Report on the Outcome of the 2015 Spring Hunting Season in Malta

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Wild Birds Regulation Unit

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Table of Contents

1.	Introduction	1
2.	Legal and policy basis for application of a derogation permitting spring hunting in 2015	1
3.	Consideration of the 2014 autumn bag data for Turtle Dove and Quail	2
4.	Consideration of the conservation status of Turtle Dove and Quail	8
5.	Determination of the 2015 spring hunting bag limit	10
6.	Declaration of a derogation	11
7.	Abrogative referendum	12
8.	Issuance of spring hunting licences	13
9.	Telephonic reports of catches made	14
10.	Spring migration study	17
11.	Comparison between migratory study data and telephonic reports	22
12.	Enforcement	24
13.	Conclusions	35

Enclosures

Annex 1: Report on a survey of the influx of migratory Common Quail and Turtle Dove over the Maltese Islands in autumn 2014

Annex 2: Assessment of the conservation status of Turtle Dove and Common Quail

Annex 3: Licence for 2015 Spring Hunting Season

Annex 4: Report on a survey of the influx of migratory Common Quail and Turtle Dove over the Maltese Islands in April 2015

1. Introduction

1.1 This report has been prepared in addition to Malta's formal reporting obligation under Article 9 of the Birds Directive. The report provides an overview of the implementation of Malta's spring hunting derogation for Turtle Dove and Quail in April 2015, including an overview of the decision-making process leading up to the application of the derogation; consideration of the relevant legal and policy parameters; consideration of the conservation status of the species concerned; an assessment of the outcome of the previous autumn hunting season and an independent assessment of their migratory influx during autumn 2014; the necessary preparatory measures and regulatory controls effected prior to and during the season; an assessment of the migratory influxes of the relevant species during the 2015 spring season the reported hunter catches; the enforcement efforts in place to ensure the strict supervision of hunting during the 2015 season; disclosed offences and corresponding enforcement action taken; and the legal and other management aspects of relevance.

2. Legal and policy basis for the application of a derogation permitting spring hunting in 2015

2.1 As was also the case in previous years, a derogation permitting spring hunting in 2015, was applied on the basis of Article 9(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009, on the Conservation of Wild Birds, 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*" in line with a number of limited reasons, such as that stipulated by Article 9(1)(c): *"to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers*". As regards the "no other satisfactory solution" criterion, the judgment delivered by the Court of Justice of the European Union (CJEU) on 10 September 2009, in case C-76/08, explicitly noted that "*hunting for Quail and Turtle Doves during the autumn hunting season cannot be regarded as constituting, in Malta, another satisfactory solution, so that the condition that there be no other satisfactory solution, laid down in Article 9(1) of the Directive, should, in principle, be considered met*"[1].

2.2 This judgment therefore recognises the right to apply a derogation for spring hunting in Malta subject to the strict conditions laid down in Directive 2009/147/EC.

[1] Case C-76/08 *Commission v Malta*, ECR I-8213, paragraph 63

2.3 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations[2] (S.L. 504.94) establishes a series of parameters to be considered **prior to** any decision to apply a derogation, particularly the requirement to consider the previous autumn hunting bag data for Turtle Dove and Quail, and to consider the conservation status of the species concerned.

2.4 Consideration of the above two parameters is discussed in the following sections of this report.

3. Consideration of the 2014 autumn bag data for Turtle dove and Quail

3.1 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (S.L. 504.71) considered a range of aspects pertaining to the extraction and verification of the 2014 autumn bag data.

3.2 At its sittings on 4 and 10 March 2015, the Committee discussed the process of *Carnet de Chasse* (CdC) collection and data extraction. In 2014 there were 10,811 persons licensed to hunt birds on land. A total of 10,242 hunting licences were returned by the legal deadline of 13 February 2015, whilst a further 626 persons were subject to an administrative fine of €75 for late return. Of these, 459 returned their booklet during the period between 14 February and 3 March 2015 after paying the fine for late return. Thus the total number of hunting CdC booklets from which data was extracted by 4 March 2015 is 10,701, which represents 99% of all bird hunting on land booklets in circulation[3].

3.3 The process of extracting Turtle Dove and Quail data commenced immediately upon return of the general licences, that is, on 2 February 2015.

3.4 As was the case also in 2014, the process was subject to quadruple quality checks, which involved three quality checks by data operators, and one physical random sample check by the Wild Birds Regulation Unit (WBRU), which reviewed data entry for 1,000 booklets (circa 9.3%) of the total number collected. The final checked count stood at 1,717 Turtle Doves and 1,666 Quail. A further 789 entries

[2] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

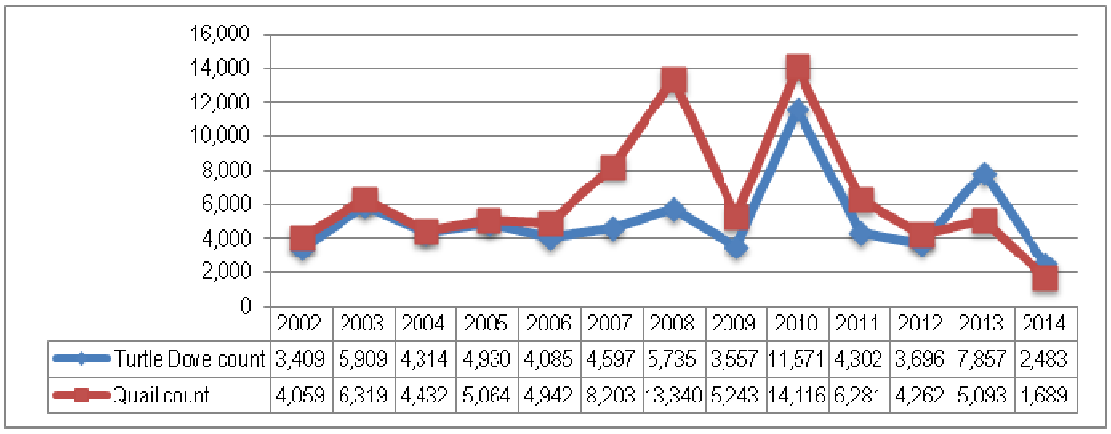
[3] Further 138 booklets were collected by 13 March 2015 subject to payment of €75 administrative fine, thus bringing the overall collection rate close to 100%. 29 persons who did not return booklets by the final legal deadline were referred for prosecution in terms of Regulation 27 of the Conservation of Wild Birds Regulations (S.L. 504.71).

pertained to undetermined species (where it was not clear whether the hunter reported either Turtle Dove or Quail). The "undetermined species" count was apportioned in proportion to the number of Turtle Doves and Quail, at the ratio of 1.0306 Turtle Doves (766) to 1 Quail (23). Thus, the final autumn 2014 count stood at 2,483 Turtle Doves and 1,689 Quails.

3.5 The Committee furthermore considered the fact that the number of hunters who did not declare shooting either Turtle Dove or Quail during the 2014 autumn season was 6,897, which is fewer than in 2013 (7,904) and in 2012 (7,703). Nonetheless, there remains to be a consistently high percentage, hovering around 65%–75% of hunters who declared that they did not bag either Turtle Dove or Quail during the autumn seasons. This figure is consistent throughout the years, indicating that around three quarters of hunters do not have sufficient hunting opportunities in the autumn. It was noted that this issue was also considered by the CJEU in its 2009 ruling as part of the Court's consideration of whether an autumn hunt constitutes a satisfactory alternative to a spring hunt.

3.6 The Committee also examined a graph listing Turtle Dove and Quail catches during all autumn seasons since 2002. This graph is reproduced below (Figure 1).

Figure 1: Turtle Dove and Quail bags reported during autumn seasons 2002–2014



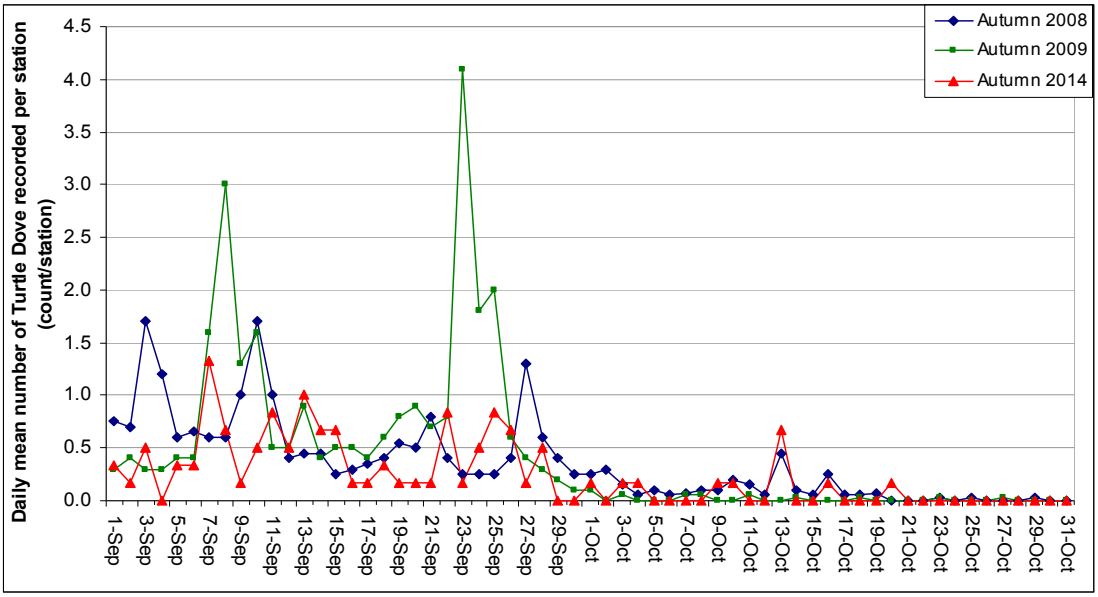
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Turtle Dove count	3,409	5,909	4,314	4,930	4,085	4,597	5,735	3,557	11,571	4,302	3,696	7,857	2,483
Quail count	4,059	6,319	4,432	5,064	4,942	8,203	8,340	5,243	14,116	6,28	4,262	5,093	1,689

Source: Wild Birds Regulation Unit

3.7 Whilst the reported catches in 2014 were the lowest ever recorded since 2002, high variability from one year to another was also noted. The low catches in 2014 were explained by two principal factors: the low extent of migration and the fact that the autumn hunting season was suspended between 20 September and 11 October 2014, which coincided with several Turtle Dove and Quail migration peaks recorded through the independent migration study. The report of the 2014 autumn migration study is enclosed as Annex 1 to this report.

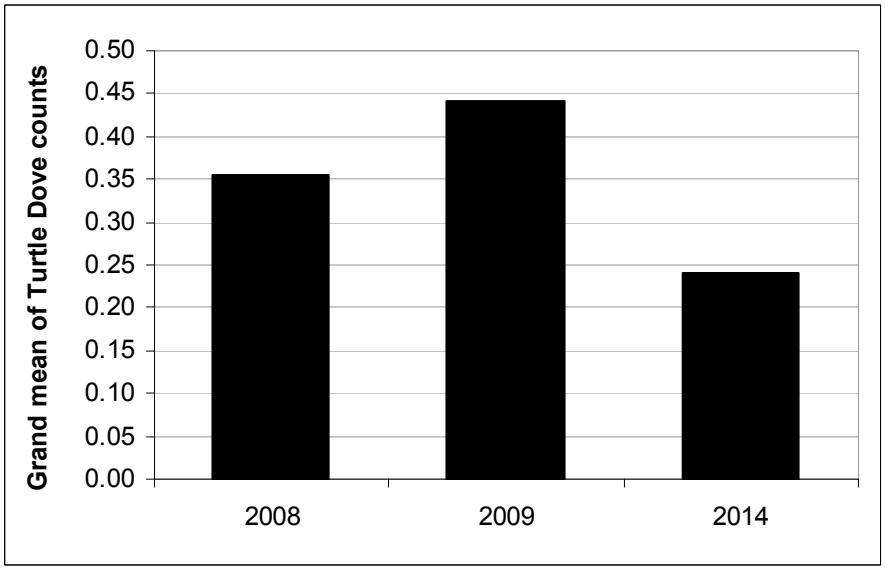
3.8 The migration study, which was conducted between 1 September and 30 October 2014, indicated Turtle Dove peaks on 7, 11, 13, 22, 26 and 28 September 2014 and Quail peaks on 23–25, 27 September 2014 and on 2 and 6 October 2014, when the season was closed. The study also contrasted the 2014 autumn observations with observations made in 2008 and 2009 autumn seasons, using similar methodology[4]. The key findings are summarised in the graphs below.

