Report on the Outcome of the 2016 Spring Hunting Season in Malta

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Wild Birds Regulation Unit

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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 2016, 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 the migratory influx of Turtle Dove and Quail during autumn 2015; 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 2016 spring season and the reported hunter catches; the enforcement efforts in place to ensure the strict supervision of hunting during the 2016 season; disclosed offences and corresponding enforcement action taken; and the legal and other management aspects of relevance.

1.2 Several important policy developments related to spring hunting occurred after the closure of the 2016 spring derogation season. The present report is limited solely to the factual aspects of the 2016 derogation itself, and does not deal with these developments.

2. Legal and policy basis for the application of a derogation permitting spring hunting of Turtle Dove and Quail in 2016

2.1 As was also the case in previous years, a derogation permitting spring hunting in 2016 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*".

2.2 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].

2.3 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. Malta's biogeographic circumstances that were recognised by the Court in 2009 have remained the same, and therefore the hunting of Turtle Dove and Quail in spring remained the only satisfactory solution within the meaning of Article 9(1)(c).

2.4 The Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations[2] (S.L. 549.57) 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.

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

3. Consideration by the Malta Ornis Committee

3.1 The Malta Ornis Committee, established under Regulation 10 of the Conservation of Wild Birds Regulations (S.L. 549.42) considered a range of aspects prior to providing a recommendation to the Maltese Government.

3.2 Prior to its sitting on 9 December 2015[3], the Committee was presented with the results of the independent scientific study on estimated migratory influx of Turtle Dove and Quail during September and October 2015 (enclosed in Annex I to this Report). The Committee further considered the results of this study in conjunction with hunting bag data for these two species, as described in subsequent parts of this report below.

[1] Case C-76/08 *Commission v Malta*, ECR I-8213, paragraph 63
[2] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[3] http://environment.gov.mt/en/Document%20Repository/WBRU/2016/Ornis%20Committee/2015/Minutes%2009-12-2015.pdf

3.3 At its sittings on 27 January and 17 February 2016, the Committee discussed the report[4] containing the latest assessment of the conservation status of the two species (enclosed in Annex II to this report). The findings of this assessment are discussed further below in subsequent sections of this report.

3.4 At its sitting on 25 February 2016[5], the Committee discussed the process of *Carnet de Chasse* (CdC) collection and data extraction pertaining to 2015 autumn bags of the two species concerned. A summary of the data presented is discussed in section 5 of this report. During the same sitting, the Committee concluded its debate by formally recommending the Maltese government to apply a derogation for the opening of a limited spring hunting season for Turtle Dove and Quail, noting however that in view of the recent reclassification of the Turtle Dove as a 'vulnerable' IUCN Red List species and a 'near-threatened' species at EU27 level, Government should apply special measures to further reduce the impact of spring hunting on the population of that species.

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

4.1 As was also the case in previous years, prior to further consideration by the Malta Ornis Committee on whether or not to recommend to Government the application of a derogation, the Wild Birds Regulation Unit carried out an assessment of all latest available scientific data pertaining to the population status of Turtle Dove and Quail. This assessment was presented to the Malta Ornis Committee on 25 January 2016 and is contained in Annex II to this report.

4.2 The report notes that recent Birdlife International and IUCN assessments published in May 2015 indicated that the European Turtle Dove (*Streptopelia turtur*) is undergoing population declines, and its conservation status was therefore re-classified from “Least Concern” to “Vulnerable” at pan-European level and as “Near Threatened” within EU 27. For this reason, the species was included in the European Red List of Birds. Moreover, the assessment shows that the species is undergoing a decline in virtually all of Malta’s source populations (reference populations), namely in Austria, the Czech Republic, France, Germany and Poland. The only reference population that is still classified as “Stable” is that of Hungary, whilst the short-term and long-term population trend of the Italian population is “Unknown”.

[4] http://environment.gov.mt/en/Document%20Repository/WBRU/2016/Ornis%20Committee/2016/Minutes%2027-01-2016.pdf, http://environment.gov.mt/en/Document%20Repository/WBRU/2016/Ornis%20Committee/2016/Minutes%2017-02-2016.pdf

[5] http://environment.gov.mt/en/Document%20Repository/WBRU/2016/Ornis%20Committee/2016/Minutes%2025-02-2016.pdf

4.3 The only data available for the Croatian reference population is that published in Birds in Europe II (BirdLife International 2004), since Croatia was not expected to submit an Article 12 report for the 2008–2012 period. In the case of Italy, this apparent lack of data on the status is of particular concern since Italy is estimated to account for over half of Malta's reference population of this species. This seems contrary to the assessments made in previous years, in which it was indicated that the species overall enjoyed a "Least Concern" status in the EU, whilst Malta's reference populations (i.e. populations known as migrating over Malta) were classified as either "stable" or "increasing".

4.4 In 2015, the **EU population status** of **Turtle Dove (*Streptopelia turtur*)** was assessed as "Near Threatened", because the species comes close to meeting the IUCN Red List criteria at the EU27 scale (BirdLife International, 2015: 41). At the European and global levels the Turtle Dove has been uplisted to "Vulnerable". The latest European Bird Census Council (EBCC) (2015) update has shown that at Pan-European level, the Turtle Dove continued to decline by an additional 1% in the long-term trend, reaching a total decline of 78% since 1980. Compared with the previous EBCC update of 2014, which had shown an increase of 9% in the short-term trend, the current EBCC update has reported a decline of 8% in the short-term trend, resulting in a total Turtle Dove population decline of 29% since 2004.

4.5 The **Pan-European population** of the Turtle Dove is classified as Moderate Decline (EBCC, 2015 update) [both the short-term and long-term trends]. The number of Turtle Dove breeding pairs reported in Birds in Europe II (BirdLife International, 2004) was compared with the number of breeding pairs reported in Article 12 reports for the reporting period 2008–2012. Although in their Article 12 reports a number of Member States reported a percentage decline in the number of breeding pairs, they also reported having a larger breeding population in 2014 (Article 12) than in 2004 (Birds in Europe II).

4.6 In 2004, the total number of Turtle Doves at EU28 level (including Croatia) was reported by BirdLife International (2004) at 1,663,132–2,836,711 pairs yet in 2014 the population at EU27 level (excluding Croatia) was reported by the European Environment Agency at 2,330,000–4,060,000 pairs[6], equating to a 40–43% increase

[6] The assessment includes the surrogate data for Czech Republic and Greece, as reported by the European Environment Agency in the Audit Trail for this species: "In the absence of a report from the Czech Republic for this taxon, surrogate data were provided by ČSO / BirdLife indicating a breeding population of 225000–450000 pairs, with a decreasing trend (50–83%) during 2000–2012 and a decreasing trend (98–99%) during 1982–2012. In the absence of a report from Greece for this taxon, surrogate data were provided by the Hellenic Ornithological

over a 10-year period. Such increase does not appear to correlate with the recent uplisting of this species to "Near Threatened" at EU level.

4.7 The assessment performed by the Wild Birds Regulation Unit noted a number of anomalies between the two datasets pertaining to populations reported in 2004 (Birds in Europe II) and trend changes reported in Article 12 reports. For example, it was unclear why Austria had reported a 'Stable' Turtle Dove population at 8,000–15,000 pairs in 2004 then 12,000–18,000 pairs in 2014 with a decline of 30–50% in the short-term trend. Similarly, Spain had reported a Turtle Dove population of 790,000–1,000,000 pairs in 2004 with a decline of 30–49% yet in 2014 reported a population of 1,370,000–2,285,000 with a 29% decline in the short-term trend.

4.8 In order to establish a clearer trend analysis of the EU and reference populations on the basis of the reported maximum magnitude change, the assessment report attempted to tally the number of Turtle Dove breeding pairs in 2004 (Birds in Europe II) with those of 2014 on the basis of the percentage declines reported by the Member States in their Article 12 submissions.

4.9 The resulting assessment indicated that **at EU28 level**, the Turtle Dove is Stable in the long-term trend (Min. Pairs: -6.18%; Max. Pairs: -8.96%) but 'Declining' in the short-term trend (Min. Pairs: -23.13%; Max. Pairs: -22.12%). A similar output for the short-term and long-term trend classifications was obtained when the Turtle Dove populations were analysed at EU28 level without using the adjusted figures as explained above, namely: Stable in the long-term trend (Min. Pairs: -4.78%; Max. Pairs: -7.10%) but 'Declining' in the short-term trend (Min. Pairs: -17.86%; Max. Pairs: -17.53%).

4.10 The assessment furthermore indicated that Malta's **reference population** of Turtle Dove is 'Declining' in the short-term trend (Min. Pairs: -13.69%; Max. Pairs: -11.42%) but appears to be Stable in the long-term trend (minimum and maximum pairs). However, given that both the short-term and long-term trend categories for the major source population in Italy (51.4% of the total reference population) are 'Unknown', such ("Stable") trend classification should be interpreted with caution, taking into full account the overall decline of this species at EU (Near Threatened), European (Vulnerable) and Global (Vulnerable) scales.

Society (HOS), the BirdLife Partner in Greece, indicating a breeding population of 80000–110000 pairs, with a stable trend during 2007–2013 and an unknown trend during 1980–2012."

4.11 As regards the **Common Quail (*Coturnix coturnix*)**, the European Environment Agency (2014) notes that the breeding population trend in the EU27 is 'Decreasing' in the short-term and 'Unknown' in the long-term. The EU population status for Common Quail is 'Unknown', as the data reported were not sufficient to assess the population status of the species (EEA, 2014). The assessment carried out as part of this update has shown that, on the basis of Article 12 reports (EEA, 2014) at EU28 level (EU27 Article 12 reports + Croatian data for 2004), the Quail is 'Increasing' in the long-term trend (Min. Pairs: +23.49%; Max. Pairs: +27.40%).

4.12 However, this percentage increase should be interpreted with caution given that it is based on data pertaining to only 74% of Quail population **within EU28**—the remaining 26% have an 'Unknown' long-term trend. In the short-term, the EU28 population of Common Quail has a 'Stable' maximum number of calling males (-9.23%) but a 'Decreasing' minimum number of calling males (-13.65%).

4.13 Similarly, Malta's **reference population** of the Common Quail has a short-term trend classification of 'Stable' in the maximum number of calling males (+6%) but 'Decreasing' in the minimum number of calling males (-11.73%). The long-term trend of the reference population is 'Unknown'. The Common Quail has remained within the IUCN **Least Concern** classification at the EU27 and European scale (BirdLife International, 2015: 38). The Common Quail is not included in the Pan-European Common Bird Monitoring Scheme.

4.14 The above updates to the conservation status of the species concerned were fully taken into account in the resulting decision, as explained further in section 6 of this report.

5. Consideration of autumn 2015 bag statistics, migration data and enforcement parameters

5.1 In 2015 there were 10,537 persons licensed to hunt birds on land. A total of 10,466 general hunting licences (*carnet de chasse*) were returned by hunters to the Wild Birds Regulation Unit by the legal deadline of 13 February 2015, whilst a further 71 persons were subject to an administrative fine of €75 for late return of their 2015/2016 *carnet de chasse* booklets valid for hunting of birds on land. Thus the total number of hunting booklets from which data was extracted is 10,466, which represents 99.4% of all bird hunting booklets in circulation.

5.2 The process of extracting Turtle Dove and Quail bag data commenced immediately upon return of the general licences, that is, on 18 January 2016. As was the case also

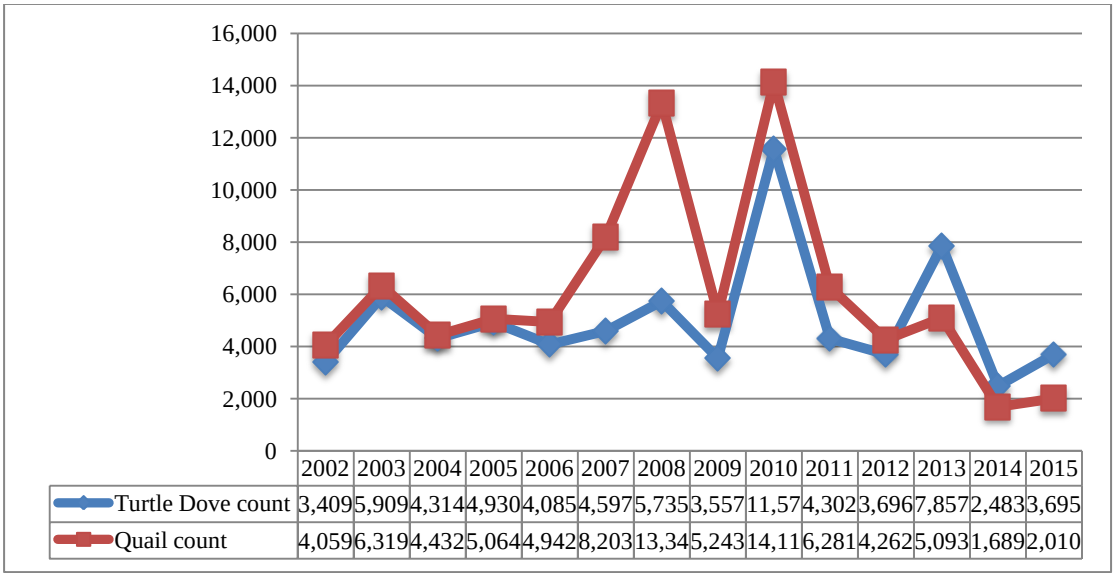
in 2015, the process was subject to quadruple quality checks, which involved three quality checks by data operators, and one physical random sample check by the Wild Birds Regulation Unit, which reviewed data entry for 1,000 booklets or circa 9.8% of the total number collected. The final checked count stood at 3,545 Turtle Doves and 1,877 Quail.

5.3 A further 283 entries pertained to "undetermined" species, which could have been either Turtle Dove or Quail. The "undetermined species" count was apportioned in proportion to the number of Turtle Doves and Quail reported hunted, at the ratio of 1.8887 Turtle Doves (150) to 1 Quail (133). Thus, the final figure is 3,695 Turtle Doves and 2,010 Quail.

5.4 A total of 7,384 licensed hunters did not report catching either a Turtle Dove or a Quail during 2015 autumn season, which is consistent with the proportion of hunters who did not report such catches in previous years (e.g. 7,904 in 2013; 6,897 in 2014).

5.5 The total bags of these species reported in 2015 autumn season were marginally higher than in 2014 (2,483 Turtle Doves and 1,689 Quail respectively were reported caught in autumn of 2014), however in general the 2015 season was still amongst the poorest since 2002, especially for quail.

