERA agreed with this way forward.

The members voted as follows:

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

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

The meeting was concluded and adjourned.