Figure 2: Daily mean counts of Turtle Dove recorded during the period 1 September to 31 October 2014, together with values of the same statistic for autumn 2008 and 2009 as reported in Thomaidis (nd).



Source: Ecoserv (2015)

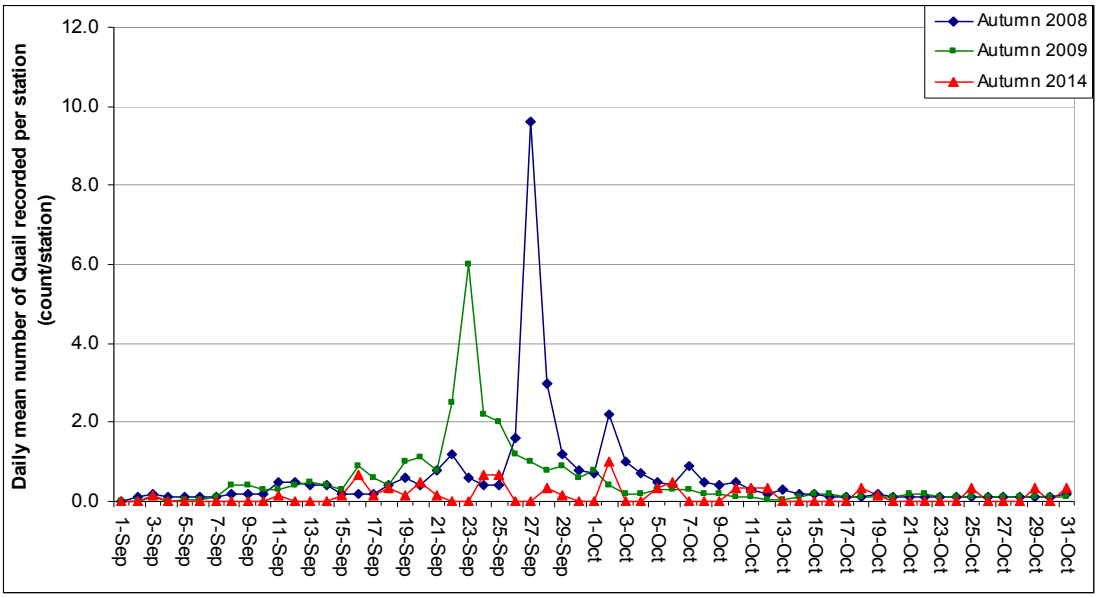
Figure 3: Grand mean of Turtle Dove counts made using data from the period 1 September to 31 October for autumn 2014, autumn 2009 (Thomaidis, nd) and autumn 2008 (Thomaidis, nd)



[4] Description of the methodology of the studies conducted in 2008 and 2009 as well as the relevant findings can be accessed from the following link: http://environment.gov.mt/en/Documents/Downloads/WBRU/LEG-Birds-TD.pdf

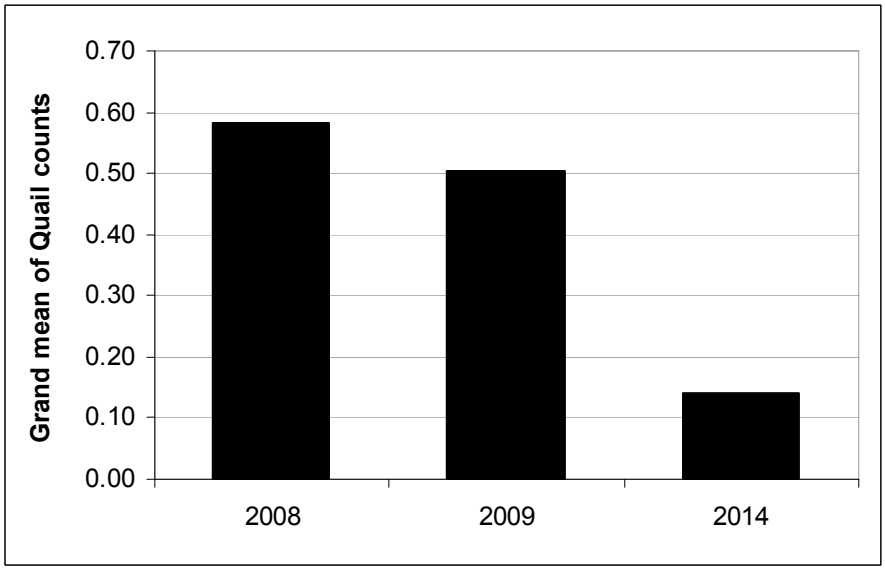
Source: Ecoserv (2015)

Figure 4: Daily mean counts of Quail recorded during the period 1 September to 31 October 2014, together with values of the same statistic for autumn 2008 and 2009 as reported in Thomaidis (nd).



Source: Ecoserv (2015)

Figure 5: Grand mean of Quail counts made using data from the period 1 September to 31 October for autumn 2014, autumn 2009 (Thomaidis, nd) and autumn 2008 (Thomaidis, nd)



Source: Ecoserv (2015)

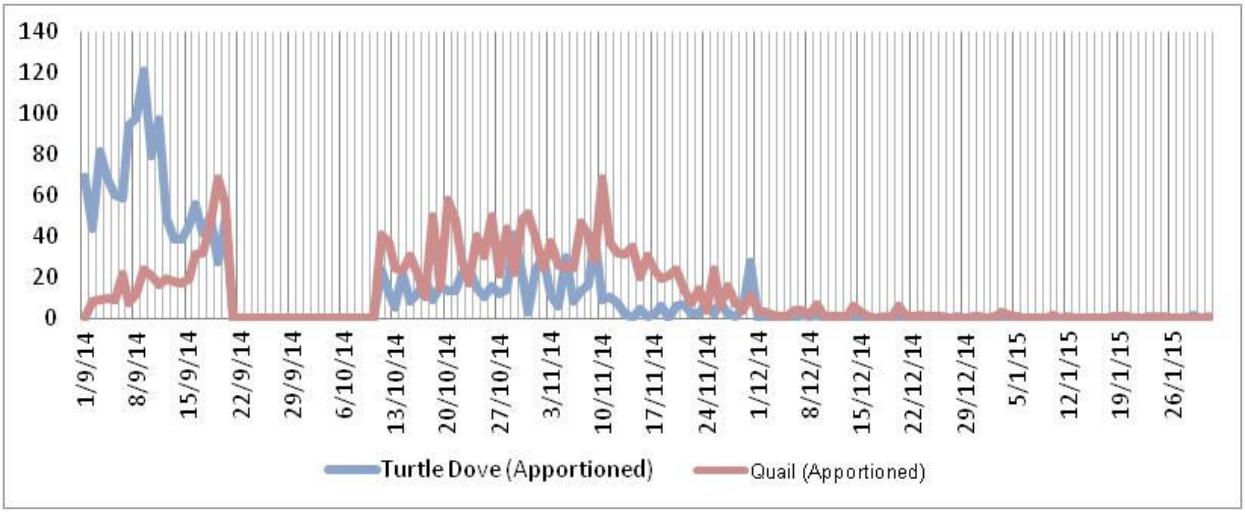
3.9 The above analysis undertaken by Ecoserv indicates that the extent of Turtle Dove and Quail migration in 2014 was considerably lower than that in 2008 and 2009.

3.10 According to the report on the 2014 autumn migration study, it was estimated that a total 7,956 Turtle Doves and 45,683 Quails migrated over the Maltese Islands during the months of September and October 2014 (9 weeks, 61 days). An identical study

conducted in April 2014, concluded that some 24,922 Turtle Doves and 37,773 Quails were observed over a period of 19 days A comparison of the intensity of migration on the basis of a daily average works out at an average of 130 Turtle Doves and 749 Quails estimated to migrate daily in the autumn, and 1,312 Turtle Doves and 1,988 Quails estimated to have migrated daily in spring. Thus, the average daily intensity of migration in autumn 2014 was ten times lower than in spring 2014 for Turtle Dove and just under three times lower for Quail. This indicates that the extent of migratory influx during spring is higher than the migration in autumn.

3.11 The Malta Ornis Committee also considered the daily *Carnet de Chasse* data for autumn 2014 in conjunction with the daily observation data provided through the independent migration study. The reported daily *Carnet de Chasse* data is depicted in the graph below.

Figure 6: Daily Carnet de Chasse reports of Turtle Dove and Quail during 2014 autumn season

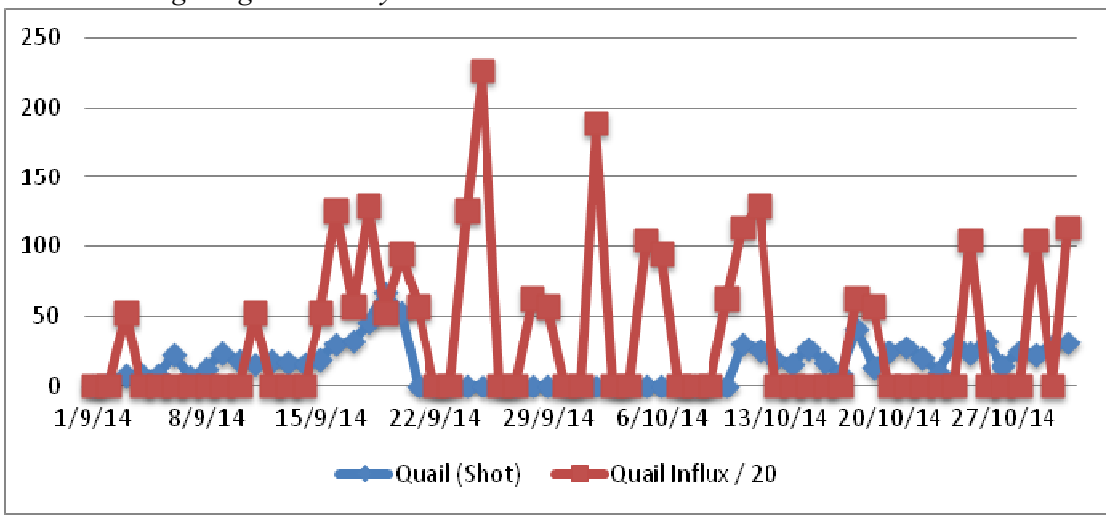


Source: Wild Birds Regulation Unit

3.12 The above *Carnet de Chasse* data shows Turtle Dove catches peaking towards mid-September, which also correlates with Ecoserv's observations as explained further below. Much lower Turtle Dove peaks were recorded after the period of the 2014 autumn hunting season suspension (20 September –11 October 2014) had elapsed and this also correlates with Ecoserv's observations. The graph also shows Quail reports peaking just before the suspension of the season, and then resuming in much lesser magnitude after the period of suspension elapsed, trailing off by the end of the year 2014 and beginning of 2015 until the end of the season.