Figure 1 – Turtle Dove and Quail bags reported during autumn seasons since 2002[7]



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Turtle Dove count	3,409	5,909	4,314	4,930	4,085	4,597	5,735	3,557	11,57	4,302	3,696	7,857	2,483	3,695
Quail count	4,059	6,319	4,432	5,064	4,942	8,203	13,34	5,243	14,11	6,281	4,262	5,093	1,689	2,010

Source: Wild Birds Regulation Unit, 2016

5.6 Detailed accounts of the reported catches by day (figure 2) and by each month (table 1) of the season were also considered.

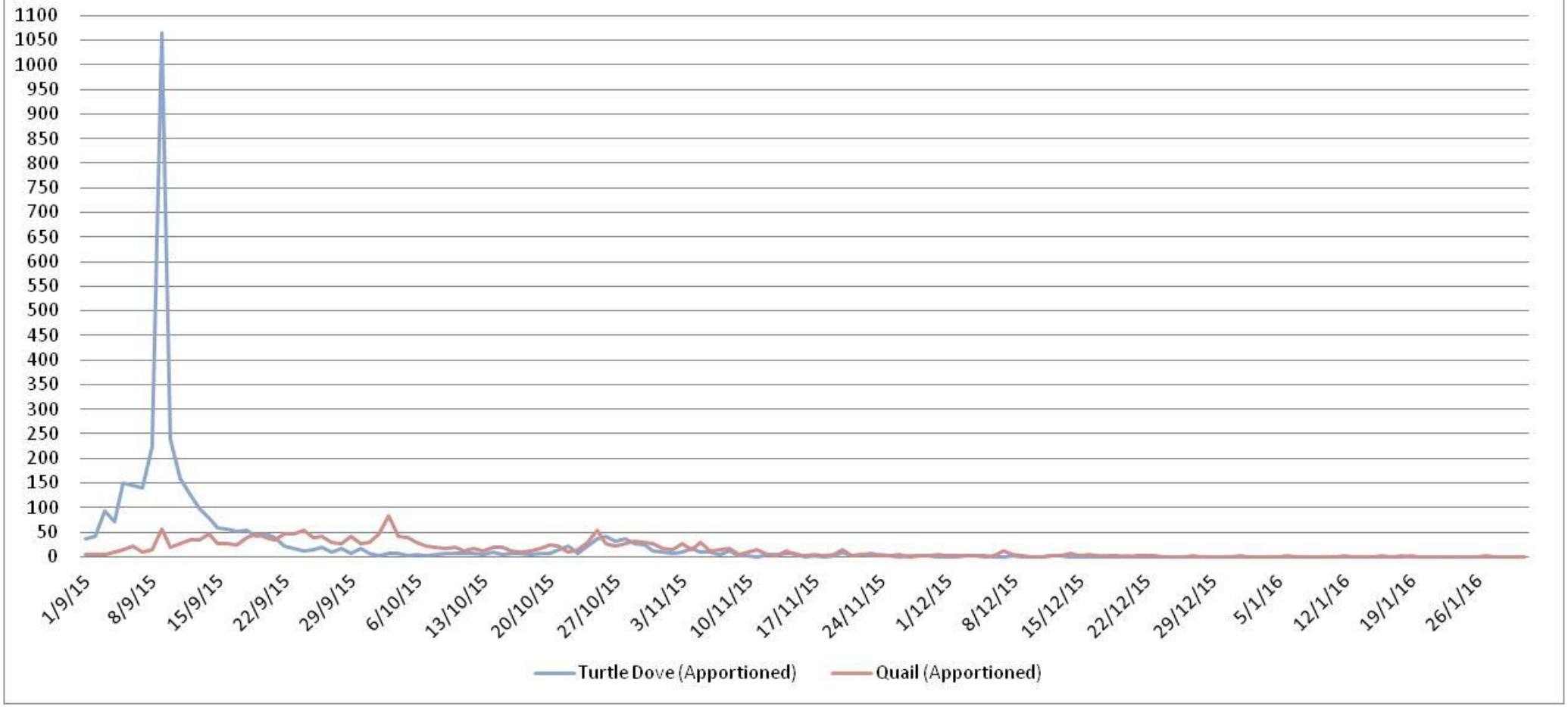
Table 1 – Monthly catches of Turtle Dove and Quail in the autumn of 2015 / winter 2016

Month	**Turtle Dove**	**Quail**
Sep-15	3155	893
Oct-15	387	790
Nov-15	141	261
Dec-15	9	58
Jan-16	3	8
Total	3695	2010
	5705	

Source: Wild Birds Regulation Unit, 2016

[7] 2002-2005 figures included both hunting and trapping data; in 2014 autumn season was suspended between 20th September and 11th October

Figure 2 - Daily catches of Turtle Dove and Quail reported during 2015 autumn / 2016 winter season



5.7 As was also the case in 2014, an independent **migration study** to estimate the influx of Turtle Dove and Quail during the peak migration period in the autumn of 2015 was conducted. The study aimed at surveying and scientifically monitoring the daily influx of the Turtle Dove and Common Quail between 1st September and 30th October 2015 in order to estimate the overall presence (influx) of these two species per day and for the whole study period, subject to scientifically justified assumptions. The full report of the study is enclosed in Annex I.

5.8 The methodology used by Ecoserv during the autumn 2015 survey was identical to that used in surveys made by the same company in the previous autumn (Ecoserv, 2014) and spring seasons (Ecoserv, 2011; 2012; 2013; 2014; 2015; 2016).

5.9 The survey design was aimed at assessing changes in migratory influx, which entails trend analysis based on data from monitoring carried out regularly over a sufficiently long period comprising subsequent years, and using the same methodology. During the survey, two individuals—a field assistant capable of identifying Turtle Dove and Common Quail and an observer who was responsible for recording of data in the field—were stationed at a total of 21 sites (= count stations) distributed over Malta, Comino and Gozo.

5.10 Prior to enrolment for the survey, the field assistants would have been assessed by Ecoserv's environmental consultants and ecologists to ensure that they are capable of identifying the two bird species. The observers were given briefings by Ecoserv's consultants on identification of the two bird species and also received further training in the field by the field assistants. Throughout the survey, Ecoserv's environmental consultants and ecologists ensured close monitoring of the activities of the field personnel to ensure that collection of data proceeded as per designated protocol by carrying out field visits (most of which were 'surprise visits') on a regular basis.

Migration observations of Turtle Dove

5.11 Raw daily counts for Turtle Dove recorded from the 21 sites during the present study varied between 0 and a maximum of 18, while the mean daily counts ranged between 0 and 6.0. A peak in migratory counts was recorded on 9 September 2015; this occurred during a period characterised by slightly higher numbers of Turtle Dove which occurred during the period 6 to 10 September 2015. The recorded counts did not vary appreciably between the different sites over the whole survey period: at the lower end, at grid location 2888 located in western Gozo, no Turtle Dove individuals were recorded throughout the survey period, while at the higher end, 18 Turtle Dove individuals were recorded from the site at grid location 3881

located in north western Malta. Occasionally, very small flocks of Turtle Doves were observed at some sites between 6 and 16 September 2015, while only individual birds were seen during the rest of the survey period.

5.12 Values of mean daily counts and total counts of Turtle Dove recorded during the period 1 September to 31 October 2015 from the present survey are summarised in Table 2. Values of standard deviation associated with the mean daily counts are also provided in Table 2. Standard deviation is a measure of variability among counts recorded from the different sites, that is, a low standard deviation implies that very similar counts were recorded at all six sites surveyed during a particular day, whereas dissimilar values would lead to high standard deviation. Standard deviation is influenced by sample size (i.e. number of study sites); it tends to increase with a decreased sample size. These same values are also shown, along with values of mean counts recorded for the same period in 2008, 2009 (Thomaidis, nd), and 2014 (Ecoserv, 2014) in Figure 3 and 4. Overall, counts recorded during the present survey show a similar trend to those recorded by Thomaidis (nd) in autumn 2008 and 2009, and by Ecoserv (2014) in autumn 2014. The general trend noted from a comparison of count data from these years is a main migratory influx during September.

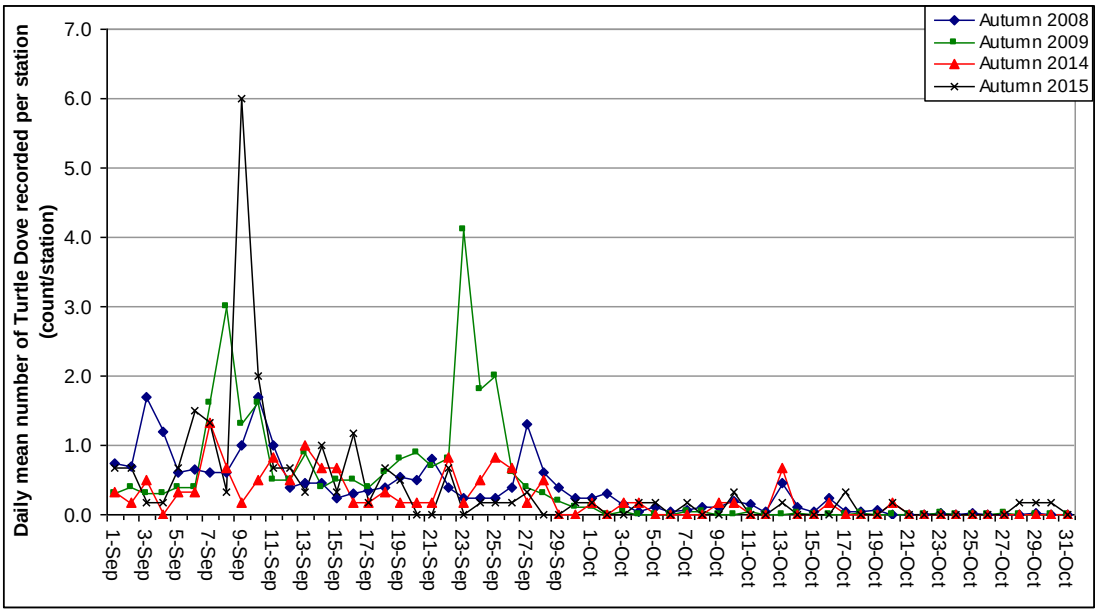
Table 2 - Values of mean (± SD) daily count and daily total count recorded from the six study sites, together with total influx of migratory Turtle Dove.

Date	Mean Count ± SD		Total count	Estimated Daily Influx
1-Sep-15	0.67	± 1.21	4	362
2-Sep-15	0.67	± 0.82	4	362
3-Sep-15	0.17	± 0.41	1	90
4-Sep-15	0.17	± 0.41	1	90
5-Sep-15	0.67	± 1.21	4	362
6-Sep-15	1.50	± 2.07	9	814
7-Sep-15	1.33	± 2.34	8	723
8-Sep-15	0.33	± 0.52	2	181
9-Sep-15	6.00	± 6.42	36	3255
10-Sep-15	2.00	± 1.67	12	1085
11-Sep-15	0.67	± 1.21	4	362
12-Sep-15	0.67	± 0.82	4	362
13-Sep-15	0.33	± 0.82	2	181
14-Sep-15	1.00	± 1.26	6	542
15-Sep-15	0.33	± 0.82	2	181
16-Sep-15	1.17	± 1.17	7	633
17-Sep-15	0.17	± 0.41	1	90
18-Sep-15	0.67	± 0.82	4	362
19-Sep-15	0.50	± 0.84	3	271
20-Sep-15	0.00	± 0.00	0	0
21-Sep-15	0.00	± 0.00	0	0
22-Sep-15	0.67	± 1.03	4	362
23-Sep-15	0.00	± 0.00	0	0

Date	Mean Count ± SD		Total count	Estimated Daily Influx
24-Sep-15	0.17	± 0.41	1	90
25-Sep-15	0.17	± 0.41	1	90
26-Sep-15	0.17	± 0.41	1	90
27-Sep-15	0.33	± 0.52	2	181
28-Sep-15	0.00	± 0.00	0	0
29-Sep-15	0.00	± 0.00	0	0
30-Sep-15	0.17	± 0.41	1	90
1-Oct-15	0.17	± 0.41	1	90
2-Oct-15	0.00	± 0.00	0	0
3-Oct-15	0.00	± 0.00	0	0
4-Oct-15	0.17	± 0.41	1	90
5-Oct-15	0.17	± 0.41	1	90
6-Oct-15	0.00	± 0.00	0	0
7-Oct-15	0.17	± 0.41	1	90
8-Oct-15	0.00	± 0.00	0	0
9-Oct-15	0.00	± 0.00	0	0
10-Oct-15	0.33	± 0.52	2	181
11-Oct-15	0.00	± 0.00	0	0
12-Oct-15	0.00	± 0.00	0	0
13-Oct-15	0.17	± 0.41	1	90
14-Oct-15	0.00	± 0.00	0	0
15-Oct-15	0.00	± 0.00	0	0
16-Oct-15	0.00	± 0.00	0	0
17-Oct-15	0.33	± 0.82	2	181
18-Oct-15	0.00	± 0.00	0	0
19-Oct-15	0.00	± 0.00	0	0
20-Oct-15	0.17	± 0.41	1	90
21-Oct-15	0.00	± 0.00	0	0
22-Oct-15	0.00	± 0.00	0	0
23-Oct-15	0.00	± 0.00	0	0
24-Oct-15	0.00	± 0.00	0	0
25-Oct-15	0.00	± 0.00	0	0
26-Oct-15	0.00	± 0.00	0	0
27-Oct-15	0.00	± 0.00	0	0
28-Oct-15	0.17	± 0.41	1	90
29-Oct-15	0.17	± 0.41	1	90
30-Oct-15	0.17	± 0.41	1	90
31-Oct-15	0.00	± 0.00	0	0
Estimated Total Influx				**12,386**

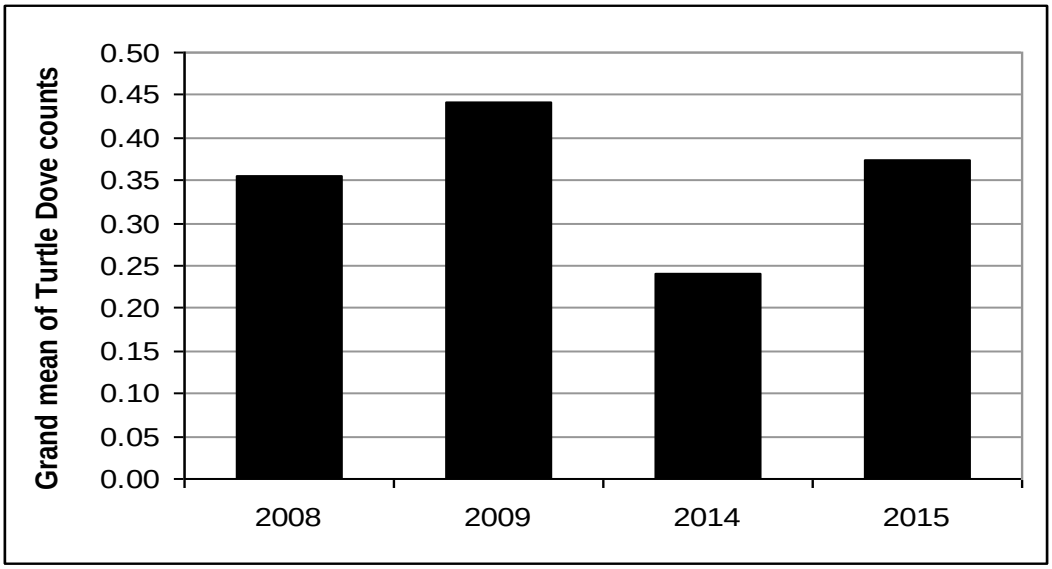
Source: Ecoserv, 2015

Figure 3 – Daily mean counts of Turtle Dove per station (= site) recorded during the present survey during the period 1 September to 31 October 2015, together with values of the same statistic for autumn 2008 and 2009 as reported in Thomaidis (nd) and for autumn 2014 as reported in Ecoserv (2014)



Source: Ecoserv, 2015

Figure 4 - Grand mean of Turtle Dove counts made using data from the period 1 September to 31 October for autumn 2015, autumn 2014 (Ecoserv, 2014), autumn 2009 (Thomaidis, nd) and autumn 2008 (Thomaidis, nd).