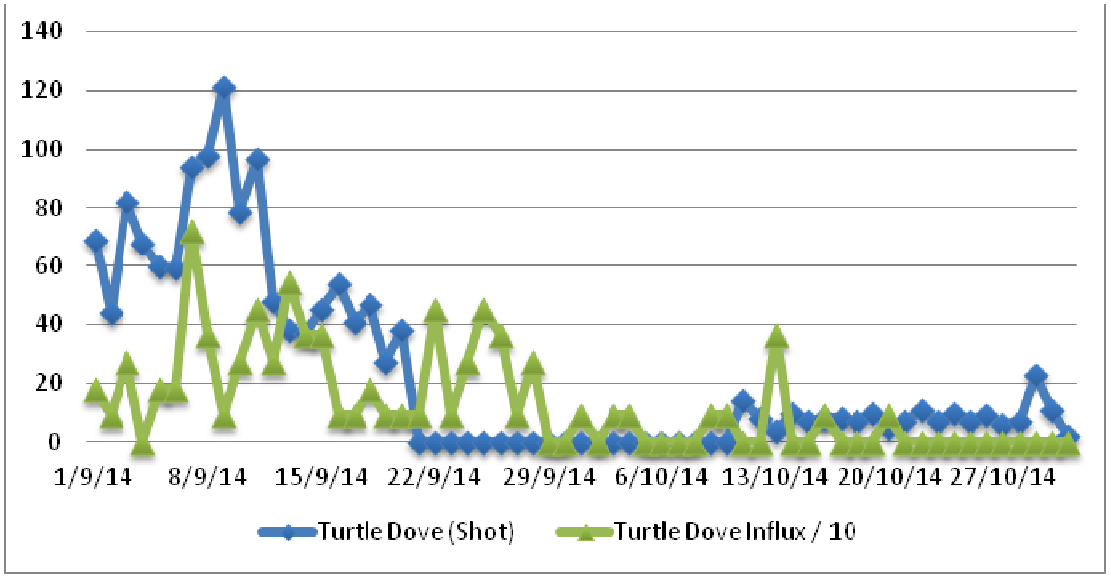
3.13 *Carnet de Chasse* data was correlated and plotted together with the observations data, resulting in the graphs below.

Figure 7: Comparison between the number of quails reported shot and the number of quails observed through migration study in Autumn 2014



Source: Wild Birds Regulation Unit

Figure 8: Comparison between number of Turtle Doves reported shot and the number of Turtle Doves observed through migration study in Autumn 2014



Source: Wild Birds Regulation Unit

3.14 The Malta Ornis Committee considered the above reported catches data and observation trends also in the context of the enforcement statistics pertaining to the 2014 autumn season, summarised in the table below (Table 1). The statistical trends indicate a sustained decline in the number of offences committed during the 2014 autumn season, in comparison with the same periods in 2013 and 2012.

3.15 During the 2014 autumn season, enforcement officers conducted 13,926 site inspections and 2,550 spot-checks on individual licensees, which is more than double the total number of inspections conducted during the same period in 2013 (7,619).

Table 1: Offences disclosed during 2014 autumn season (1st September - 31st January) in comparison with 2012 and 2013 seasons

Offences	**2012**	**2013**	**2014**	**Trend**
Hunting within prohibited distances	17	12	1	☺
Hunting / trapping without licence	76	21	4	☺
Illegal trapping of protected birds	137	29	1	☺
Illegal shooting of protected birds	2	6	4	😐
Hunting / trapping using illegal means / other breaches of licence conditions	236	89	78	☺
Hunting / trapping during closed season	16	1	2	☺
Possession of dead protected birds	4	16	5	😐
Possession of live protected birds	137	30	3	☺
Illegal sale of protected birds	0	0	7	☹
Smuggling of protected birds	1	3	1	😐
Total offences disclosed	**391**	**125**	**106**	☺
Persons arraigned and prosecuted	**226**	**87**	**83**	☺

Source: Wild Birds Regulation Unit / Malta Police Force

3.16 The Committee noted that the increase in penalties coupled with the increase in inspections have led to a sustained reduction in serious incidents, such as shooting of protected birds, hunting during the closed season, hunting in protected areas, or hunting without a licence. The drop in these incidents during the 2014 autumn season was particularly profound.

4. Consideration of the conservation status of Turtle Dove and Quail

4.1 Prior to consideration of the derogation, the Government assessed the latest available scientific information regarding the conservation status of the two species in question, that is, *Streptopelia turtur (Turtle Dove)*and *Coturnix coturnix (Quail)*. In line with the "judicious use" requirement, this review of scientific data was undertaken in order to ascertain that the conservation status of these two species, would not be threatened by the application of a spring hunting derogation in 2015. A preliminary analysis was presented to the Malta Ornis Committee on 4 March 2015. Further discussion of the analysis took place at a subsequent Malta Ornis Committee meeting on 10 March 2015. The final analysis, which incorporates comments from the Malta Ornis

Committee, and in particular – the relevant submission made by Birdlife Malta in reaction to the initial assessment, is enclosed as Annex II to this report.

4.2 The assessment considered the latest available scientific literature with regard to the conservation status of both species at the global, pan-European and EU levels. The analysis also delved into conservation status at the level of reference populations which are proven to migrate over the Maltese Islands through ring recoveries from other EU Member States, on the basis of BirdLife Malta's data on ring recoveries.

4.3 The assessment indicates that both species are characterised by extremely large populations and geographical range. Whilst there has been a further decline in the long-term trend by a further 3% over the previous update to a total of 77% decline since 1980, the short term trend assessment indicates a marginal improvement of 9% over last year's European Bird Census Council (EBCC) update, with an overall decline in the short-term trend of 21% since 1990.

4.4 Article 12 country reports submitted by EU Member States for the reporting period 2008–2012[5] were also reviewed as part of the overall assessment. The long-term trend for 91% of the Turtle Dove reference population (Italy 51%; Czech. Republic 25%; Hungary 6%; Austria 3%; Poland 3%; Croatia 3%) were either not included (viz. Czech. Republic; Croatia) or did not indicate the population trend (specified as "Unknown"). The other countries representing the remaining 9% of the Turtle Dove reference population (Germany 6% and France 3%) reported a moderate decline in the long-term trend (ranging between 20–60% and 20–30% respectively). Short-term trends were only available for 21% of the reference population (Germany 6%; Hungary 6%; Austria 3%; France 3%; Poland 3%). With the exception of Hungary, which reported a stable trend, 15% of the reference population was reported as having undergone a moderate decline in the short-term trend at an average rate of 26–46%.

4.5 Considering the above gaps in trend analyses, the update looked at the EBCC reports to gauge any significant changes from their previous year's update. The overall change in the Turtle Dove population during the period 2011–2012 was -0.01% in the long-term slope and -0.05% in the short-term slope, with a total population decline of 74% since 1980 and -30% in the short-term trend. The subsequent 2014 EBCC update showed that the overall change between 2012 and 2013 was -0.03% in the long-term

[5] Available at: http://bd.eionet.europa.eu/article12/summary

slope and -1.67% in the short-term slope, with a total population decline of 77% since 1980 and -21% in the short-term trend. Thus, on the basis of the current EBCC update, the Turtle Dove population decreased by a further 3% in the long-term trend to -77% and increased by 9% to -21% in the short-term trend.

4.6 In Article 12 reports, the long-term data trends for the reference population of the Quail were also reported as "Unknown". Italy, which constitutes 92% of the Quail reference population for Malta, reported a short-term increase of 70–80% whereas Hungary, which forms the remaining 8% of the Quail reference population, reported a 54% decline in the short-term trend. It should be noted that the Quail does not form part of the list of European species monitored by EBCC.

4.7 On the basis of best available data, the comparison between the latest (2014) EBCC update and the previous (2013) version of the species trends concerning change in the reference population trends, and in the absence of other evidence, there appeared to be no scientifically justified reason to warrant a reassessment of the conclusions reached in previous years. Furthermore, it was noted that there is no clear scientific evidence that the limited hunting of these species in Malta would influence population trends elsewhere in the EU.

4.8 The Malta Ornis Committee took note of the above updates prior to recommending the application of a derogation.

5. Determination of the 2015 spring hunting bag limit

5.1 Regulation 5 of the Framework Regulations (S.L. 504.94[6]) stipulates the requirement for the establishment of an overall bag limit for a spring hunting season for Quail and for Turtle Dove, on the basis of figures contained in Annex 1 to the same Regulations. The same Regulations also stipulate the requirement of taking into consideration the conservation status of the two species concerned and the maintenance of the population of both species at a satisfactory level when establishing the overall bag limit. Regulation 5 also provides for the requirement of establishing seasonal and daily bag limits per hunting licence.

5.2 The Regulations also establish that, should a spring hunting season be declared open, the overall national spring hunting limits would be set at not more than a ceiling limit of 5,000 for Quail and 11,000 for Turtle Dove, based on the principle of 1% of the

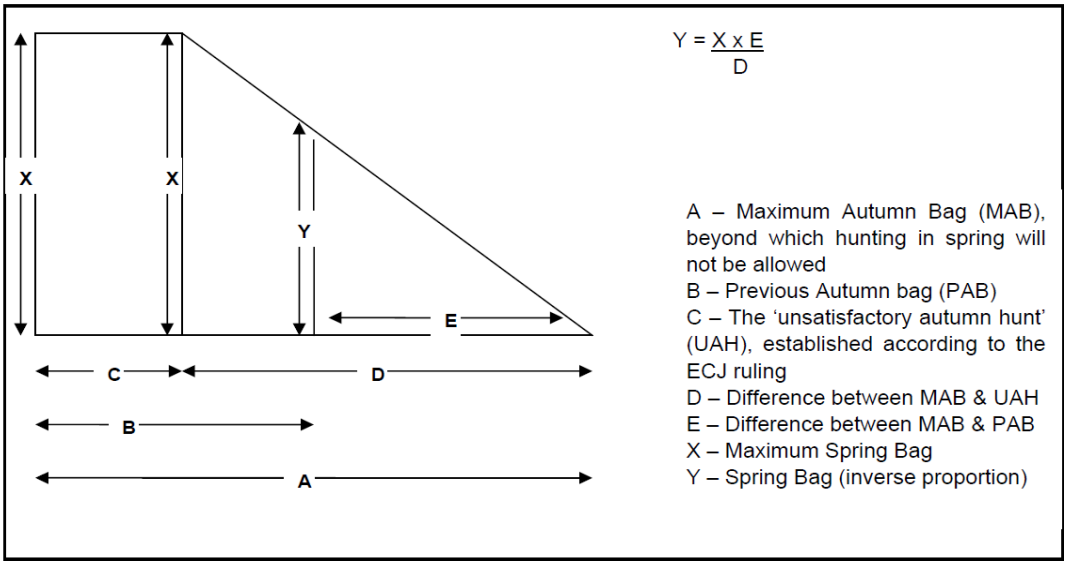
[6] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

total annual mortality of each of the species respectively. They also establish that a spring hunting season will not be opened in cases where the number of birds hunted during the previous autumn season reaches 20,000 in the case of Quail and 21,000 in the case Turtle Dove, with each species considered separately. Furthermore it should be noted that:

(i) the maximum bag limit for a spring hunting derogation may be fully allowed in cases where the number of Quail or Turtle Dove hunted during the previous autumn season does not exceed 10,000 for each species respectively; and that,

(ii) the maximum bag limit for a spring hunting derogation should be reduced by inverse proportion to the number of birds hunted in excess of 10,000 for each species in the previous autumn season. These principles translate into the formula shown in Figure 9.

Figure 9: Formula for the calculation of inverse proportion, applicable in those cases when the previous autumn bag is between 10,000 and 21,000 for Turtle Dove, and 10,000 and 20,000 for Quail.