Source:Ecoserv, 2015

Migration observations of Common Quail

5.13 Raw daily counts for Common Quail recorded from the 21 sites during the present study varied between 0 and a maximum of 4, while the mean daily counts ranged between 0 and 1.0. The recorded counts did not vary appreciably between the different sites: at the higher end, a total of 8 individuals were recorded from grid location 4073 located in western Malta, while at the lower end, no Quail were recorded throughout the survey period from grid locations 5663 and 6069 located in southern and southeastern Malta respectively.

5.14 Values of mean daily counts and total counts of Common Quail recorded during the period 1 September to 31 October 2015, as well as the respective area surveyed at each site, are given in Table 3. As already indicated above for Turtle Dove, values of standard deviation associated with the mean daily counts are also provided in Table 3. Standard deviation is a measure of variability among counts recorded from the different sites, that is, low standard deviation implies that very similar counts were recorded at all six sites surveyed during a particular day, whereas dissimilar values would lead to high standard deviation. Standard deviation is influenced by sample size (i.e. number of study sites); it tends to increase with a decreased sample size. These same values are also shown, along with values of mean counts for the same period in 2008, 2009 (Thomaidis, nd) and 2014 (Ecoserv, 2014), in Figure 5. The daily mean counts recorded during the period 1 September to 31 October 2015 (present survey) are overall lower than those recorded in 2008 and 2009 (Thomaidis, nd) for the same period, but similar to those recorded in 2014 (Ecoserv, 2014). Furthermore, no migration peaks (with a mean count >2) as recorded in 2008 and 2009 (Thomaidis, nd) were recorded during the present survey. The general pattern from all years being compared is a main migratory influx between mid-September and the beginning of October.

5.15 Values of the grand mean for Common Quail counts for autumn 2015 (present survey), autumn 2014 (Ecoserv, 2014a), and autumn 2008 and autumn 2009 (Thomaidis, nd) surveys, are shown graphically in Figure 6. The comparison in Figure 6 is based on data collected during the same period (1 September to 31 October) in each of the surveys. The grand mean recorded during the present (autumn 2015) survey is lower than that recorded during the 2008 and 2009 (Thomaidis, nd) surveys, but similar to that recorded during the 2014 survey (Ecoserv, 2014).

Table 3 - Values of mean (± SD) daily count and daily total count recorded from the six study sites, together with total influx of migratory Common Quail

Date	Mean Count ± SD		Total count	Total Area Surveyed (km^2)	Estimated Daily Influx
1-Sep-15	0.00	± 0.00	0	0.184	0
2-Sep-15	0.17	± 0.41	1	0.187	1182
3-Sep-15	0.00	± 0.00	0	0.301	0
4-Sep-15	0.00	± 0.00	0	0.383	0
5-Sep-15	0.00	± 0.00	0	0.184	0
6-Sep-15	0.17	± 0.41	1	0.187	1182
7-Sep-15	0.00	± 0.00	0	0.301	0
8-Sep-15	0.00	± 0.00	0	0.383	0
9-Sep-15	0.17	± 0.41	1	0.158	1405
10-Sep-15	0.33	± 0.52	2	0.187	2365
11-Sep-15	0.00	± 0.00	0	0.301	0
12-Sep-15	0.17	± 0.41	1	0.383	578
13-Sep-15	0.17	± 0.41	1	0.158	1405
14-Sep-15	0.33	± 0.52	2	0.187	2365
15-Sep-15	0.00	± 0.00	0	0.301	0
16-Sep-15	0.00	± 0.00	0	0.383	0
17-Sep-15	0.17	± 0.41	1	0.184	1201
18-Sep-15	0.17	± 0.41	1	0.187	1182
19-Sep-15	0.00	± 0.00	0	0.301	0
20-Sep-15	0.00	± 0.00	0	0.357	0
21-Sep-15	0.00	± 0.00	0	0.158	0
22-Sep-15	0.00	± 0.00	0	0.161	0
23-Sep-15	0.50	± 0.84	3	0.301	2209
24-Sep-15	1.00	± 1.55	6	0.383	3466
25-Sep-15	0.17	± 0.41	1	0.184	1201
26-Sep-15	0.00	± 0.00	0	0.187	0
27-Sep-15	0.33	± 0.52	2	0.301	1473
28-Sep-15	0.50	± 0.55	3	0.383	1733
29-Sep-15	0.00	± 0.00	0	0.184	0
30-Sep-15	0.00	± 0.00	0	0.187	0
1-Oct-15	0.33	± 0.82	2	0.274	1616
2-Oct-15	0.50	± 0.84	3	0.357	1863
3-Oct-15	0.33	± 0.52	2	0.184	2403
4-Oct-15	0.33	± 0.82	2	0.187	2365
5-Oct-15	0.33	± 0.52	2	0.274	1616
6-Oct-15	0.33	± 0.52	2	0.383	1155
7-Oct-15	0.00	± 0.00	0	0.184	0
8-Oct-15	0.33	± 0.52	2	0.187	2365
9-Oct-15	0.00	± 0.00	0	0.301	0
10-Oct-15	0.50	± 0.55	3	0.357	1863
11-Oct-15	0.00	± 0.00	0	0.184	0
12-Oct-15	0.17	± 0.41	1	0.187	1182
13-Oct-15	0.17	± 0.41	1	0.301	736
14-Oct-15	0.17	± 0.41	1	0.383	578
15-Oct-15	0.17	± 0.41	1	0.184	1201
16-Oct-15	0.17	± 0.41	1	0.187	1182
17-Oct-15	0.00	± 0.00	0	0.301	0
18-Oct-15	0.33	± 0.52	2	0.383	1155
19-Oct-15	0.00	± 0.00	0	0.184	0

Date	Mean Count ± SD		Total count	Total Area Surveyed (km^2)	Estimated Daily Influx
20-Oct-15	0.00	± 0.00	0	0.187	0
21-Oct-15	0.00	± 0.00	0	0.274	0
22-Oct-15	0.00	± 0.00	0	0.377	0
23-Oct-15	0.00	± 0.00	0	0.137	0
24-Oct-15	0.00	± 0.00	0	0.161	0
25-Oct-15	0.17	± 0.41	1	0.301	736
26-Oct-15	0.00	± 0.00	0	0.383	0
27-Oct-15	0.33	± 0.52	2	0.158	2810
28-Oct-15	0.17	± 0.41	1	0.161	1379
29-Oct-15	0.17	± 0.41	1	0.301	736
30-Oct-15	0.17	± 0.41	1	0.357	621
31-Oct-15	0.00	± 0.00	0	0.184	0
				Estimated Total Influx	**50,514**

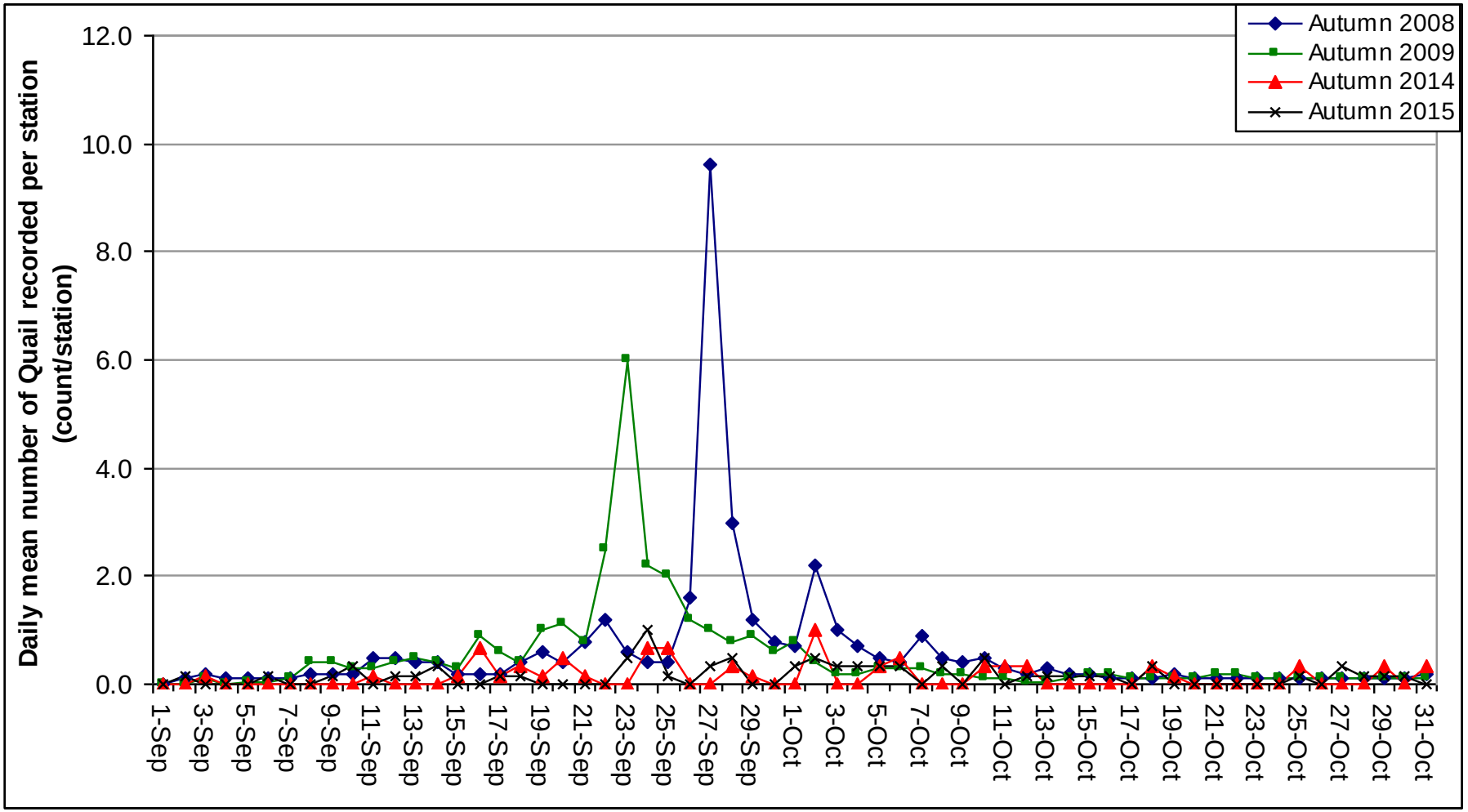
Source: Ecoserv, 2015

5.16 The highest mean count was recorded from Fomm ir-Riħ (Grid 4073) located in western Malta, while overall high counts were recorded from study sites located in the northern half of Malta and southwestern Gozo. The lowest mean counts were recorded from the eastern parts of Malta and from San Blas in Gozo. The mean count recorded from the study site on Comino is 0.016; this is lower than the median value of 0.133 for the whole range of recorded mean counts.

5.17 As has been done in previous surveys undertaken in autumn (Ecoserv, 2014) and spring (Ecoserv, 2011; 2012; 2013; 2014; 2015; 2016), the total influx of Quail was estimated for the whole area of the Maltese Islands using the recorded area surveyed for Quail at each site. However, such an estimate should be considered with the greatest caution because of the assumption that the rate of Quail settling at coastal sites (where the survey was carried out) is equal to that at inland locations. While this appears to hold true during spring, observations indicate that Quail tend to settle in larger numbers in coastal areas compared to inland ones.

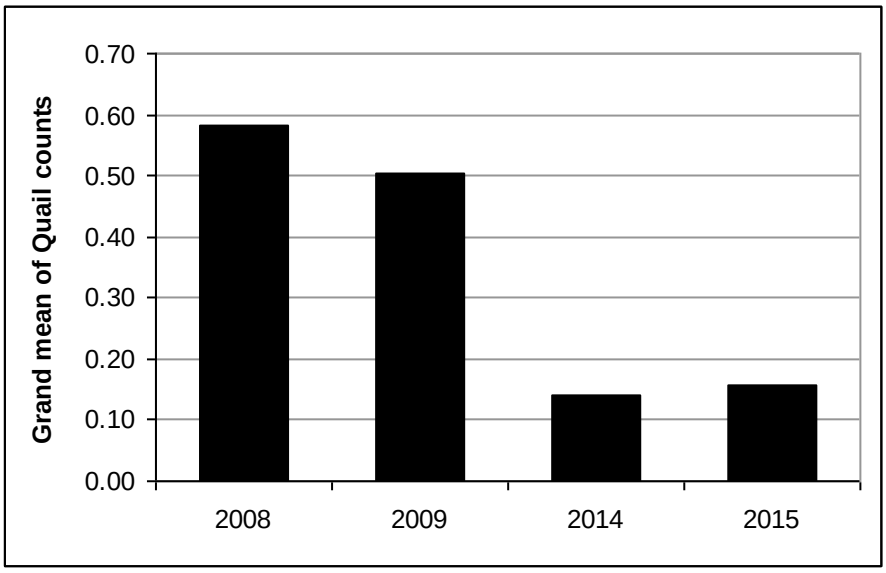
5.18 It was furthermore noted that Quail also tends to appear in certain localities before others (Fenech, 2010; Fenech, in. litt. mentioned appearance of Quail in localities such as Bahar ic-Caghaq, Xaghra (Gozo), stretch of coastline between Ghar Lapsi and Fomm ir-Rih Bay, amongst other). This is further corroborated by one of the data records from the present study—a total of 8 individuals were recorded from grid location 4073 located in western Malta, while at the lower end, no Quail were recorded throughout the survey period from grid locations 5663 and 6069 located in southern part of Malta and the south east Malta respectively. Coastal areas are more likely to serve as short-term stopover sites immediately following a migratory flight compared to inland locations.