5.3 Since the total bag for the autumn 2014 hunting season was 2,483 Turtle Doves and 1,689 Quails, the maximum limits of birds hunted in autumn established by the Regulations in question (20,000 for Quail / 21,000 for Turtle Dove), which would have resulted in a situation where the spring hunting season could not be opened, were not reached. On the contrary, the numbers hunted did not exceed 10,000 in the case of either species. For this reason, the maximum bag limit allowed by law could therefore be applied.

5.4 Based on the above, the 2015 overall bag limit was thus set at 11,000 for Turtle Dove and 5,000 for Quail on condition that the season would be terminated immediately should this national overall bag limit be reached before 30 April 2015. Each Spring Hunting Licence established a daily bag limit of two (2) birds and a seasonal bag limit of four (4) birds per licence, or however many below that number might have been hunted before the season closed.

6. Declaration of a derogation

6.1 On 27 March 2015, the Government published Legal Notice 113 of 2015 *Conservation of Wild Birds (Declaration on a Derogation for a 2015 Spring Hunting Season for Turtle Dove and Quail) Regulations, 2015*. The Legal Notice stipulated that subject to the outcome of the abrogative referendum (held on 11 April 2015), the spring hunting season for turtle Dove and Quail shall be open between 14 April and 30 April 2015, both dates included.

6.2 The Legal Notice also stipulated an individual daily bag limit of 2 birds per licence, an individual season's bag limit of 4 birds per licence and the maximum national quota of 5,000 Quails and 11,000 Turtle Doves.

6.3 As was also the case in 2014, hunting was only allowed between two hours before sunrise until 1400 between Monday and Friday; and until 1200 on Saturdays and Sundays. Overall, in comparison with the 2014 spring hunting season, the *declared* 2015 season was 26 hours shorter[7].

6.4 The above Legal Notice also contained a proviso which stipulated that these Regulations shall cease to have effect in the event of and upon the publication by the President of Malta of a Proclamation in terms of article 20 of the Referenda Act[8] declaring that following the referendum of the 11 April 2015 the Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations shall not continue in force.

[7] In actual terms, the 2015 season was effectively 56 hours shorter than the 2014 season due to the 2015 season being terminated prematurely on 27 April 2014.
[8] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8737

7. Abrogative referendum

7.1 In August 2014 a petition calling for the abrogation of spring hunting legislation was started by the Coalition for the Abolition of Spring Hunting (CASH), which consisted of Birdlife Malta, the Coalition for Animal Rights, Alternattiva Demokratika, Din l-Art Ħelwa, Flimkien għal Ambjent Aħjar, Friends of the Earth, the Gaia Foundation, Greenhouse, International Animal Rescue Malta, the Malta Organic Agriculture Movement, Moviment Graffiti, Nature Trust, the Ramblers Association Malta and Youth for the Environment. Around 45,000 people signed the petition, requesting a referendum on the issue. Further to the verification process of the signatures carried out by the Electoral Commission, an abrogative referendum was called.

7.2 The abrogative referendum was held on 11 April 2015. The question put forward to the electorate read as follows: *Do you agree that the provisions of the 'Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail Regulations' (Subsidiary Legislation 504.94) should continue in force?"*

7.3 A total of 338,450 eligible voters took part in the referendum, representing 74.8% of the Maltese electorate. 50.04% voted in favour of retaining spring hunting legislation whilst 49.6% voted against. Following the result of the referendum, the Framework Regulations remained in force.

8. Issuance of spring hunting licences

8.1 Applications for a special spring hunting licence were received during a 6-day period between 23 and 28 March 2015. Applicants had to complete an application form and had to present a valid *Carnet de Chasse* together with identification documents. Applicants also had to provide a mobile phone number which was subsequently registered within the telephonic game reporting system. Applications received after the closing date of 28 March 2015 were rejected.

8.2 The Wild Birds Regulation Unit received a total of 9,479 formal applications to obtain a spring hunting licence. Upon verification, all these applications were considered as valid. The number of applications for the 2015 spring hunting season was approximately 3.3% lower than in 2014 (9,806 and almost on a par to the number of applications received in 2013 (9,437).

8.3 A total of 7,647 licences were issued to applicants resident in Malta and 1,832 to applicants resident in Gozo. Of these, 78 licences remained unclaimed (7 pertaining to applicants resident in Gozo and 71 pertaining to applicants resident in Malta).

8.4 Spring hunting licence conditions were established according to the provisions of the abovementioned Framework Regulations (S.L. 504.94[9]) and the provisions of Legal Notice 113 of 2015[10]. Additionally, all licensed hunters were required to abide by the regulations laid down in the Conservation of Wild Birds Regulations (S.L. 504.71[11]). A copy of the spring hunting licence, including details of the licence conditions, is attached in Annex 3 to this report.

8.5 Licences were issued subject to the conditionality proviso which stipulated that the licence shall cease to have effect in the event of and upon the publication by the President of Malta of a Proclamation in terms of Article 20 of the Referenda Act[12] declaring that following the referendum of 11 April 2015, the Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations shall not continue in force.

8.6 Hunters were required to carry their spring hunting licence at all times. They were also expected to immediately report their catches through a telephonic game reporting system and through their *Carnet de Chasse* before leaving the hunting zone, to abide by the time restrictions, and respect the daily bag limit of 2 birds and a season bag limit of 4 birds. These conditions were strictly monitored, supervised and enforced, as described in the enforcement section of this report.

9. Telephonic reports of catches made

9.1 As per Regulation 5(d) of the Framework Regulations (S.L. 504.94[13]), hunters in possession of the spring hunting licence were obliged to immediately notify the authorities of any catches of Turtle Doves or Quails made during the season. The Special Licence required the hunters to do so by calling a single telephone number 27790299 via their mobile phones immediately after shooting a bird. The telephone system subsequently guided the hunters through the reporting procedure via voice prompts. Each telephonic report was registered in the database in real time, and the hunters concerned received an SMS confirmation of a successful report. The system

[9] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[10] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26762&l=1
[11] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1
[12] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8737
[13] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

could only be used by hunters in possession of a Special Licence, and did not allow any reports from unlicensed persons. In addition, hunters were also required to document shot birds on their *Carnet de Chasse* before leaving the hunting zone.

9.2 Prior to the commencement of the season, as was also the case in previous years, the Wild Birds Regulation Unit carried out an intense information campaign to promote awareness of hunting regulations and enforce compliance with the legal obligations, including the hunters' reporting obligations. Meetings were held with hunting organisations to encourage dissemination of regulatory information amongst their members, and with several hundred individual hunters to explain regulations and to promote zero-tolerance to non-compliance. Applicable regulations including reporting procedures were also explained during a TV programme broadcasted on national television on 14 April 2015. Moreover, all hunters in possession of a spring hunting licence were reminded of their legal obligations via two separate SMS mail shots sent during the span of the season.

9.3 During the period of the derogation, the Wild Birds Regulation Unit made use of the telephonic game reporting system for the daily logging of hunters' reports. These reports were monitored in real time throughout the season, with the view of keeping track of a number of variables, including (i) the total number of birds per species caught per day, (ii) cumulative totals, and (iii) the uptake of the daily and seasonal bag limits per licence. Furthermore, the system deployed a filtering / verification system which ensured that the mobile phone numbers from which reports were received actually corresponded to pre-registered mobile phone numbers of registered licence holders. The relevant data for reported Turtle Dove is presented in Table 2 and Figure 10 and for Quail in Table 3 and Figure 11 respectively.

Table 2: Number of Turtle Doves reported through the telephonic system. (Data source: Micro Technology Consultancy Ltd.)

Date	Daily total	Cumulative total
Tuesday, 14 April 2015	6	6
Wednesday, 15 April 2015	1	7
Thursday, 16 April 2015	4	11
Friday, 17 April 2015	3	14
Saturday, 18 April 2015	13	27
Sunday, 19 April 2015	53	80
Monday, 20 April 2015	64	144
Tuesday, 21 April 2015	190	334
Wednesday, 22 April 2015	158	492

Thursday, 23 April 2015	177	669
Friday, 24 April 2015	235	904
Saturday, 25 April 2015	304	1,208
Sunday, 26 April 2015	551	1,759
Monday, 27 April 2015	255	2,014
Total	**2,014**	

Figure 10: Daily total number of Turtle Doves reported during the2015 spring hunting season – as reported through the telephonic system. (Data source: Micro Technology Consultancy Ltd.)

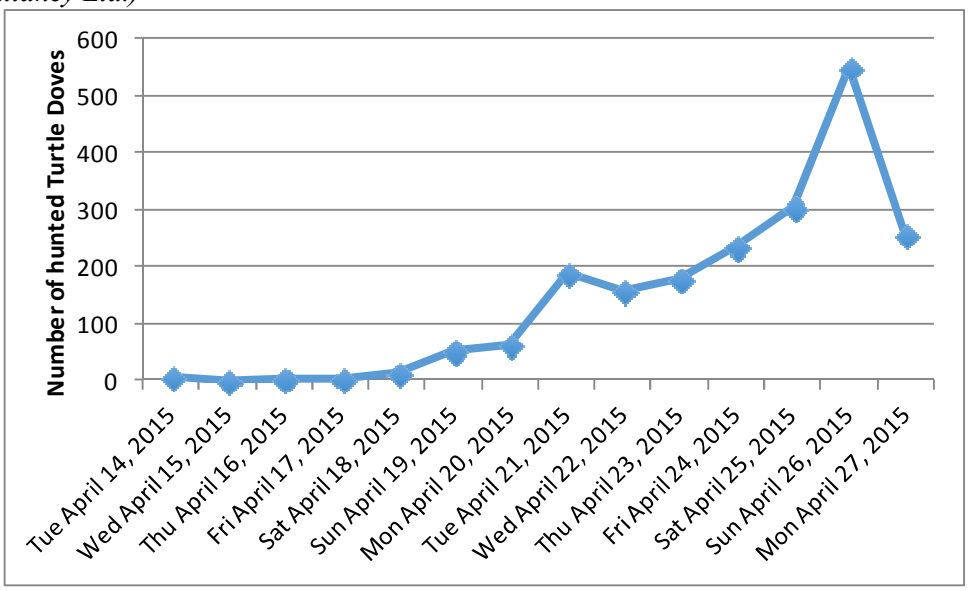
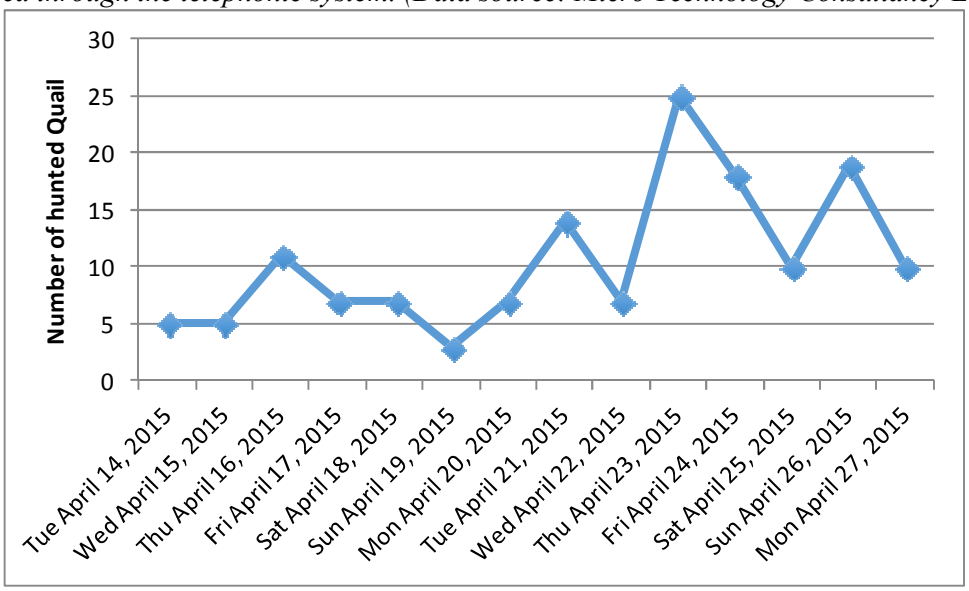


Table 3: Number of Quail reported through the telephonic system. (Data source: Micro Technology Consultancy Ltd.)