Figure 5 - Daily mean counts of Common Quail per station (= site) recorded during the present survey during the period 1 September – 31 October 2015, together with values of the same statistic for autumn 2008 and 2009 as reported in Thomaidis (nd) and for autumn 2014 as reported in Ecoserv (2014)



Source: Ecoserv, 2015

Figure 6 - Grand mean of Common Quail counts made using data from the period 1 September – 31 October for autumn 2015 (present survey), autumn 2014 (Ecoserv, 2014a), autumn 2009 (Thomaidis, nd) and autumn 2008 (Thomaidis, nd)

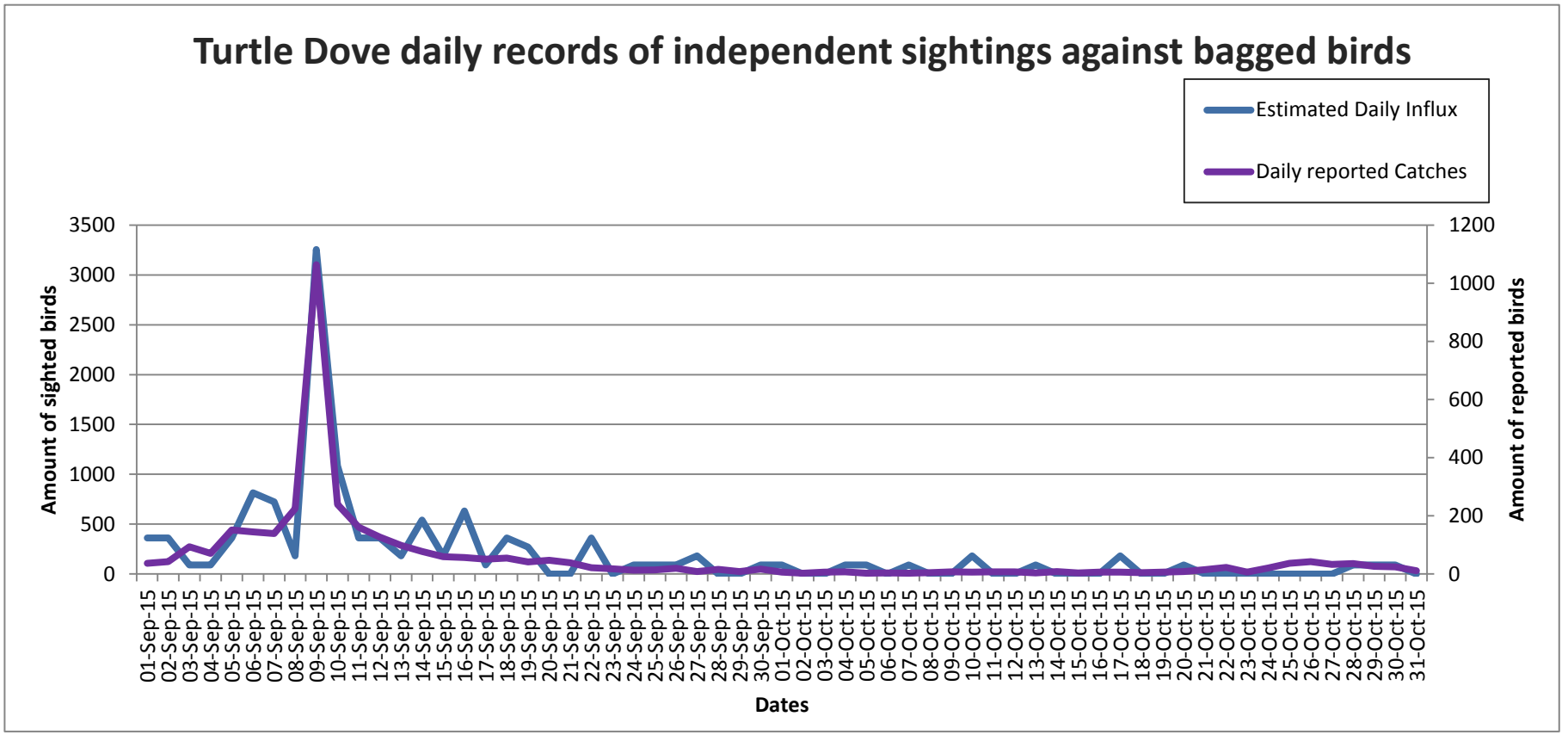


Source: Ecoserv, 2015

Correlation of migration observations with reported bags

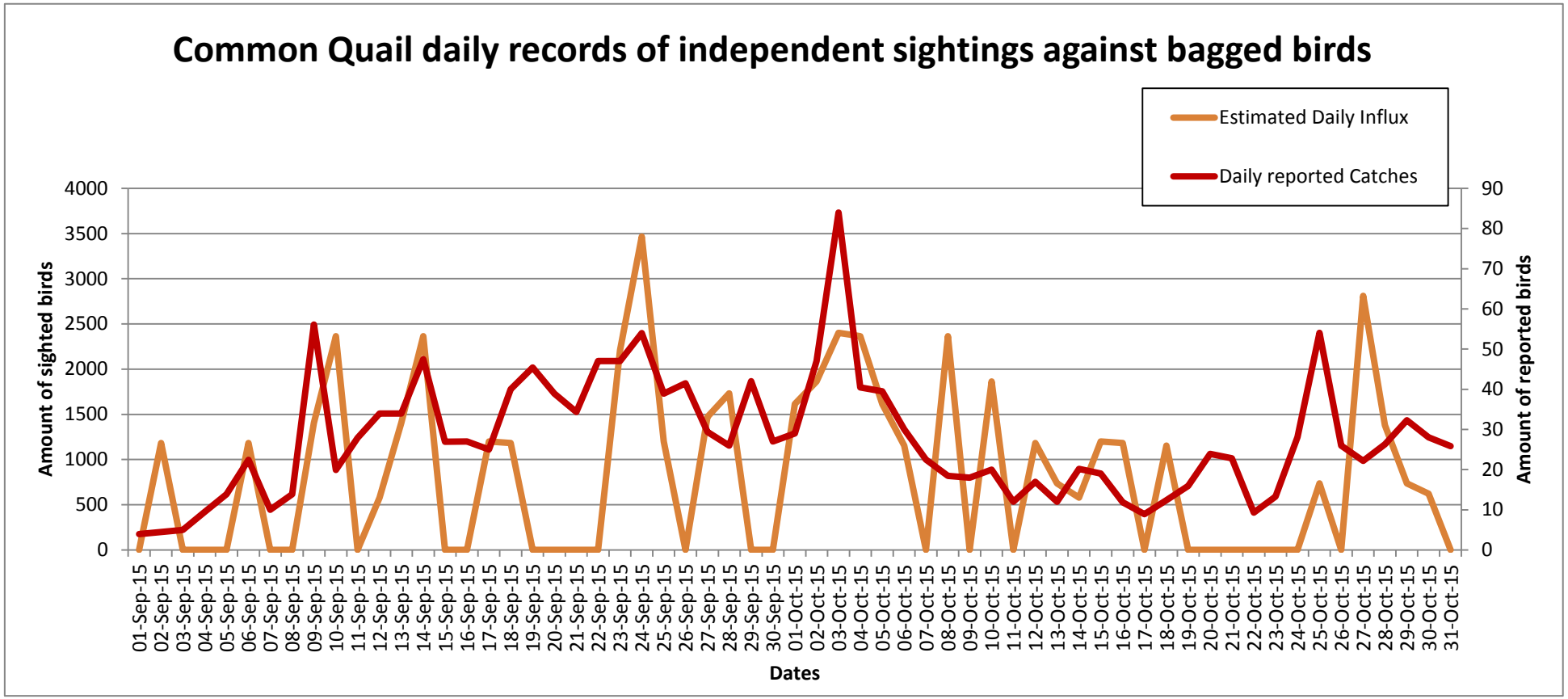
5.19 As was also the case in 2014, correlation between migration observation data and reported bags of the two species was performed. This analysis shows a generally strong correlation between the number of catches reported by hunters and independent observations of migration (figures 7 and 8).

Figure 7: Correlation between migration observation data and reported bags of Turtle Doves



Source: Observations data: Ecoserv, 2015; bag data: Carnet de Chasse data extracted by the Wild Birds Regulation Unit in February 2016

Figure 8: Correlation between migration observation data and reported bags of Common Quail



Source: Observations data: Ecoserv, 2015; bag data: Carnet de Chasse data extracted by the Wild Birds Regulation Unit in February 2016

5.20 The above reported catches data and observation trends were considered also in the context of the enforcement statistics pertaining to the 2015 autumn season, summarised below.

Summary of enforcement during 2015 autumn hunting season

5.21 During the period of the autumn hunting season, the authorities deployed a total complement of 77 officers tasked with overseeing compliance with the parameters of the season. This complement consisted of 27 officers of the Administrative Law Enforcement Unit (ALE) of the police, 15 officers of the Armed Forces of Malta (AFM), 27 police officers temporarily seconded with the ALE from other police units, 3 officers from Gozo district police, 5 officers of the Wild Birds Regulation Unit's Specialist Enforcement Branch. The officers conducted field patrols split into two shifts between 0500 hours and 2100 hours daily. On specific occasions (e.g. 24/09, 31/12), night patrols were also conducted. The actual daily field deployment on patrols ranged from a minimum of 18 officers and a maximum of 52 officers.

5.22 Due to national security exigencies concerning Malta's hosting of the Commonwealth Heads of Government Meeting and the EU Migration Summit in November 2015, some seconded police personnel were temporarily re-deployed to their detachments. However this temporary re-deployment was compensated by the appointment of 8 Marshalls from the Local Law Enforcement Agency who assisted other enforcement officers in field surveillance duties between 10-13 and 27-29 November 2015 to ensure consistently strong field enforcement presence.

5.23 As was also the case in previous years, the officers received specialised training during training session on enforcement priorities and techniques organised by the Wild Birds Regulation Unit on 15 October 2015.

5.24 The officers utilised a combination of techniques, including vehicular patrols, covert observation, stationary observation posts, foot patrols, physical inspections and spot-checks on individual hunters, and road-blocks. During the season, the officers conducted 17,549 site inspections (14,076 in Malta and 3,473 in Gozo) and 2,436 spot-checks on individual licensees (1,209 in Malta and 1,227 in Gozo), which is 21% more than the number of spot checks and inspections conducted during the same period in 2014 (16,476), and more than double the total number of inspections conducted during the same period in 2013 (7,619).

5.25 In the course of field surveillance, inspections and spot checks, the authorities detected a total of 131 infringements, which led to legal action being taken against 128 offenders, including 58 persons subjected to criminal prosecution and 70 persons subjected to an administrative fine.

5.26 It is however notable that the 2015-16 autumn season was characterised by the lowest ever number of offences concerning illegal targeting (killing or trapping) of protected birds (one case of illegal shooting of protected bird and two cases of illegal trapping of protected birds). The vast majority of all breaches detected (102 cases) pertained to illicit use of pre-recorded bird calls (69 cases), firearms irregularities (7 cases), reporting irregularities (2 cases) and other breaches of license conditions (24 cases).

5.27 A comparison of the enforcement statistics with the corresponding metrics for previous years is presented in the table below.

Table 4 - Offences disclosed during autumn hunting / trapping seasons (1st September - 31st January the following year)

Offences disclosed during autumn hunting / trapping seasons (1st September - 31st January the following year)	**2012**	**2013**	**2014**	**2015**
Hunting within prohibited distances / prohibited areas	17	12	1	6
Hunting / trapping without license	76	21	4	8
Illegal trapping of protected birds	137	29	1	2
Illegal shooting of protected birds	2	6	4	1
Hunting / trapping using illegal means / firearms irregularities / other breaches of license conditions	236	89	78	102
Hunting / trapping during closed season / outside of permitted hours	16	1	2	5
Possession of dead protected birds	4	16	5	3
Possession of live protected birds	137	30	3	3
Illegal sale of protected birds	0	0	7	1
Smuggling of protected birds	1	3	1	0
Total offences disclosed	**391**	**125**	**106**	**131**
Persons against whom legal action is taken	**226**	**87**	**83**	**128**

Source: Wild Birds Regulation Unit and Malta Police Force, 2016

5.28 The above table also lists bird-related offences that are unrelated to the hunting season (e.g. illegal possession of protected birds; illegal sale / smuggling cases), but which were disclosed during the period in question.

5.29 Overall, enforcement statistics evidently point to the continuation of the overall trend towards the reduction in the incidence of most categories of bird-related crime, with only a slight increase registered in the relatively minor breaches category, which increase is largely attributed to higher crime disclosure rate resulting from increased intensity of inspections and surveillance.

6. Determination of the 2016 spring hunting bag limit and other parameters

6.1 Regulation 5 of the Framework Regulations (S.L. 549.57[8]) 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.

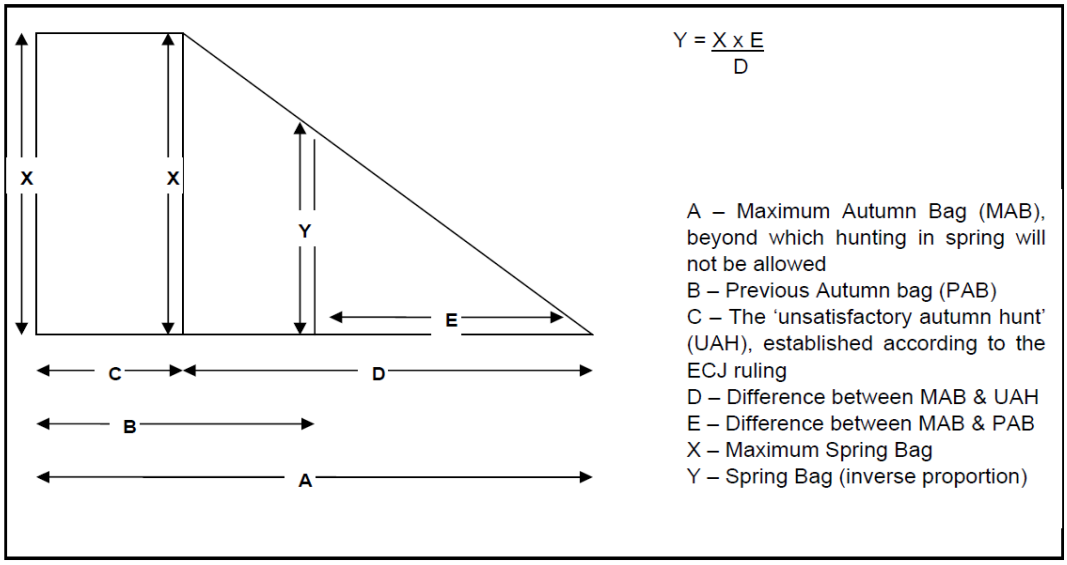
6.2 The Regulations also establish that, should a spring hunting season be declared open, the overall national spring hunting limits would be set at not more than a ceiling limit of 5,000 for Quail and 11,000 for Turtle Dove, based on the principle of 1% of the total annual mortality of each of the species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

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

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



6.3 Since the total bag for the autumn 2015 hunting season was 3,695 Turtle Doves and 2,010 Quail, 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.

6.4 However, in the case of Turtle Dove, noting its reported reclassification as 'Near Threatened' at EU level, and further to the recommendation of the Malta Ornis Committee on 25 February 2016, the Government decided to enact further measures to reduce potential impact of the derogation on the population of this species.

6.5 These measures were enacted through the publication of two Legal Notices[9], which stipulated the following **additional** restrictions:

- The hunting season's length was shortened to a two week period between 17 and 30 April, a reduction of 7 days from the maximum of three weeks allowed under the Framework Regulations;

[9] Legal Notice 89 of 2016 (available online: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27472&l=1) and Legal Notice 90 of 2016 (available online: http://environment.gov.mt/en/Document%20Repository/WBRU/LN%2090.pdf)

- Permitted hunting hours were reduced from two hours before sunrise until two o'clock in the afternoon (14:00) during weekdays, to two hours before sunrise until noon (12:00) on all days, which represents a reduction of two hours on each weekday;

- The national spring quota for Turtle Dove has been reduced from the maximum of 11,000 birds to 5,000 birds, a reduction of more than half of the previous national quota which is well below the 1% of annual mortality rate of reference populations.

6.6 In addition to these measures, in order to further reduce what is already the EU's smallest share of Turtle Dove uptake, Malta has reduced the autumn hunting season for this species from five months (previously between 1st September and 31st January of the following year) to the month of September only, through the publication of Legal Notice 77 of 2016.[10] This Legal Notice stipulates that the one-month autumn hunting season for Turtle Dove shall be subject to a new statutory maximum national quota of 7,000 birds.

6.7 It was also noted that, in the absence of any scientific data that would otherwise indicate that Malta's limited and strictly supervised derogation can have any detectable negative impact on the population dynamics and status of the Turtle Dove within reference range, or, in any manner, worsen such status or prevent its restoration to favourable[11], the further restrictive measures enacted by Malta in line with precautionary principle were designed to ensure that any hypothetical impact is ruled out due to *de minimis* nature of the derogation and its strict parameters.

6.8 Based on the above, the 2016 spring overall bag limit was thus set at 5,000 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 2016. 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.

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[10] Legal Notice 77 of 2016 (available online: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27460&l=1)

[11] Reference is made to Case 342/05 *Commission v. Finland*, where the question was whether the Finnish government could apply derogations for the hunting of wolves from populations that were listed as strictly protected under the EU Habitats Directive. The European Court of Justice concluded that "the grant of such derogations remains possible by way of exception where it is duly established that they are not such as to worsen the unfavorable conservation status of those populations or to prevent their restoration at a favorable conservation status" (See paragraph 29).

7. General licenses reform and issuance of special spring hunting licences

Reform of general hunting licensing system

7.1 Following extensive stakeholder consultations, in February 2016 the Government enacted Legal Notice 69 of 2016 (Conservation of Wild Birds (Amendment) Regulations)[12], which paved the way for reform of the system of general hunting licenses.

7.2 Prior to these amendments an annual general licence to hunt birds, known as *carnet de chasse*, was issued by the end of February each year and remained valid for the period prescribed in Schedule IV of these Regulations, subject to a number of conditions outlined in Regulations 12 and 13, as well as in Schedules IV and VI of the Conservation of Wild Birds Regulations. Crucially, the licence booklet (*carnet de chasse*) served as a primary tool through which hunters were required to report to the Wild Birds Regulation Unit the dates and locations where the licensed person has practiced hunting and/or live-capturing, the name and ID of the licensee; as well as the number of specimen hunted or taken on each occasion. The booklet also provided space for endorsements (stamps) of the police, the relevant hunting organisation of which the licensed hunter or live-capturer must be a member, and his / her insurance cover for the licence period in question. The format of the *carnet de chasse* booklet evolved over the years since the tool was first introduced prior to Malta's accession to the EU. The use of the *carnet de chasse* was legally binding and penalties apply to those who infringe upon their legal obligations to record their hunting activity in the booklet.

7.3 Although over the years *carnet de chasse* has provided the Maltese authorities with the best available data on the extent of the hunting effort pertaining to huntable species to date, the process of printing, on an annual basis, distributing, collecting and extracting all manual data pertaining to the hunting and live-capturing of all species was extremely cumbersome and costly.

7.4 Moreover, the data could only be physically extracted with a significant time lag, that is, several months after the collection of the previous year's booklets. This implies that by the time all the data is extracted and published, some of the data is already almost two years old. This presented limitations on the analysis and timely use of the data for policy making.

[12] http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27449&l=1

7.5 In order to address the above limitations, following publication of legal amendments, the Wild Birds Regulation Unit replaced the system of *carnet de chasse* booklets with the new system, which comprises the following elements:

- A plastic card (similar to an ID card or a driving licence) issued to licensed persons for a period of five years. The card contains basic security (anti-forgery) features, and indicates individual licensee's personal details, address, registered mobile phone number and the type of general licence. The new licence also bears a unique number of each licensed person, which is linked to an online database, accessible to the Wild Birds Regulation Unit and the Police for enforcement and regulation purposes.

- A pocket-sized information booklet, containing graphical representations of bird species that can be hunted in accordance with the Maltese law, instructions regarding the use of telephone reporting system, and other relevant information. The booklet also contains space for annual rubber stamping by recognised hunting organisations as proof of membership with a hunting/live-capturing organisation and insurance.

- A secure electronic database of licensed persons, accessible to authorised administrators, designed with different levels of access and control. The database allows instant access to retrieve, process and analyse statistical data of all licensing information. This database is linked to the telephonic game reporting system thus allowing instant retrieval and processing of all hunting activity data reported by any individual licensee in real time.

- A telephonic game reporting system, which is active during the periods when the various hunting and live-capturing seasons are declared open and which shall enable licensed persons to report game caught via a telephone call. Such calls are automatically received and processed by the system in accordance with the particular regulations that govern each season, and all data is automatically uploaded into the licensing database. This system has already been developed and used during 2014/15 live-capturing derogations, and during the 2015 spring hunting season, in replacement of the previous SMS-based system. The system has subsequently been extended to cater for all hunting seasons. Similar to the carnet de chasse, the use of this system is legally binding and subject to spot checks and other compliance enforcement measures as well as legal deterrents against abuse. In contrast to *carnet de*

chasse, the new system is more user-friendly with the addition of functions such as the allowance for automated verification of the identity of the licensee, the processing of the reported data in real time, verifications concerning legal bag limits, where applicable, as well as the communication of applicable regulatory information.

Figure 10: Information booklet and general licence card issued to every licensed hunter



Special spring hunting 2016 licenses

7.6 In order to be eligible for a Special 2016 Spring Hunting License, a hunter was required to be in possession, by the time of application, of the following:

(a) Valid general license to hunt birds on land;

(b) Paid-up membership in a recognised hunting organisation for 2016;

(c) Valid third party liability insurance cover for 2016;

(d) Valid permit to carry a firearm for hunting of birds on land issued by the Police.

7.7 Applications for a special spring hunting licence were received during a 10-day period from 21st to 30th March 2016. Applicants had to complete an application form and had to present documentation listed above 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 30 March 2016 were not accepted.

7.8 By the closing date for applications, the Wild Birds Regulation Unit received a total of 9,252 formal applications to obtain a special spring hunting licence. Upon verification, all these applications were considered as valid. The number of applications for the 2016 spring hunting season was approximately 2.4% lower than in 2015 (9,479) and 5.6% lower than in 2014 (9,806).

7.9 A total of 7,781 licences were subsequently issued to applicants resident in Malta and 1,471 to applicants resident in Gozo. Of these, 68 licences remained unclaimed (13 pertaining to applicants resident in Gozo and 55 pertaining to applicants resident in Malta).

7.10 Spring hunting licence conditions were established according to the provisions of the Framework Regulations (S.L. 549.57[13]) and the provisions of Legal Notice 90 of 2016[14]. Additionally, all licensed hunters were required to abide by the regulations laid down in the Conservation of Wild Birds Regulations (S.L. 549.42[15]). A copy of the spring hunting licence, including details of the licence conditions, is attached in Annex 3 to this report.

7.11 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, 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.

8. Telephonic reports of catches made

8.1 In accordance with Regulation 5(d) of the Framework Regulations (S.L. 549.57[16]), hunters in possession of the special 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 77070009 via their mobile phones immediately after shooting a bird.

8.2 The telephone system subsequently guided the hunters through the reporting procedure via voice prompts. Each telephonic report was registered in the database in

[13] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[14] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27473&l=1
[15] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1
[16] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1

real time, and the hunters concerned received an SMS confirmation of a successful report. The system could only be used by hunters in possession of a Special Licence, and did not allow any reports from unlicensed persons.

8.3 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. Moreover, all hunters in possession of a spring hunting licence were reminded of their legal obligations a separate SMS mail shots sent during the season.

8.4 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.

8.5 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 5 and Figure 11 and for Quail in Table 6 and Figure 12 respectively.

Table 5: Number of Turtle Doves reported through the telephonic system during Spring Hunting 2016. (Data source: Game reporting system.)

Date	Daily total	Cumulative total
17/04/2016	21	21
18/04/2016	17	38
19/04/2016	60	98
20/04/2016	51	149
21/04/2016	49	198
22/04/2016	81	279
23/04/2016	107	386
24/04/2016	58	444
25/04/2016	26	470
26/04/2016	21	491
27/04/2016	57	548
28/04/2016	184	732
29/04/2016	216	948
30/04/2016	336	1284
Total	**1284**	

Figure 11: Daily total number of Turtle Doves reported during the2015 spring hunting season – as reported through the telephonic system. (Data source: Game Reporting System.)

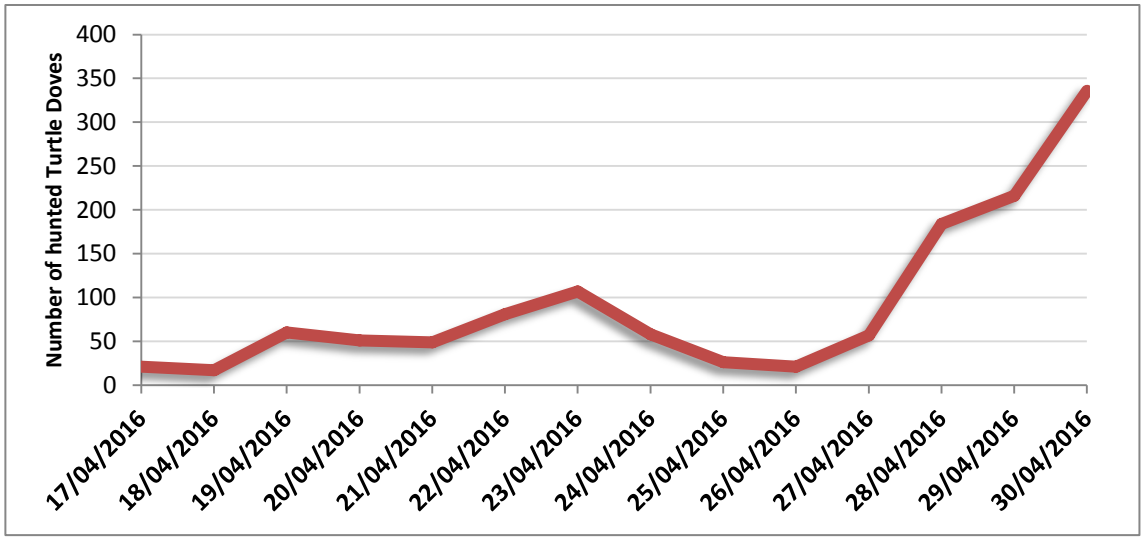
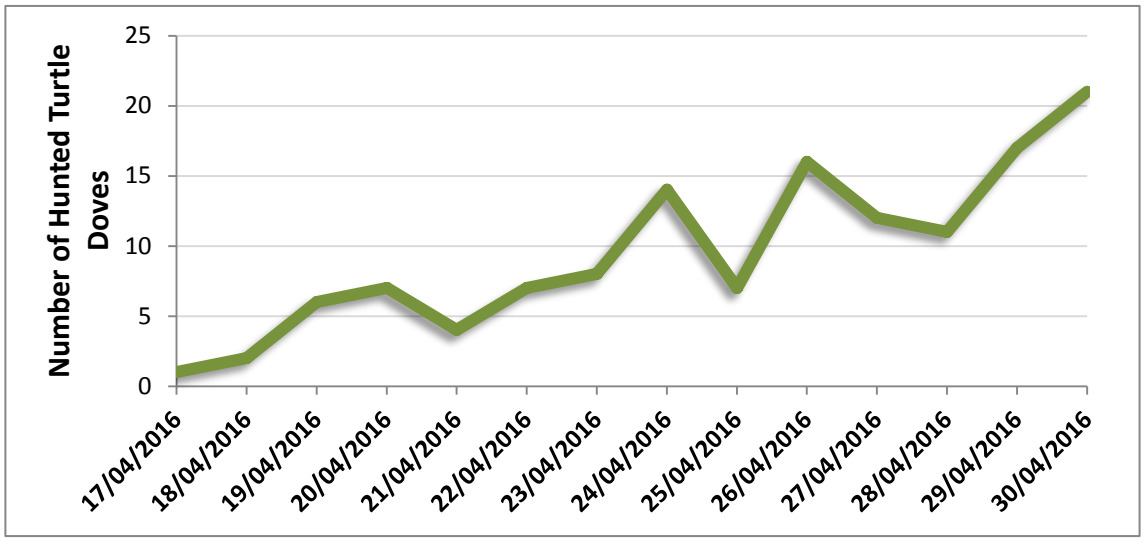


Table 6: Number of Quail reported through the telephonic system. (Data source: Game reporting system.)