Date	Daily total	Cumulative total
Tuesday, 14 April 2015	5	5
Wednesday, 15 April 2015	5	10
Thursday, 16 April 2015	11	21
Friday, 17 April 2015	7	28
Saturday, 18 April 2015	7	35
Sunday, 19 April 2015	3	38
Monday, 20 April 2015	7	45
Tuesday, 21 April 2015	14	59
Wednesday, 22 April 2015	7	66
Thursday, 23 April 2015	25	91
Friday, 24 April 2015	18	109
Saturday, 25 April 2015	10	119
Sunday, 26 April 2015	19	138
Monday, 27 April 2015	10	148
Total	**148**	

Figure 11: Daily total number of Quail reported during the2015 spring hunting season – as reported through the telephonic system. (Data source: Micro Technology Consultancy Ltd.)



9.4 As was also the case in previous years, in neither case did the total number of reported birds exceed the national overall bag limits; on the contrary, the totals based on reported figures are substantially lower than these limits. In the case of Turtle Dove, the total number of 2,014 shot birds amounts to 18.31% of the total bag limit permitted by law. In the case of Quail, the total number of 148 shot birds equates to 2.96% of the limit permitted by law.

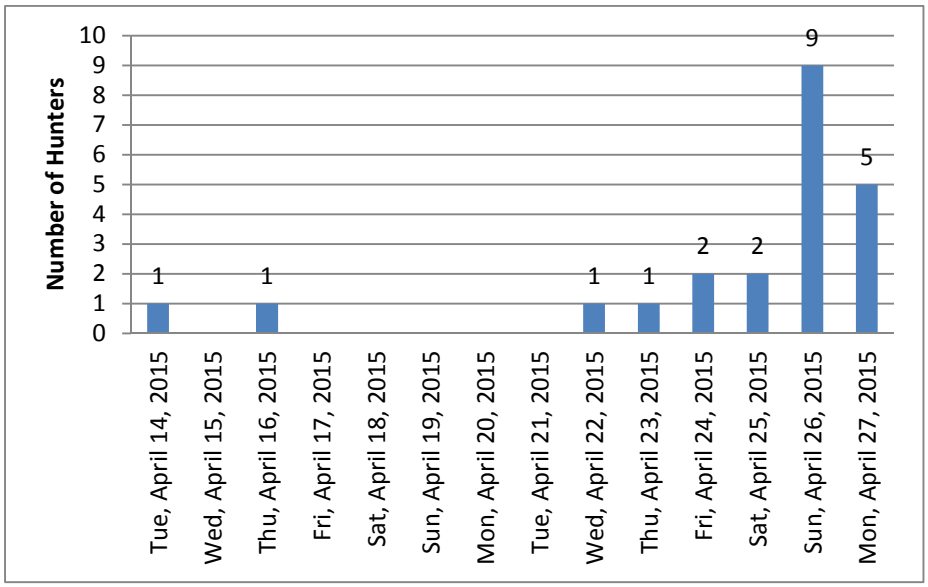
9.5 Table 4 provides data on the number of birds caught by hunters. There were a total of 2,162 hunters who caught between one and four birds during the 2015 spring hunting season. As indicated in Figure 12 below, the individual daily bag limit of two birds was reached on 22 occasions, spread across a total of 8 days across the season.

Table 4: Number of caught birds per number of hunters

Number of birds reported shot per hunter	**Number of hunters declaring catches**
4	1
3	33
2	331
1	1,397
0	7,717

Data Source: Micro Technology Consultancy Ltd.

Figure 12: Number of hunters reaching daily bag limit of two birds during the spring hunting season, based on telephonic reports.



Data Source: Micro Technology Consultancy Ltd.

10. Spring migration study

10.1 As was also the case in previous years, an independent scientific study was carried out in April 2015, in order to obtain an estimate of migratory influxes of Turtle Dove and Quail over the derogation period. The study, carried out by Ecoserv (2015), was commissioned by the Wild Birds Regulation Unit, with its stated objectives being the following: *To survey and scientifically monitor the daily influx of the Turtle Dove and Common Quail; to estimate the overall presence (influx) of these two species per day and for the whole study period.* The geographical scope of the study extended across the three inhabited islands of the Maltese archipelago (that is, Malta, Gozo and Comino), with data gathered between 14 and 30 April 2015. A full copy of the report in question is attached in Annex 4, with key conclusions summarised below.

10.2 The methodology used for this study was identical to the methodology used for similar studies conducted in 2011, 2012, 2013 and 2014. As was the case also in 2014, the number of observation stations manned daily was increased from 8 to 10 stations, which increased the precision of the study. Twenty-four monitoring stations were set up across the Maltese Islands, with counts obtained from ten different sites each day. Two trained observers were posted to each station, in order to conduct counts of individuals of *Streptopelia turtur and Coturnix coturnix*. Each group of ten sites was surveyed once every three days, such that over a three-day period, all 24 sites would have been surveyed. Given that the study was mainly intended to quantify the influx of migrating individuals, field sites were located at strategic locations along

the coast, which locations would be expected to serve as stop-over points for migrating individuals. Counts obtained across this network of observation stations over the survey period are given in Table 5 below.

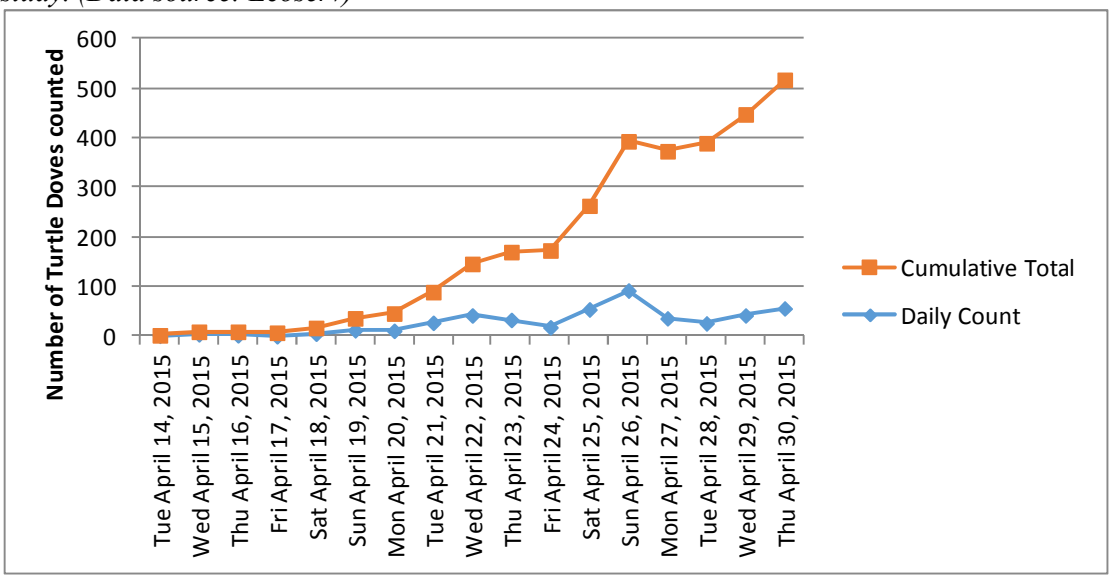
Table 5: Total daily counts of Turtle Dove and Quail compiled through the spring migration study. (Data source: Ecoserv, 2015)

Date	Turtle Dove	Quail
Tuesday, 14 April 2015	1	3
Wednesday, 15 April 2015	4	1
Thursday, 16 April 2015	2	3
Friday, 17 April 2015	0	1
Saturday, 18 April 2015	5	2
Sunday, 19 April 2015	12	4
Monday, 20 April 2015	11	1
Tuesday, 21 April 2015	27	3
Wednesday, 22 April 2015	42	3
Thursday, 23 April 2015	33	4
Friday, 24 April 2015	18	0
Saturday, 25 April 2015	54	1
Sunday, 26 April 2015	92	3
Monday, 27 April 2015	36	0
Total	**461**	**30**

Data source: Ecoserv (2015)

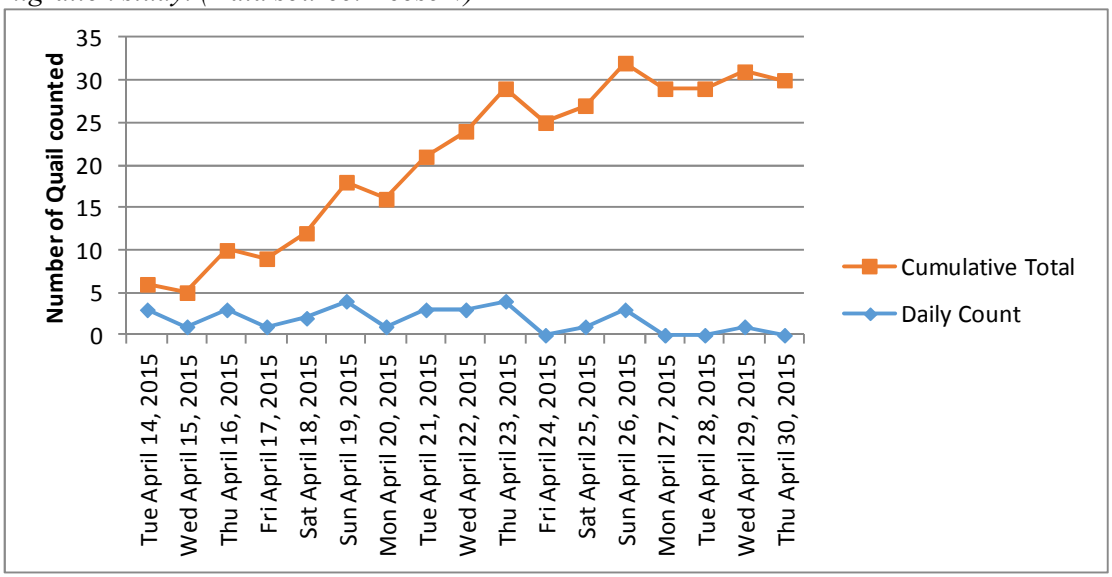
10.3 In the case of Turtle Dove, daily counts at different sites (24 observation stations) varied from a minimum of 0 to a maximum of 23, whereas the total daily counts varied from a minimum of 0 to a maximum of 92 (Table 5 and Figure 13). When comparing the results of the present survey with those from Thomaidis' (nd) surveys held in 2008 and 2009, and those from the 2012, 2013 and 2014 surveys by Ecoserv (2012; 2013; 2014), a similar trend of counts recorded during the period 14–30 April is noted overall; the pattern of counts for the five years compared indicates a migratory influx throughout the periods when the survey was held. However, in contrast to the occasional high mean counts recorded in 2008 and in 2009, no such peaks were recorded during the spring 2015 survey. When comparing the grand mean value recorded during the 2015 survey to that recorded during the previous three surveys (spring 2012, 2013 and 2014), a slight increase in spring 2015 compared to the previous spring 2014 is evident, while the spring 2015 values was still lower than the values recorded in 2012 and 2013; the differences in grand mean values were not statistically significant. Nevertheless, a general trend of decrease in migratory influx is evident for the last two years (Ecoserv, 2015).

Figure 13: Total daily counts of Turtle Dove compiled through the spring migration study. (Data source: Ecoserv)



10.4 In the case of Common Quail, daily counts at different sites varied from a minimum of 0 to a maximum of 2 whereas the total daily counts varied from a minimum of 0 to a maximum of 4 (Table 5 and Figure 14). The daily mean counts recorded during the period 14–30 April 2015 were overall lower than those obtained in 2009 (Thomaidis, nd) but comparable to those obtained in 2008 (Thomaidis, nd), 2012, 2013 and 2014 (Ecoserv, 2012; 2013; 2014) for the same dates, except that no migration peaks (with a mean count >2) as recorded in 2008, 2009 and 2012 were recorded during the spring 2015 survey. (Ecoserv, 2015)

Figure 14: Total daily counts of Common Quail compiled through the spring migration study. (Data source: Ecoserv)



10.5 The data from the survey was extrapolated to obtain an estimate of the total number of *Streptopelia turtur* and *Coturnix coturnix* that may have migrated over Malta on

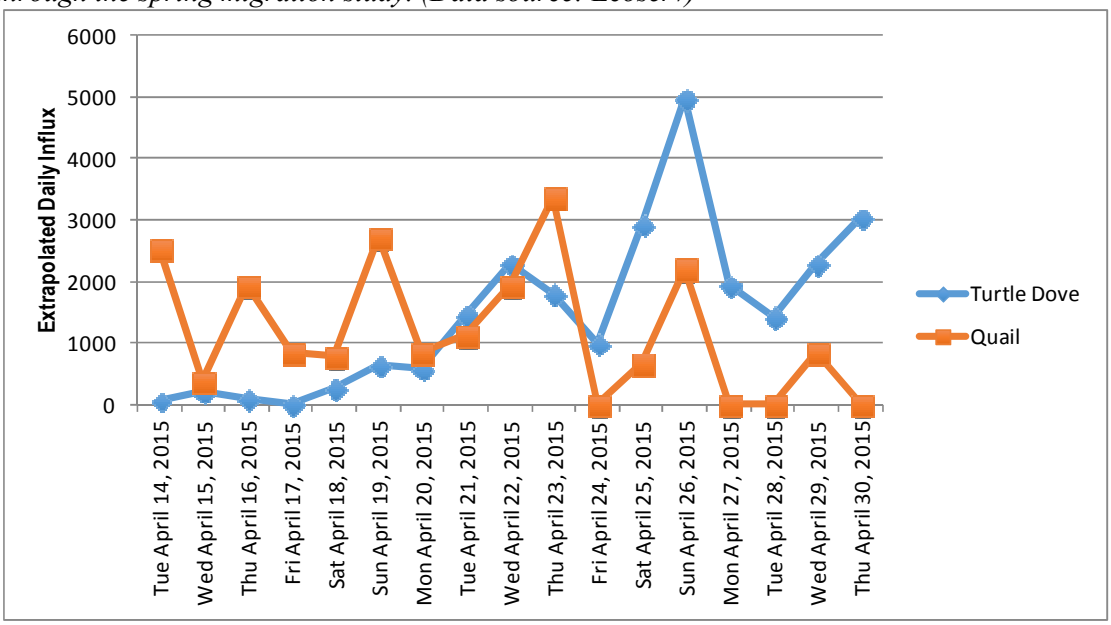
each day of the study period (Table 6 and Figure 15). Whilst it is emphasised that these estimates should be treated with caution, given inherent limitations and assumptions which are detailed in the spring migration report, mean daily influxes calculated from the study are approximately 1,471 Turtle Dove per day and 1,189 Quail per day. These figures are derived from estimated total seasonal influxes (over the survey period) of 25,006 Turtle Dove and 20,211 Quail (Ecoserv, 2015). Daily estimated influxes of Turtle Dove varied between a low of 0 individuals (on 17 April) and a high of 4,990 individuals (on 26 April), whilst those for Quail varied from a low of 0 (on 24, 27, 28 and 30 April) to a high of 3,369 (on 23 April).

10.6 The total estimated influx of 25,006 Turtle Doves is higher than the corresponding estimate for 2014 (n=24,921) and 2011 (n=18,057) but less than the corresponding estimate for 2013 (n=42,521) and 2012 (n=57,160). The estimated total influx of 20,211 Quail in 2015 is lower than the corresponding estimated influx in 2014 (n=37,771), 2013 (n=67,460), 2012 (n=35,018) and 2011 (n=22,699).

Table 6: Estimated influxes of migratory individuals (Data source: Ecoserv)

Date	**Total extrapolated daily influx**	
	Turtle Dove	**Quail**
Tuesday, 14 April 2015	54	2527
Wednesday, 15 April 2015	217	379
Thursday, 16 April 2015	108	1943
Friday, 17 April 2015	0	842
Saturday, 18 April 2015	271	778
Sunday, 19 April 2015	651	2717
Monday, 20 April 2015	597	842
Tuesday, 21 April 2015	1465	1136
Wednesday, 22 April 2015	2278	1943
Thursday, 23 April 2015	1790	3369
Friday, 24 April 2015	976	0
Saturday, 25 April 2015	2929	679
Sunday, 26 April 2015	4990	2213
Monday, 27 April 2015	1953	0
Tuesday, 28 April 2015	1410	0
Wednesday, 29 April 2015	2278	842
Thursday, 30 April 2015	3038	0
Total	**25,006**	**20,211**

Figure 15: Extrapolated daily influxes of Turtle Dove and Common Quail, compiled through the spring migration study. (Data source: Ecoserv)



11. Comparison between migratory study data & telephonic reports

11.1 In order to validate the reporting system, data obtained from the telephonic reports was compared with the counts and estimates generated through the 2015 spring migration study.

11.2 The spring 2015 migration study recorded a peak influx of Turtle Dove on 26 April 2015 (n=92). A similar peak was recorded in the number of Turtle Doves registered through the telephonic game reporting system, as can be noted in Figures 16 and 17 below, which also illustrate that the two **trend lines** closely mirror each other, although the **magnitude of correlation** varied, due to limitation of the migration study. For visual representation purposes, in order to allow a close comparison of the trends, Figure 17 plots observed daily counts multiplied by 10.

11.3 For Quail, the spring migration study did not record any migration peaks although the maximum number of Quail registered through the telephonic game reporting system was on 23 April 2015, which coincides with one of the two dates when the highest total daily count (n=4) was recorded by the spring 2015 study. Figures 18 and 19 provide a comparison between the trend lines for Quail for the spring migration study and the telephonic game reports, which closely mirror each other. For visual representation purposes, in order to allow a close comparison of the trends, Figure 19 plots observed counts multiplied by 5.

Figure 16: Comparison of the number of Turtle Doves reported shot through the SMS system with the number of Turtle Dove counted during the spring migration study. (Data source: Wild Birds Regulation Unit /Ecoserv)

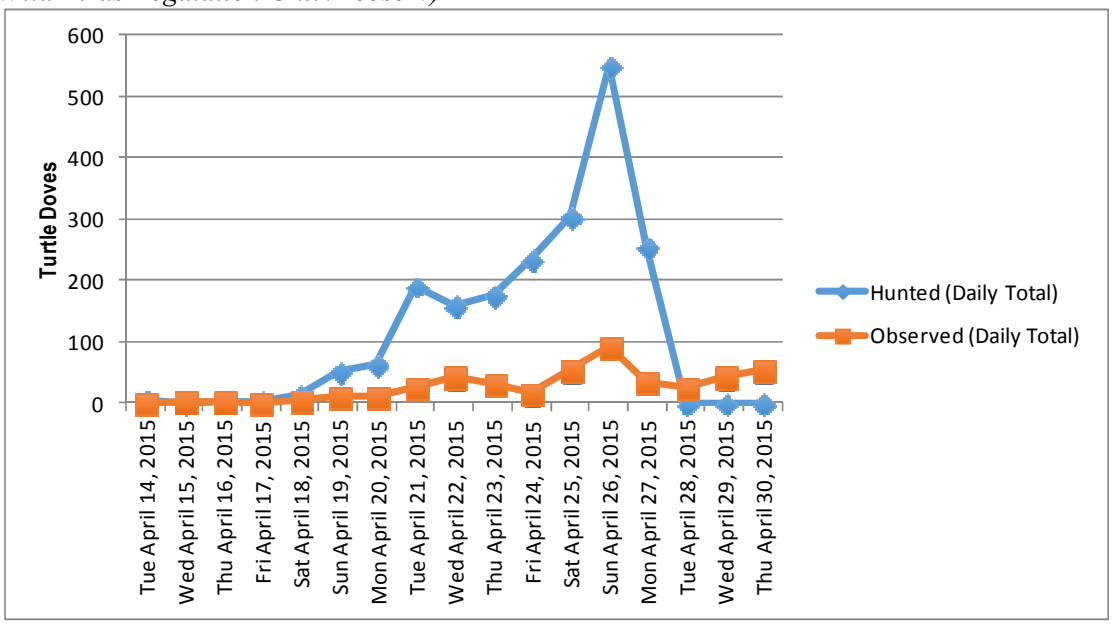


Figure 17: Comparison of the number of Turtle Doves reported shot through the SMS system with the number of Turtle Dove counted during the spring migration study (daily counts x 10). (Data source: Wild Birds Regulation Unit/Ecoserv)

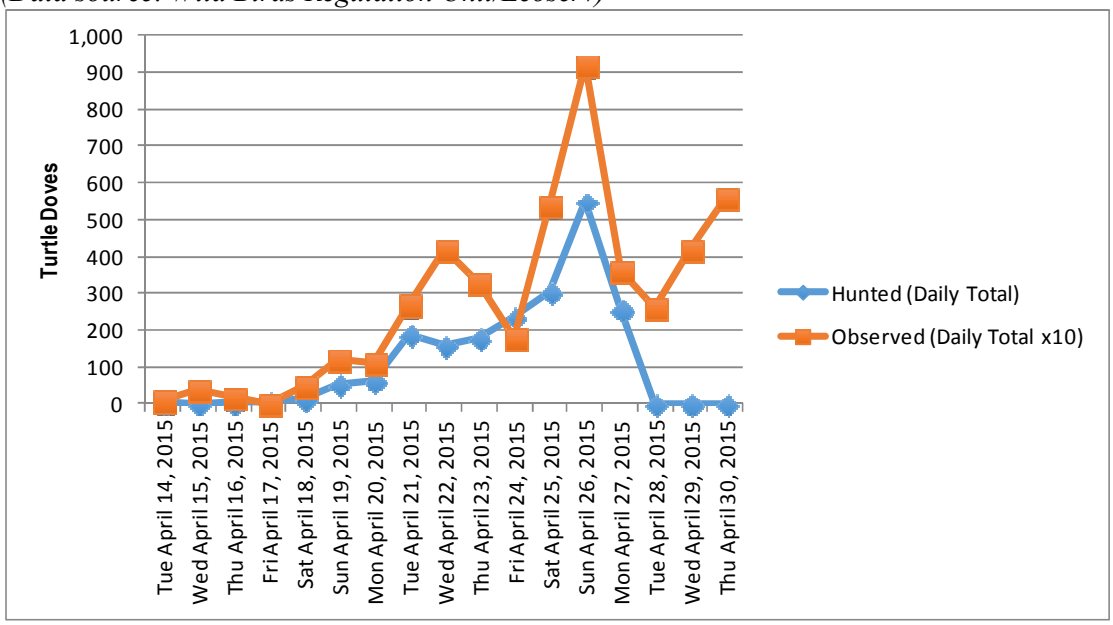


Figure 18: Comparison of the number of Quails reported shot through the SMS system with the number of Quails counted during the spring migration study. (Data source: Wild Birds Regulation Unit /Ecoserv)