Date	Daily total	Cumulative total
17/04/2016	1	1
18/04/2016	2	3
19/04/2016	6	9
20/04/2016	7	16
21/04/2016	4	20
22/04/2016	7	27
23/04/2016	8	35
24/04/2016	14	49

25/04/2016	7	56
26/04/2016	16	72
27/04/2016	12	84
28/04/2016	11	95
29/04/2016	17	112
30/04/2016	21	133
Total	**133**	

Figure 12: Daily total number of Quail reported during the2015 spring hunting season – as reported through the telephonic system. (Data source: Micro Technology Consultancy Ltd.)



8.6 As was also the case in previous years, the total number of reported birds did not exceed the national overall bag limits; to the contrary, the totals based on reported figures are substantially lower than these limits. In the case of Turtle Dove, the total number of 1,284 shot birds amounts to 25.68% of the total bag limit permitted by law. In the case of Quail, the total number of 133 shot birds equates to 2.66% of the limit permitted by law.

8.7 Table 7 provides data on the number of Turtle Doves caught by hunters. There were a total of 1,000 hunters who caught between one and four birds during the 2016 spring hunting season.

Table 7: Number of caught Turtle Doves per number of hunters

Number of Turtle Doves reported shot per hunter	**Number of hunters declaring catches**
0	8253
1	772
2	179
3	43
4	6

Source: Wild Birds Regulation Unit, 2016

8.8 Table 8 provides data on the number of Quail caught by hunters. There were a total of 112 hunters who caught between one and four birds during the 2016 spring hunting season.

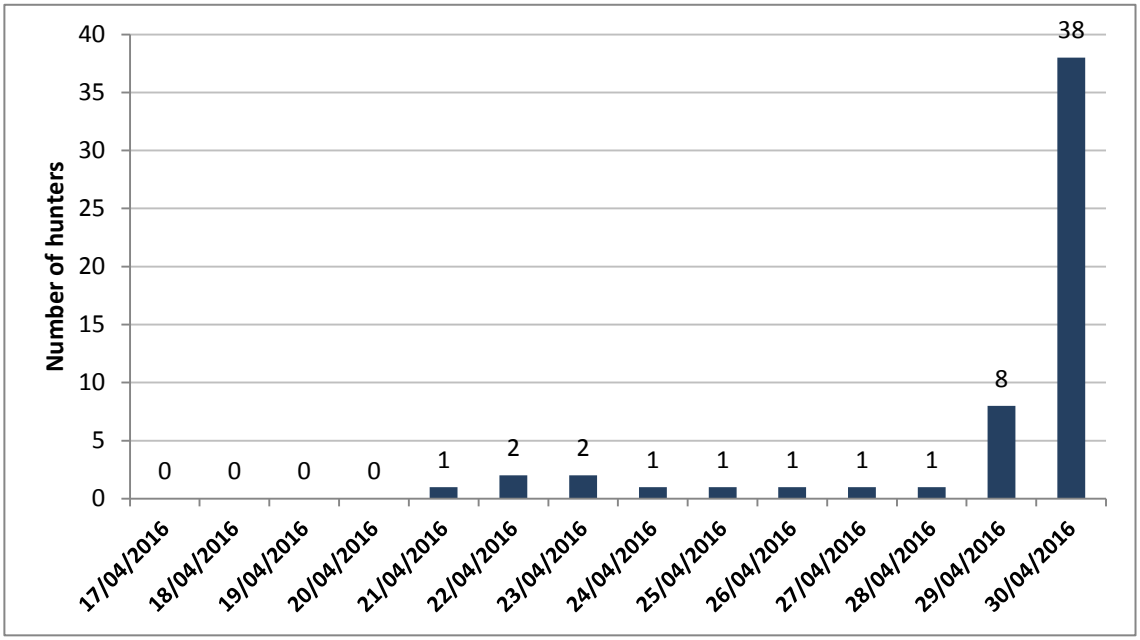
Table 8: Number of caught Quails per number of hunters

Number of Quails reported shot per hunter	**Number of hunters declaring catches**
0	9141
1	95
2	13
3	4
4	0

Source: Wild Birds Regulation Unit, 2016

8.9 As indicated in Figure 13 below, the individual daily bag limit of two birds (of a combination of either of the two species) was reached on 56 occasions, spread across a total of 10 days across the season.

Figure 13: Number of hunters reaching daily bag limit of two birds during the spring hunting season, based on telephonic reports. (Data source: Game reporting system)



8.10 When reporting game caught, hunters were also requested to specify the location. Alongside with the bird reporting codes, the information booklet contained a map of the Maltese Islands as shown in Figure 14. This grid map had numbers corresponding to certain localities to allow the hunters to determine which area they were in.

Figure 14: Numbers allocated to the localities of the Maltese Islands for reporting purposes as presented in the information booklet.



8.11 Figure 15 and 16 show the reporting percentages for each location for Turtle Dove and Quail respectively. Approximately a third of all reports of game shot were received from North West and South West areas of Malta (Locations 5 and 10).

Figure 15: Turtle Doves reported caught according to location number. (Data Source: Game Reporting System)

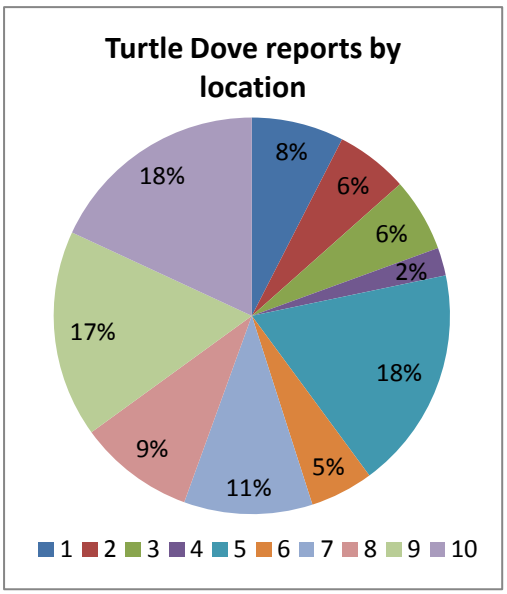
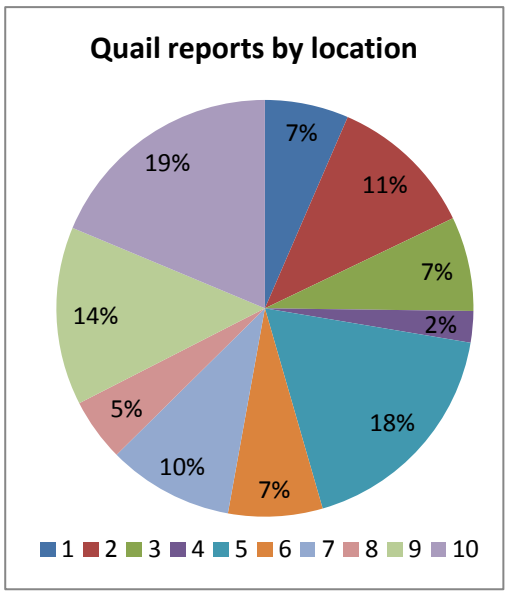


Figure 16: Quails reported caught according to location number. (Data Source: Game Reporting System)



Source: Wild Birds Regulation Unit, 2016

8.12 Hunters had a legal obligation to report game caught immediately upon making a catch. This allowed for precise temporal data to be collected for each hunted species. Table 9 and 10 indicate percentages of Turtle Dove and Quail reports made within each two-hour time band. Around three quarters of all reports were made before 10:00 a.m.

Table 9: Temporal data for Turtle Dove catch reports

Time	Turtle Dove Reports (%)
04:00-05:59	0
06:00-07:59	39
08:00-09:59	36
10:00-12:00	26

Table 10: Temporal data for Quail catch reports

Time	Quail Reports (%)
04:00-05:59	0
06:00-07:59	29
08:00-09:59	45
10:00-12:00	25

Source: Wild Birds Regulation Unit, 2016

9. Independent study of Turtle Dove and Quail migration in spring 2016

9.1 As was also the case in previous years, an independent scientific study was carried out in April 2016, in order to obtain an estimate of migratory influxes of Turtle Dove and Common Quail over the derogation period. The study was carried out by Ecoserv (2016) with following main objective: *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 10 and 30 April 2016. A full copy of the report in question is attached in Annex 4, with key conclusions summarised below.

9.2 The methodology used in this study was identical to the methodology used for similar studies conducted in 2011, 2012, 2013, 2014 and 2015. Twenty-eight monitoring stations were set up across the Maltese Islands, with counts obtained from ten different sites each day. A field assistant capable of identifying Turtle Dove and Common Quail and an observer responsible to record data 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 28 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 11 below.

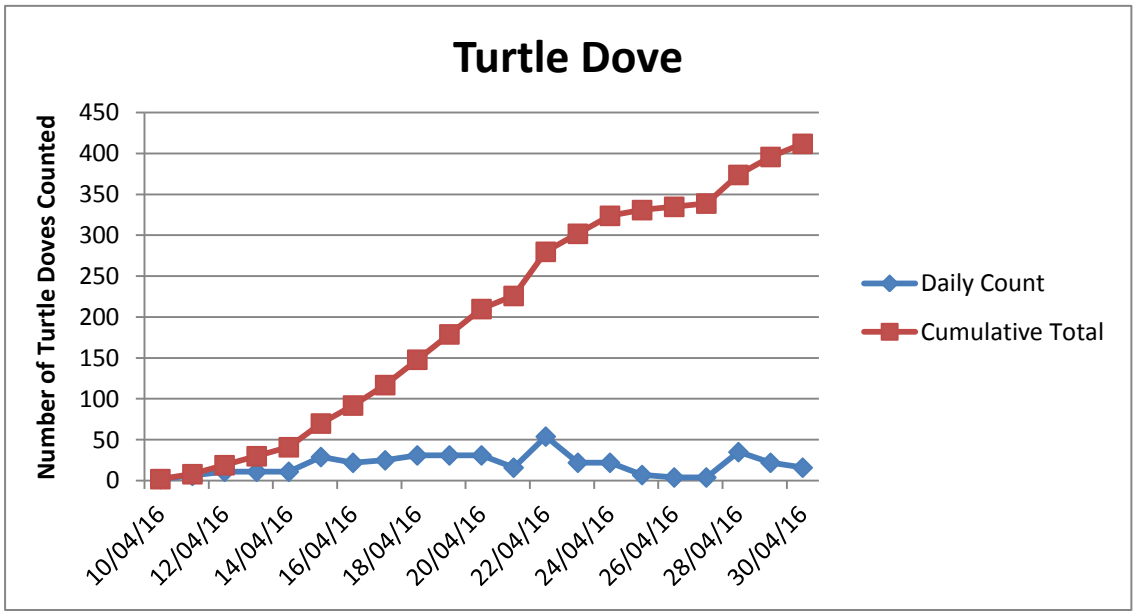
Table 11: Total daily counts of Turtle Dove and Quail compiled through the spring migration study. (Data source: Ecoserv, 2016)

Date	Turtle Dove	Quail
Sunday, 10 April 2016	2	4
Monday, 11 April 2016	6	8
Tuesday, 12 April 2016	11	10
Wednesday, 13 April 2016	11	8
Thursday, 14 April 2016	11	0
Friday, 15 April 2016	29	4
Saturday, 16 April 2016	22	0
Sunday, 17 April 2016	25	1
Monday, 18 April 2016	31	5
Tuesday, 19 April 2016	31	1
Wednesday, 20 April 2016	31	0

Thursday, 21 April 2016	16	0
Friday, 22 April 2016	54	3
Saturday, 23 April 2016	22	0
Sunday, 24 April 2016	22	0
Monday, 25 April 2016	7	1
Tuesday, 26 April 2016	4	0
Wednesday, 27 April 2016	4	3
Thursday, 28 April 2016	35	0
Friday, 29 April 2016	22	0
Saturday, 30 April 2016	16	0
Total	**412**	**48**

9.3 In the case of Turtle Dove, daily counts at different sites (28 observation stations) varied from a minimum of 0 to a maximum of 25, whereas the total daily counts varied from a minimum of 2 to a maximum of 54 (Table 11 and Figure 17). The overall counts recorded during the present survey show a similar trend to those recorded by Thomaidis (nd) in spring 2008 and 2009, and by Ecoserv (2012; 2013; 2014; 2015) in spring 2012–2015, for the same survey period, although no very high mean counts as recorded in 2008 and in 2009 were recorded during the present survey. The general pattern from all years compared is a main migratory influx during the last two weeks of April. Overall, the grand mean recorded during the spring 2016 survey is lower than that recorded during the previous surveys. However, ANOVA (One-way Analysis of Variance) indicated that the difference between counts recorded during the 2016 survey and those recorded in 2012, 2013, 2014 and 2015 was not statistically significant. Nevertheless, a general trend of decrease in migratory influx is evident for the last few years (Ecoserv, 2016).