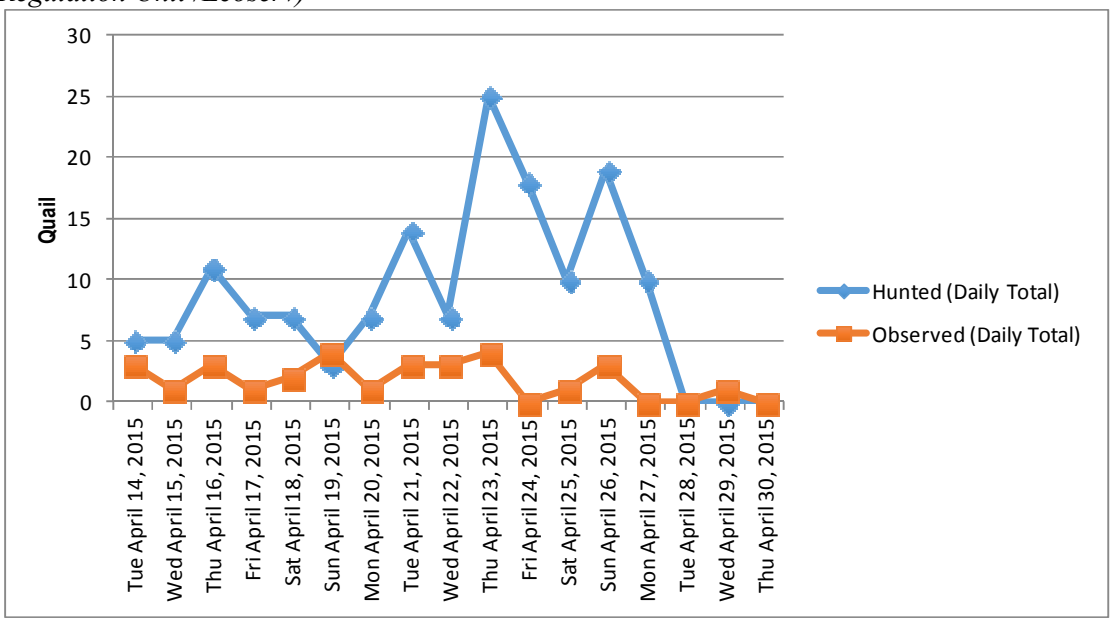
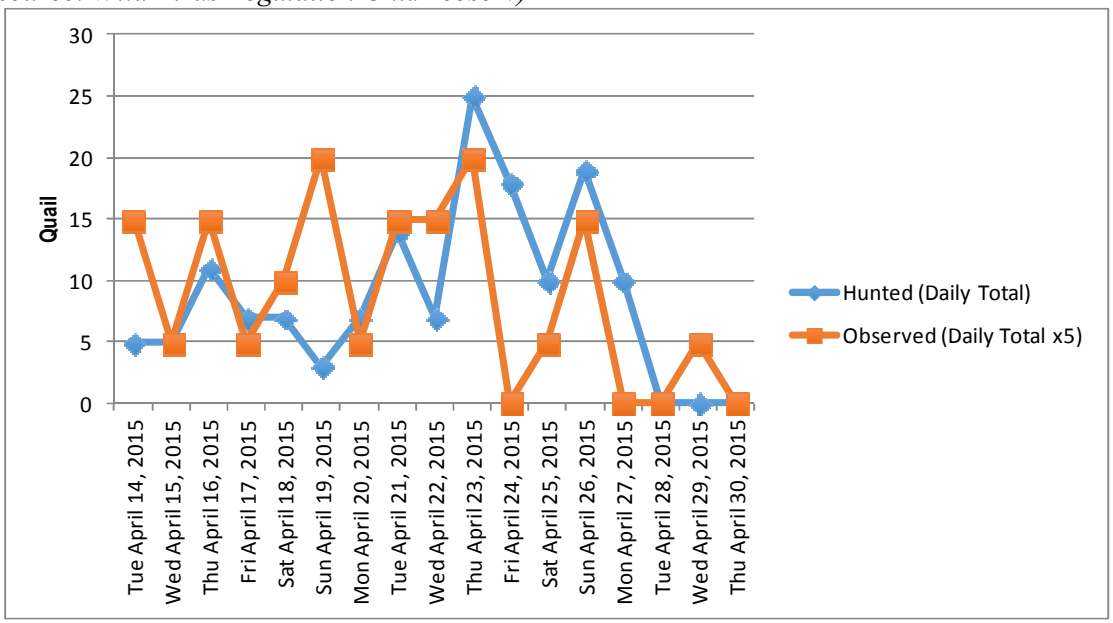


Figure 19: Comparison of the number of Quails reported shot through the SMS system with the number of Quails counted during the spring migration study (daily counts x 5). (Data source: Wild Birds Regulation Unit/Ecoserv)



12. Enforcement

12.1 During the 2015 spring hunting season, the Maltese authorities strove to further consolidate and improve upon the level of enforcement effort deployed in the previous year, which, as was described in Malta's report on the outcome of the 2014 spring hunting derogation, was already unprecedented in terms of its intensity.

12.2 The Framework Regulations (S.L. 504.94[14]) stipulate that a minimum of seven (7) enforcement officers for every 1,000 licensed hunters are required to be deployed. A total of 9,479 hunters were in possession of a spring hunting licence in 2015 (noting that of these, 78 licenses were unclaimed) and therefore 66 enforcement personnel were needed in accordance with national legislation to supervise the derogation period (roughly 54 officers in Malta and 12 in Gozo). However, as was also the case in 2014, the Government opted to increase the enforcement effort beyond this legal requirement, in order to ensure the strictest supervision of the spring hunting season possible, in line with the Birds Directive.

12.3 As was also the case in previous years, field surveillance and patrols were deployed from within the Administrative Law Enforcement (ALE) section of the Malta Police Force, with additional support from divisional police forces (from the 11 district police areas), from the Mounted Police Section and from the Armed Forces of Malta.

12.4 Prior to commencement of the season, enforcement officers received specialised training delivered by officials of the Special Enforcement Branch of the Wild Birds Regulation Unit. The training course was held on 7 April 2015 and was attended by over 60 members of enforcement personnel, who received a detailed briefing on:

- The legal framework concerning the conservation of wild birds
- Legal requirements pertaining to the spring hunting season
- Monitoring and surveillance techniques and approaches
- Basic species identification skills
- Inspections
- Hotspots and areas requiring particular attention
- Potential law enforcement evasion techniques deployed by poachers

12.5 Furthermore, commanding officers received a specialised briefing organised by the Wild Birds Regulation Unit on the objectives of the enforcement operation which were defined as follows:

- To ensure continuous deployment presence in the countryside to deter any potential abuse from occurring in the first place;

- To ensure that no illegal targeting of species other than Turtle Dove or Quail occurs, and that any detected incidents of abuse are dealt with swiftly and

[14] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

effectively (that is, apprehension of suspects and gathering sufficient field evidence to enable swift prosecution);

- To ensure that the general prohibitions and parameters related to the open season are enforced (that is, no hunting in prohibited areas, outside permitted hours, using prohibited means like bird callers, semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition, hunting without a valid spring hunting licence, etc);

- To ensure that specific regulations applicable to the spring hunting derogation are enforced (enforcement of bag limits, spot-checks to determine that bags have been duly reported in the *carnet de chasse* and through telephonic game reporting system, etc).

12.6 As was also the case in previous years, the enforcement operation throughout the season deployed a mix of the following approaches and techniques:

a) **Vehicular patrols** concentrated in non-extensive pre-allocated areas that collectively ensure sufficient coverage of the countryside, particularly around the priority surveillance areas;

b) **Foot patrols** by uniformed officers (both the Armed Forces of Malta and ALE) within particular locations, especially those areas with difficult vehicular access;

c) **Stationary observation posts** manned by **uniformed** and **plain clothes** personnel. Stationary observation posts were located at vantage points within priority surveillance areas;

d) **Spot checks and roadblocks** at strategic vehicular entry and exit points. The aim of the spot checks is two-fold: (1) to detect the possession of illegally shot protected birds or other illegal material and (2) to enforce bag limit and *carnet de chasse* / real time reporting requirements.

e) Deployment of **covert surveillance** backed up by mobile units especially in response to large influxes of protected birds or to ensure sufficient surveillance of particular hotspots known for targeting of protected birds. These were carried out by: (1) physical direct surveillance from covert fixed point positions, and (2) use

of unmanned aerial surveillance vehicles (drones) in protected or inaccessible areas.

12.7 The Maltese authorities paid particular attention to collaboration with the numerous NGO volunteers who were present in the countryside during the season. These volunteers aided the overall enforcement effort by:

- Acting as a deterrent to illegal hunting by virtue of their presence in the countryside;
- Submitting vital day–to-day information about the presence of birds and alerting the authorities to the presence of high risk species or high risk sites such as roosting sites;
- Acting as ocular witnesses to illegal hunting incidents, and reporting such incidents to the authorities;
- Gathering of video/photographic evidence of poaching and making available such evidence to the enforcement authorities.

12.8 During inspections, police forces were responsible for ensuring the lawful operation of hunting practices. Police officers were, *inter alia*, instructed to:

- Verify that hunters were in possession of all requisite documents;
- Verify that the *Carnet de Chasse* records were in accordance with regulations;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 504.71), including through appropriate handling of firearms and the Framework Regulations (S.L. 504.94[15]) and the Regulations opening the spring 2014 season (S.L. 504.117[16]);
- Ensure that no species, other than Turtle Dove and/or Quail, were being hunted; and
- Ensure compliance with bag limits and time restrictions.

12.9 Overall, a constant complement of 81 officers (69 in Malta and 12 in Gozo) were deployed **in the field at any one time** during the morning shift between 05:00 hours and 15:00 hours; while during the afternoon shift, between 15:00 and 21:30 hours, field deployment complement of 46 officers (34 in Malta and 12 in Gozo). Two night patrols consisting of 2 officers each were also deployed every night to monitor significant roosts of protected birds.

[15] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[16] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12044&l=1

12.10 During the period of the derogation, between 14 April and 27 April 2015 when the season was closed, field officers carried out a total of 4,124 field inspections (3,640 in Malta and 484 in Gozo) and 1,994 spot-checks on individual hunters (1,412 in Malta and 582 in Gozo), which cumulatively amounts to 6,118 inspections and spot-checks, which is 21% more than the number of inspections and spot-checks performed during a longer 2014 season.

12.11 In the course of these inspections and spot-checks, the officers disclosed a total of 18 offences (14 in Malta and 4 in Gozo), committed by 14 persons, which led to legal action being taken against all 14 persons (11 in Malta and 3 in Gozo). This represents four times fewer offences and persons charged in comparison with the 2014 season (69 offences that led to legal action taken against 53 persons).

12.12 Statistics pertaining to daily enforcement deployment, daily number of field inspections and spot checks conducted, nature of the offences detected and legal action taken is summarised in the following tables.

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	**Number of officers deployed 0500-1500 (ALE)**	**Number of officers deployed 0500-1500 (District+ other police units)**	**Number of officers deployed 0500-1500 (AFM)**	**Total number of officers deployed 1500 – 2130**	**Number of field inspections conducted**	**Number of spot-checks on individual hunters**	**Offences detected (number of cases and nature of offence)**	**Number of persons charged and nature of action taken**	**Other remarks**
14/04	27	30	12	34	260	109	0	0	
15/04	27	30	12	34	260	100	1 case of shooting protected species (Cuckoo)	1 person charged, arraigned in court on the same day, convicted, and sentenced to €2,500 fine, 3.5 years suspension of licence and confiscation of shotgun.	

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	Number of officers deployed 0500-1500 (ALE)	Number of officers deployed 0500-1500 (District+ other police units)	Number of officers deployed 0500-1500 (AFM)	Total number of officers deployed 1500 – 2130	Number of field inspections conducted	Number of spot-checks on individual hunters	Offences detected (number of cases and nature of offence)	Number of persons charged and nature of action taken	Other remarks
16/04	27	30	12	34	260	94	1 case of shooting protected species (Lapwing)	1 person charged, arraigned in court on the same day, convicted and sentenced to 3 months effective jail term, suspension of licence for 3 years, confiscation of shotgun and €200 fine for breach of bail conditions on an unrelated charge	
17/04	27	30	12	34	260	105	1 – Use of shotgun registered on another person	1 person being prosecuted	
18/04	27	30	12	34	260	75	1 - Uncovered firearm within 50 meters from major road	1 person being prosecuted	

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	Number of officers deployed 0500-1500 (ALE)	Number of officers deployed 0500-1500 (District+ other police units)	Number of officers deployed 0500-1500 (AFM)	Total number of officers deployed 1500 – 2130	Number of field inspections conducted	Number of spot-checks on individual hunters	Offences detected (number of cases and nature of offence)	Number of persons charged and nature of action taken	Other remarks
19/04	27	30	12	34	260	97	1 – Case of illegal trapping for protected species l/o Zebbug (Short toed larks and pipits – 9 live protected birds seized) leading up to separate charges of illegal trapping for protected species and possession of protected species.	1 – person being prosecuted for illegal trapping for protected species and illegal possession of protected birds	
20/04	27	30	12	34	260	129	0	0	
21/04	27	30	12	34	260	87	0	0	
22/04	27	30	12	34	260	103	0	0	
23/04	27	30	12	34	260	118	1 case of person not being in possession of *Carnet de Chasse* whilst hunting (according to law the person must produce documentation within 48 hours) + not declaring going out hunting in *Carnet de Chasse*	1 person subject to administrative fine for not declaring going out hunting in *Carnet de Chasse*	

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	Number of officers deployed 0500-1500 (ALE)	Number of officers deployed 0500-1500 (District+ other police units)	Number of officers deployed 0500-1500 (AFM)	Total number of officers deployed 1500 – 2130	Number of field inspections conducted	Number of spot-checks on individual hunters	Offences detected (number of cases and nature of offence)	Number of persons charged and nature of action taken	Other remarks
24/04	27	30	12	34	260	83	0	0	Incident involving a Dutch teenager and a hunter in Pembroke reported in the papers. Teenager was reportedly slightly injured with shotgun pellets following confrontation with the hunter in Pembroke. The hunter was arrested and released on bail pending trial.

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	Number of officers deployed 0500-1500 (ALE)	Number of officers deployed 0500-1500 (District+ other police units)	Number of officers deployed 0500-1500 (AFM)	Total number of officers deployed 1500 – 2130	Number of field inspections conducted	Number of spot-checks on individual hunters	Offences detected (number of cases and nature of offence)	Number of persons charged and nature of action taken	Other remarks
25/04	27	30	12	34	260	81	1 caught with bird caller and left ammunition unattended whilst attempting to flee the police – this gave rise to two separate charges 1 caught in possession of shot gun having magazine capable of taking more than 2 rounds of ammunition 1 case of illegal trapping on the roof of private residence in Bormla. Two live pipits and one short toed lark were seized leading up to separate charges of illegal trapping for protected species and possession of protected species.	1 person being prosecuted for leaving ammunition unattended and for illegal use of bird caller. 1 person fined €250 through administrative fine procedure for having magazine capable of holding more than two rounds of ammunition 1 person being prosecuted for illegal trapping of protected species and possession of protected birds	Another dead cuckoo found in Mizieb. CABS filmed a hunter in Mizieb at 1345, during unpermitted hours. Police investigated but were unable to identify hunter from the video. In a separate incident, CABS witnessed a poacher firing shots at a Kestrel within less than 100 metres from the perimeter of the airport (bird sanctuary). Police searched the area but did not locate the poacher.

Table 7: Daily enforcement deployment and offences disclosed in Malta

Date	Number of officers deployed 0500-1500 (ALE)	Number of officers deployed 0500-1500 (District+ other police units)	Number of officers deployed 0500-1500 (AFM)	Total number of officers deployed 1500 – 2130	Number of field inspections conducted	Number of spot-checks on individual hunters	Offences detected (number of cases and nature of offence)	Number of persons charged and nature of action taken	Other remarks
26/04	27	30	12	34	260	72	0	0	Birdlife reported that some hunters allegedly bagged turtle doves over bag limit. The birds were allegedly stored at a freezer at Hal Far shooting range. Police investigated the report and searched the premises. Freezer containing song thrushes from previous autumn season were found. No freshly shot turtle doves were found.
27/04	27	30	12	34	260	109	2 Fail to fill CdC after hunting 1 case of illegal shooting of Kestrel	2 persons subjected to administrative fine of €50 each for failing to declare going out hunting in Carnet de Chasse. 1 person convicted for shooting kestrel. Sentenced to 1 year effective jail term, €5,000 fine, permanent revocation of license and confiscation of shotgun and ammo.	Kestrel was shot at and fell in the grounds of St Edwards College in Zabbar. The bird was examined by vet and sent to Luqa quarantine for rehabilitation. Prime Minister announced the immediate closure of the season. Legal Notice 142 of 2015 was published on the same day to formalize closure of the season. The following day the suspect was apprehended, charged under arrest and accused of shooting the kestrel. The hunter was jailed for one year, banned from having a licence for life, had his weapon confiscated and fined €5,000.

Source: Wild Birds Regulation Unit / Malta Police Force

Table 8: Daily enforcement deployment and offences disclosed in Gozo

Date **APRIL 2015**	**Number of officers deployed (Police)** **05.00 – 15.00**	**Number of officers deployed 05.00 – 15.00** **(AFM)**	**Total number of officers deployed 15.00-21.30** **(Police + AFM)**	**Number of field inspections conducted**	**Number of spot checks on individual hunters**	**Offences detected (number of cases and nature of offence**	**Number of persons** **charged**
14th	8	4	12	24	47	0	NIL
15th	8	4	12	36	21	0	NIL
16th	8	4	12	55	46	0	NIL
17th	8	4	12	47	27	0	NIL
18th	8	4	12	31	51	0	NIL
19th	8	4	12	27	29	0	NIL
20th	8	4	12	35	60	0	NIL
21st	8	4	12	44	25	0	NIL
22nd	8	4	12	34	67	2: 1 Hunting within prohibited distance; 1 in possession of a shotgun with a magazine holding more than two rounds of ammunition	2
23rd	8	4	12	28	33	0	NIL
24th	8	4	12	36	53	0	NIL
25th	8	4	12	9	33	0	NIL
26th	8	4	12	44	56	1 exceeding daily quota of shot birds, non-reporting of shot birds (two separate charges)	1
27th	8	4	12	34	34	0	NIL

Source: Wild Birds Regulation Unit / Malta Police Force

12.13 The table below compares the number and nature of the offences detected during 2015 spring hunting season with the corresponding statistics for 2012, 2013 and 2014 seasons.

Table 9: Comparison of offences disclosed during 2012 – 2015 spring hunting seasons

Offences disclosed during spring hunting seasons	**2012**	**2013**	**2014**	**2015**
Hunting within prohibited distances	2	11	11	2
Administrative and bag reporting irregularities	4	11	22	4
Firearm / ammunition irregularities	22	7	21	4
Use of illegal means	2	0	2	1
Illegal trapping of protected birds	11	3	5	2
Illegal shooting of protected birds	2	3	2	3
Possession of protected species	5	1	1	2
Hunting in protected areas	0	4	2	0
Hunting without a valid licence	10	10	2	0
Hunting during the closed season	6	3	1	0
Total disclosed offences	**64**	**53**	**69**	**18**

Source: Wild Birds Regulation Unit / Malta Police Force

12.14 Additionally to enforcement deployment by the authorities, around 70 hunting marshals were deployed by the Federation for Hunting and Conservation (FKNK)[17] to assist the authorities in surveillance, whilst *Kaccaturi San Ubertu* deployed around 23 observers monitoring the extent of migration and also assisting the authorities in the detection and reporting of any observed illegalities. Furthermore, around 60 members of other environmental non-governmental organisations (NGOs) (including BirdLife Malta and the Committee Against Bird Slaughter [CABS]) also maintained a close watch for any irregularities throughout the season.

12.15 .

12.16 In addition to disclosed offences, police officers located and dismantled 8 illegal electronic bird callers and investigated several reports of suspected targeting of protected birds. However, evidence gathered through these investigations was insufficient to identify and charge suspected offenders in Court.

12.17 Minor offences listed in Schedule VIII of the Conservation of Wild Birds Regulations (S.L. 504.71), provided that these are not committed in conjunction with any other offence, are being subjected to automatic fines in accordance with the Schedule. In May 2015, five offenders were in the process of being served with such an

[17] Around 50 hunting marshals were deployed in Malta and around 20 in Gozo

administrative fine notice (three persons for non-declaration of hunting activity in *Carnet de Chasse* and two persons for being in possession of a shotgun having a magazine capable of holding more than two rounds of ammunition).

12.18 Major offences concerning shooting of protected birds were prosecuted as follows:

- On 15 April 2015 one person was charged under arrest for shooting a common cuckoo (*Cuculus canorus*). He was tried on the same day, found guilty, fined €2,500 received a3.5 year suspension of his hunting licence and had his shotgun and ammunition confiscated.
- On 16 April 2015 one person was charged under arrest for shooting a Lapwing (*Vanellus vanellus*). He was tried on the same day, convicted and sentenced to a 3 month effective jail term, received a 3 year suspension of hunting licence, had his shotgun and ammunition confiscated and fined €200 for breaching bail conditions on an unrelated charge.
- On 28 April 2015 one person was charged under arrest for shooting a Kestrel (*Falco tinnunculus*) on 27 April 2015. The suspect was arraigned under arrest on the same day, tried, convicted and sentenced to a one year effective jail term, permanent revocation of hunting licence, had his weapon and ammunition confiscated and fined €5,000.

12.19 All other offenders charged during the season were being prosecuted. Even though the number of infringements was greatly reduced in comparison to previous seasons, the Maltese authorities applied a zero tolerance policy by terminating the season prematurely on 27 April 2015 following the aforementioned three incidents of shooting of protected birds. The season was terminated by means of Legal Notice 142 of 2015: Conservation of Wild Birds (Declaration on a Derogation for a 2015 Spring Hunting Season for Turtle Dove and Quail) (Revocation) Regulations, 2015.

13. Conclusions

13.1 The application of the 2015 spring hunting derogation 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.

13.2 As a result of these processes, the decision to apply the derogation was made with full confidence that the following critical prerequisites will be met, without reservation:

- The derogation will satisfy all the relevant requirements of the Birds Directive, and specifically the parameters stipulated in Article 9 (1) (c); and
- 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.

13.3 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.

13.4 Supervision on the ground was ensured through deployment of appropriately trained and suitably equipped field officers that conducted an unprecedented number of field inspections and spot checks in comparison with similar derogations in 2012, 2013 and 2014.

13.5 The above efforts paid off in terms of a drastic reduction in the incidence of violations of the law. Nonetheless, even though the number of infringements was greatly reduced in comparison with previous seasons, the Maltese authorities applied zero tolerance policy by terminating the season prematurely following three incidents of shooting of protected birds. In all three instances, violators were brought to justice within hours of their offences being committed, were convicted and sentenced to some of the harshest penalties possible for those type of offences allowed under Maltese law. In the case of two offenders these penalties included effective jail terms in addition to fines and other sanctions.