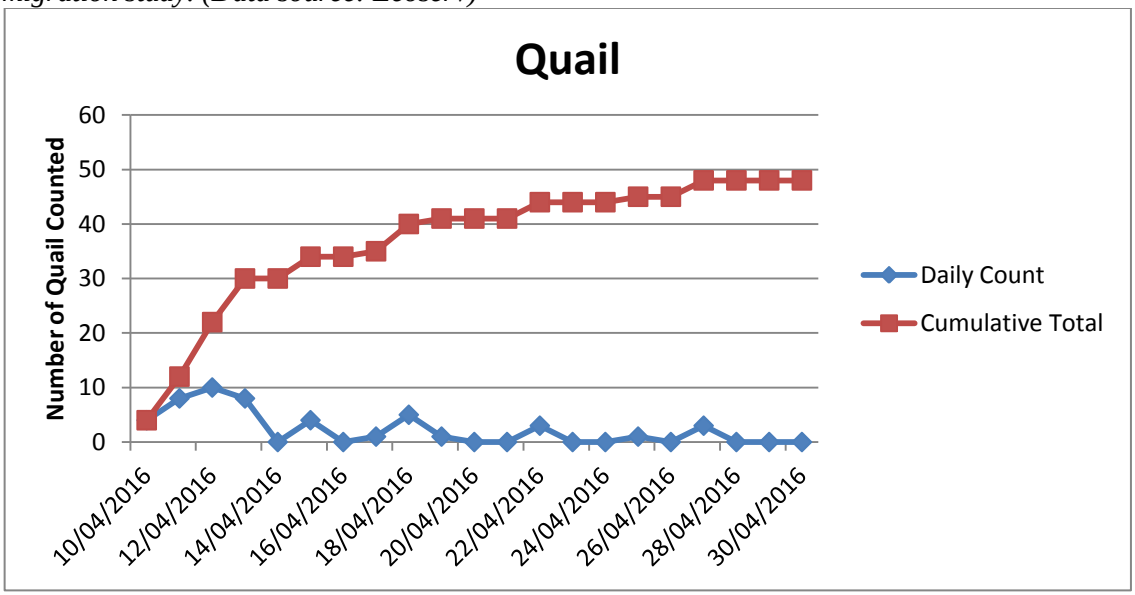
Figure 17: Total daily counts of Turtle Dove compiled through the spring migration study 2016. (Data source: Ecoserv)



9.4 In the case of Common Quail, daily counts at different sites varied from a minimum of 0 to a maximum of 4 whereas the total daily counts varied from a minimum of 0 to a maximum of 10 (Table 10 and Figure 18). The daily mean counts recorded during the period 10 – 30 April 2016 (2016 survey) are overall lower than those obtained in 2009 (Thomaidis, nd) but comparable to those obtained in 2008 (Thomaidis, nd), 2012, 2013, 2014 and 2015 (Ecoserv, 2012; 2013; 2014; 2015) 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 2016 survey.

The grand mean recorded during the spring 2016 survey is lower than that recorded during most of the previous surveys, but slightly higher than that recorded during spring 2015. The results of ANOVA indicated that the counts of Common Quail from the 2016 survey were not significantly different from those recorded during 2013, 2014 or 2015, although they were significantly lower ($p < 0.05$) compared to those from 2012.

Figure 18: Total daily counts of Common Quail compiled through the spring migration study. (Data source: Ecoserv)

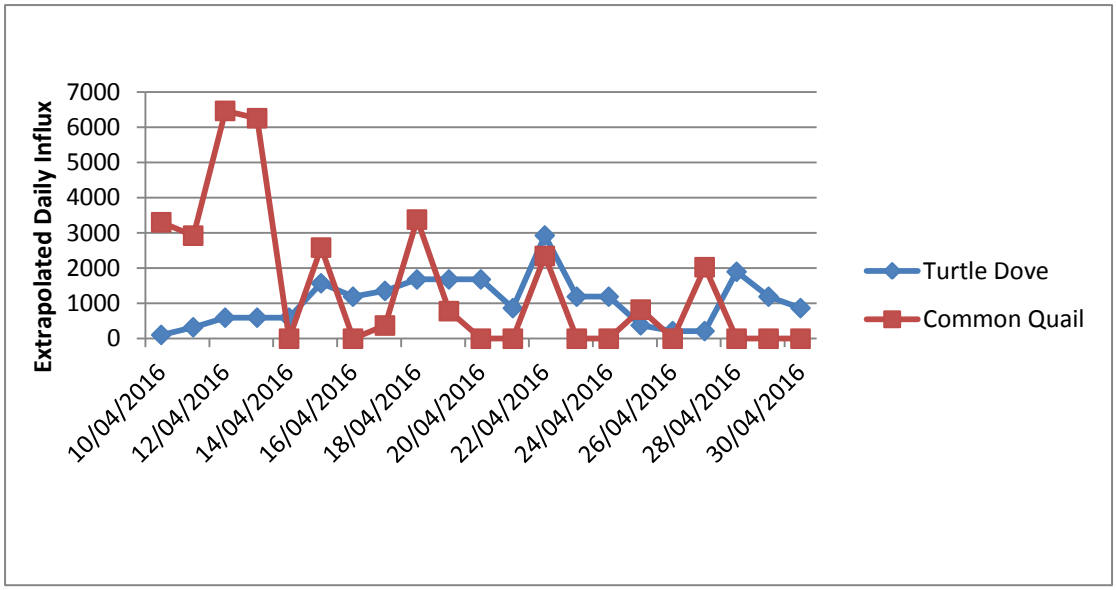


9.5 The data from the survey was extrapolated to obtain an estimate of the total number of *Streptopelia turtur* and *Coturnix coturnix* that may have migrated over Malta on each day of the study period (Table 9 and Figure 19). Whilst it is emphasised that these estimates should be treated with caution, given inherent limitations and assumptions which are detailed in the spring migration report, mean daily influxes calculated from the study are approximately 1,064 Turtle Dove per day and 1,489 Quail per day. The figures of 22,349 Turtle Dove and 31,266 Quail are derived from estimated total seasonal influxes (over the survey period) (Ecoserv, 2016). Daily estimated influxes of Turtle Dove varied between a low of 108 individuals (on 10 April) and a high of 2,929 individuals (on 22 April), whilst those for Quail varied from a low of 0 (on 14, 16, 20,21, 23, 24, 26, 28, 29 and 30 April) to a high of 6,463 (on 12 April).

9.6 The total estimated influx of 22,349 Turtle Doves is less than the corresponding estimate for 2015 (n=25,006), 2014 (n=24,922), 2013 (n=42,521) and 2012 (n=57,160) but higher than the corresponding estimate for 2011 (n=18,057). The estimated total influx of 31,266 Quail in 2016 is higher than the corresponding estimated influx in 2015 (n= 20,211) and 2011 (n=22,699) but lower than the corresponding estimate influx in 2014 (n=37,771), 2013 (n=67,460) and 2012 (n=35,018).

Table 12: Estimated influxes of migratory individuals (Data source: Ecoserv)		
Date	**Total extrapolated daily influx**	
	Turtle Dove	**Quail**
Sunday, 10 April 2016	108	3303
Monday, 11 April 2016	325	2923
Tuesday, 12 April 2016	597	6463
Wednesday, 13 April 2016	597	6255
Thursday, 14 April 2016	597	0
Friday, 15 April 2016	1573	2585
Saturday, 16 April 2016	1193	0
Sunday, 17 April 2016	1356	375
Monday, 18 April 2016	1682	3380
Tuesday, 19 April 2016	1682	782
Wednesday, 20 April 2016	1682	0
Thursday, 21 April 2016	868	0
Friday, 22 April 2016	2929	2346
Saturday, 23 April 2016	1193	0
Sunday, 24 April 2016	1193	0
Monday, 25 April 2016	380	826
Tuesday, 26 April 2016	217	0
Wednesday, 27 April 2016	217	2028
Thursday, 28 April 2016	1899	0
Friday, 29 April 2016	1193	0
Saturday, 30 April 2016	868	0
Total	**22,349**	**31,266**

Figure 19: Extrapolated daily influxes of Turtle Dove and Common Quail, compiled through the spring migration study. (Data source: Ecoserv)



10. Comparison between migratory study data & telephonic reports

10.1 In order to validate the reporting system, data obtained from the telephonic reports during spring derogation period (17–30 April) was compared with the counts and estimates generated through the 2016 spring migration study during the same period.

10.2 The spring 2016 migration study recorded a peak influx of Turtle Dove on 22 April 2016 (n=54). For Quail, the spring migration study did not record any major migration peaks during the period of the derogation (Quail peaked in the days prior to opening of the season, between 10 and 14 April). Migration observation trends for both species generally correlate well with game reporting trends, except during last three days of the season when higher numbers of bagged Quails and Turtle Doves were reported.

10.3 Figures 20 and 21 provide a comparison between the trend lines for Turtle Dove and Quail.

Figure 20: Comparison of the number of Turtle Doves reported shot through the game telephonic reporting system with the extrapolated observed number of Turtle Dove during the spring migration study. (Data source: Wild Birds Regulation Unit /Ecoserv, 2016)

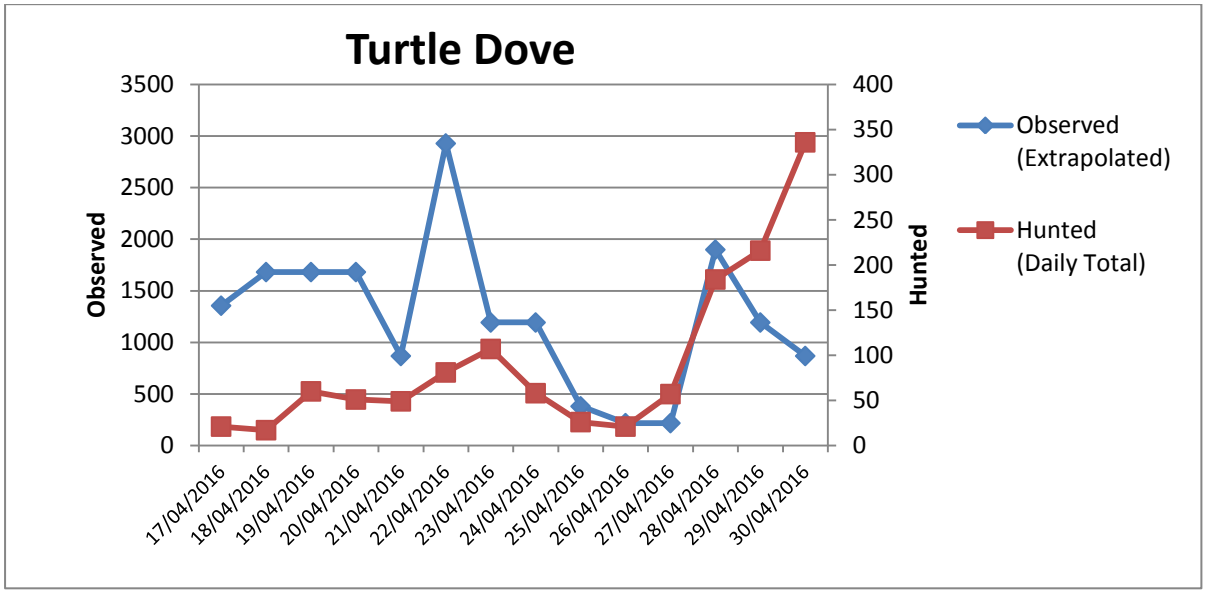
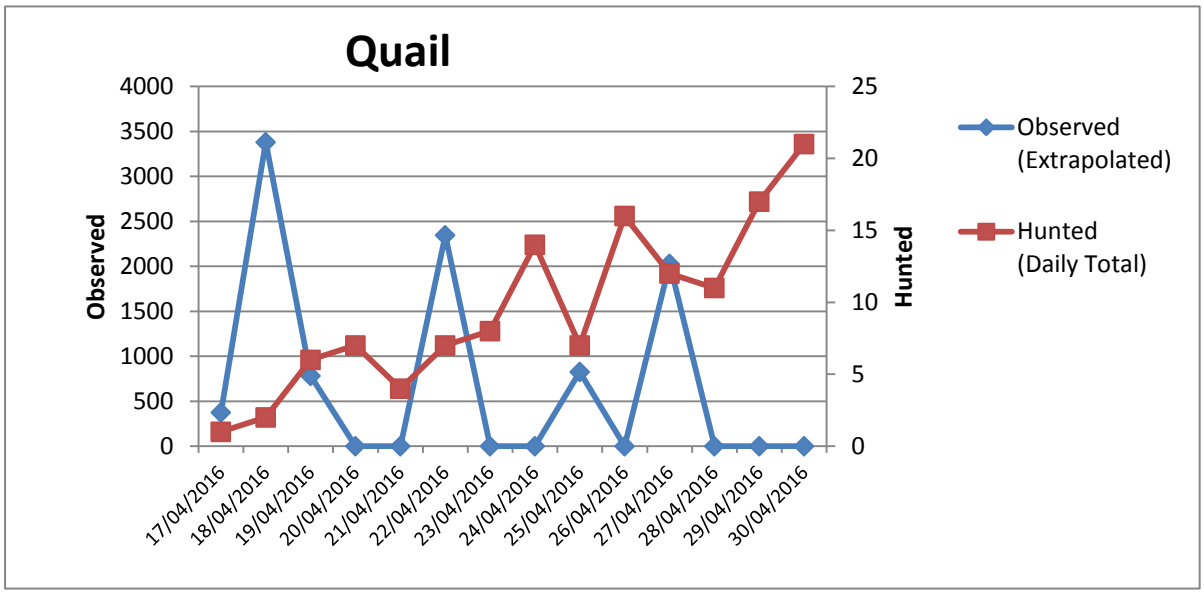


Figure 21: Comparison of the number of Quails reported shot through the game telephonic reporting system with the number of Quails counted during the spring migration study. (Data source: Wild Birds Regulation Unit /Ecoserv, 2016)



11. Enforcement

11.1 During the 2016 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 described in Malta's report on the outcome of the 2015 spring hunting derogation, was already unprecedented in terms of its intensity.

11.2 The Framework Regulations (S.L. 549.57[17]) stipulate that a minimum of seven (7) enforcement officers for every 1,000 licensed hunters are required to be deployed. A total of 9,252 hunters were in possession of a spring hunting licence in 2016 (noting that of these, 66 licenses were unclaimed) and therefore 64 enforcement personnel were needed in accordance with national legislation to supervise the derogation period (roughly 54 officers in Malta and 19 in Gozo). However, as was also the case in 2015, 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.

11.3 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.

11.4 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. Two training sessions were held: one on 11 April 2016 in Malta and another on 12 April 2016 in Gozo. In all, around 70 members of enforcement personnel participated in this training, during which they 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

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

Figure 22: Police training seminar in Gozo



Figure 23: Police training seminar in Malta



11.5 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 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 through telephonic game reporting system, etc).

11.6 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 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.

11.7 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.

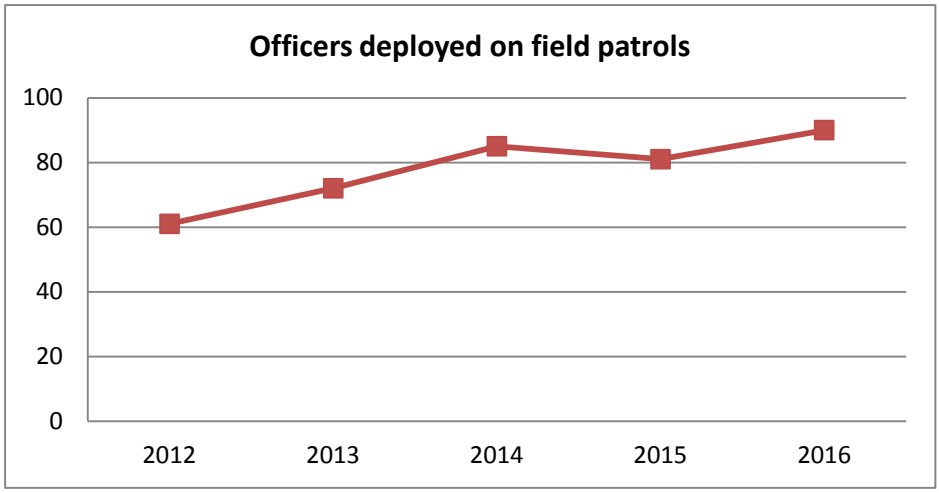
11.8 During inspections, police forces were responsible for ensuring the lawful operation of hunting practices. Police officers were, *inter alia*, instructed to:

- Verify that hunters were in possession of all requisite documents;
- Verify that birds caught were being immediately reported in accordance with regulations;
- Ensure compliance with the provisions of the Conservation of Wild Birds Regulations (S.L. 549.42), including through appropriate handling of firearms and the Framework Regulations (S.L. 549.57[18]) and the Regulations opening the spring 2016 season (S.L. 549.57[19]);
- Ensure that no species, other than Turtle Dove and/or Quail, were being hunted;
- Ensure compliance with bag limits and time restrictions.

11.9 During the period of the derogation, an overall daily field complement reaching up to around 90 officers (78 in Malta and 12 in Gozo) was deployed. Daily field deployment consisted of a complement that ranged between 45 and 53 officers (37 – 41 officers in Malta and 8-12 officers in Gozo) deployed during morning shift[20] and between 37 and 49 officers (33-37 officers in Malta and 4-12 officers in Gozo) during afternoon shift.

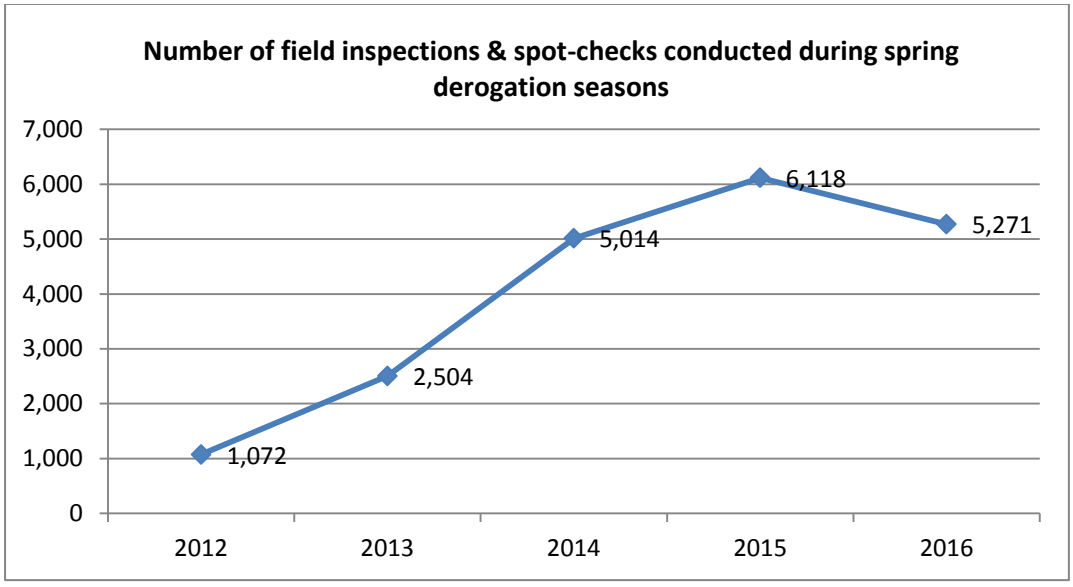
[18] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11570&l=1
[19] http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12044&l=1
[20] In Malta, enforcement officers operated on a two-shift basis: 0500 – 1330 and 1330 – 2130, whilst in Gozo, shift roster followed different pattern: numbers of officers varied between 0500 - 0700; 0700 - 1800 and 1800 – 2000 periods. In Malta peak number of officers was deployed during the morning shift (0500 and 1330) whilst in Gozo, the highest number of officers on the beat was deployed between 0700 and 1800.

Figure 24: Comparison of number of officers deployed during the Spring hunting season over the years



11.10 During the period of the derogation, between 17th April and 30th April 2016 when the season was open, field officers carried out a total of 3,719 field inspections (2,856 in Malta and 863 in Gozo) and 1,552 spot-checks on individual hunters (1,078 in Malta and 474 in Gozo), which cumulatively amounts to 5,271 inspections and spot-checks.

Figure 25: Comparison of number of field inspections and spot checks performed during the spring hunting seasons over the past 5 years



Source: Wild Birds Regulation Unit / Malta Police Force, 2016

11.11 In the course of these inspections and spot-checks, the officers disclosed a total of 9 offences (4 in Malta and 5 in Gozo), which led to legal action being taken against 5 persons (3 in Malta and 2 in Gozo). This represents half the number of offences disclosed during 2015 season (18) and almost one third of the number of persons charged (14) with offences committed in spring 2015.

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

Date	Number of officers deployed 0500-1330 (Malta)	Number of officers deployed 0500-1330 (Gozo[21])	Number of officers deployed 1330-2130 (Malta)	Number of officers deployed 1330-2000 (Gozo)	Number of field inspections conducted (patrols / visits to specific areas)		Number of spot-checks on individual hunters		Offences detected (number of cases and nature of offence)		Number of persons charged	
					Malta	Gozo	Malta	Gozo	Malta	Gozo	Malta	Gozo
17-Apr	38	8 to 12	37	4 to 12	204[22]	26	116	29	0	0	0	0
18-Apr	39	8 to 12	34	4 to 12	204	92	68	30	0	0	0	0
19-Apr	37	8 to 12	36	4 to 12	204	14	109	49	0	0	0	0
20-Apr	39	8 to 12	36	4 to 12	204	92	59	59	0	One person found to be in possession of ammunition & hunting after season's hours	0	1
21-Apr	39	8 to 12	35	4 to 12	204	29	67	39	0	One person found not reporting game caught	0	1
22-Apr	39	8 to 12	35	4 to 12	204	91	109	39	0	0	0	0
23-Apr	38	8 to 12	36	4 to 12	204	38	96	40	0	0	0	0
24-Apr	38	8 to 12	35	4 to 12	204	90	66	37	One person caught hunting within prohibited distances	0	1	0
25-Apr	40	8 to 12	33	4 to 12	204	23	69	30	0	0	0	0
26-Apr	39	8 to 12	35	4 to 12	204	83	66	30	0	0	0	0
27-Apr	39	8 to 12	34	4 to 12	204	38	73	32	One person caught hunting within prohibited distances	Illegal trapping[23]	1	0
28-Apr	41	8 to 12	34	4 to 12	204	97	41	26	0	0	0	0
29-Apr	38	8 to 12	37	4 to 12	204	33	91	17	One person caught hunting without a license + shooting protected species (pigeon)	Illegal trapping[24]	1	0
30-Apr	37	8 to 12	36	4 to 12	204	117	48	17	0	0	0	0
Total					2856	863	1078	474	4	5	3	2

Table 13 –Enforcement deployment and offences detected during 2016 spring hunting season / Source: Wild Birds Regulation Unit / Malta Police Force, 2016

[21] Enforcement in Gozo followed different shift pattern to that in Malta and the hours shown in table for Gozo are indicate to allow direct comparison with Malta. Between 0500 and 0700 eight officers were deployed daily. Between 0700 and 1800, the number of officers increased to 12. Between 1800 and 2000, the number of officers was reduced to 4.

[22] A total of 52 localities were visited and surveyed by patrolling teams at least twice during each shift in Malta on each day of the season.

[23] Following report from CABS, Gozo Police with assistance from the Wild Birds Regulation Unit located and dismantled three illegal cage trap installations targeting the Turtle Dove. 68 live Turtle Doves were seized, 51 of which were immediately released. Despite investigations, the offenders were not identified.

[24] CABS and Gozo Police, with assistance from the Wild Birds Regulation Unit, located and dismantled another three illegal cage trap installations targeting the Turtle Dove. 41 live Turtle Doves were seized and immediately released. Despite investigations, the offenders were not identified.

11.13 The table below (Table 14) compares the number and nature of the offences detected during 2016 spring hunting season with the corresponding statistics for 2012, 2013 2014 and 2015 seasons.

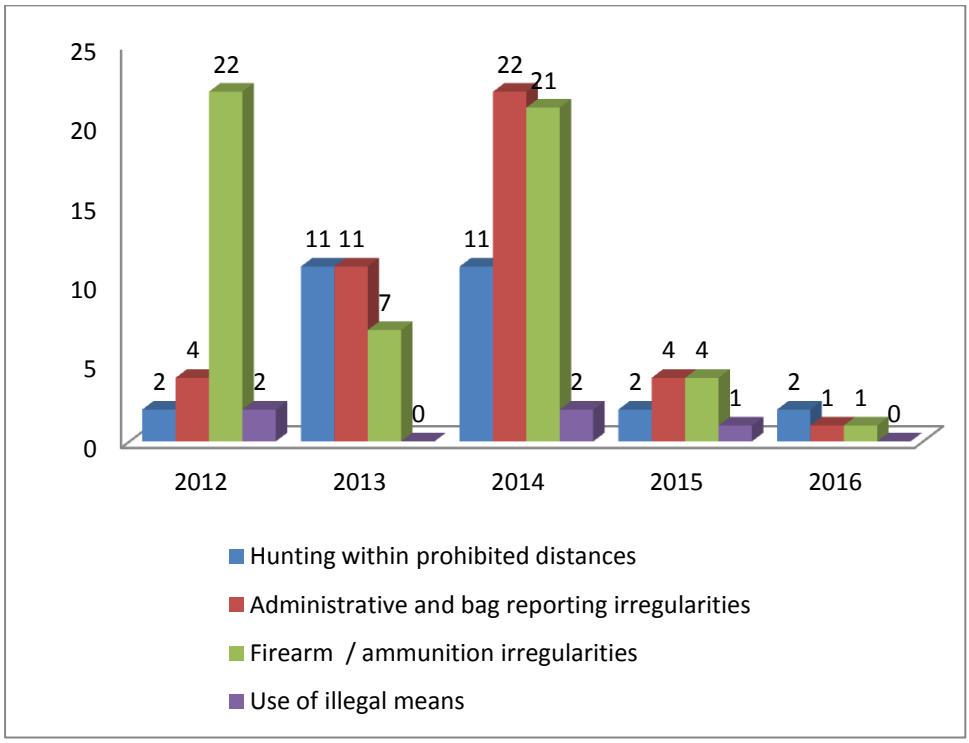
Table 14: Comparison of offences disclosed during 2012 – 2016 spring hunting seasons

Offences disclosed during spring hunting seasons	**2012**	**2013**	**2014**	**2015**	**2016**
Hunting within prohibited distances	2	11	11	2	2
Administrative and bag reporting irregularities	4	11	22	4	1
Firearm / ammunition irregularities	22	7	21	4	1
Use of illegal means	2	0	2	1	0
Illegal trapping of protected birds	11	3	5	2	2[25]
Illegal shooting of protected birds	2	3	2	3	1
Possession of protected species	5	1	1	2	0
Hunting in protected areas	0	4	2	0	0
Hunting without a valid licence	10	10	2	0	1
Hunting during the closed season	6	3	1	0	1
Total disclosed offences	**64**	**53**	**69**	**18**	**9**

Source: Wild Birds Regulation Unit / Malta Police Force, 2016

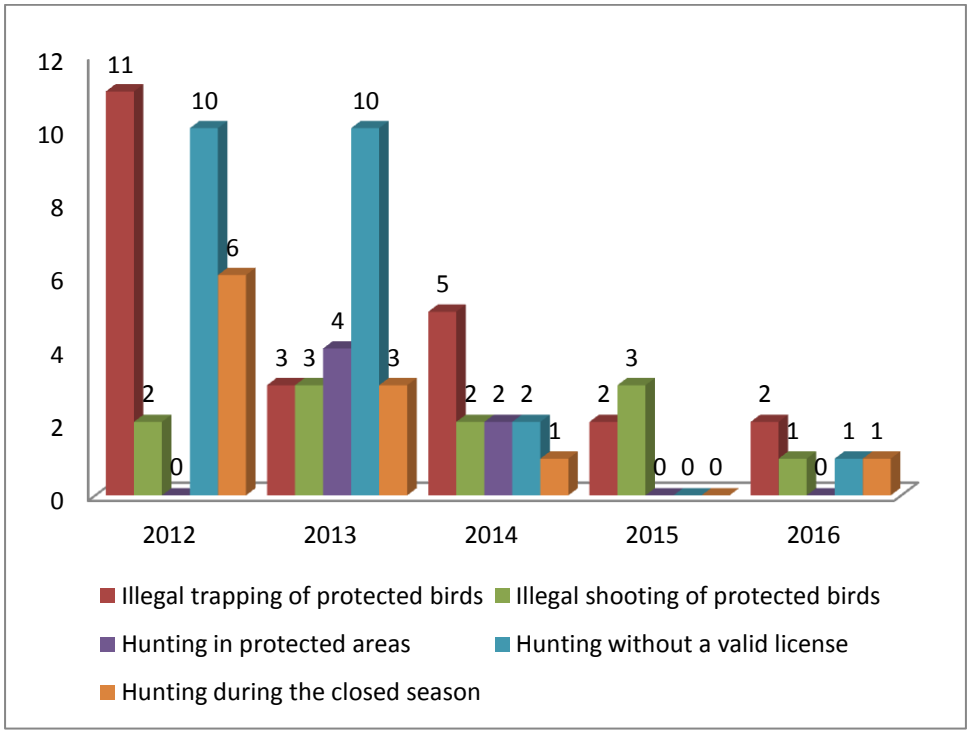
[25] Two illegal trapping installations targeting Turtle Doves were identified and dismantled in two separate operations. Live birds were seized and released. Although suspects in these two offences have not been identified, both offences were confirmed and are thus included in statistics.

Figure 26: Analysis of the trends pertaining to disclosure of relatively minor offences spring hunting seasons over the past five years



Source: Wild Birds Regulation Unit / Malta Police, 2016

Figure 27: Analysis of the trends pertaining to disclosure of major offences during the spring hunting seasons over the past five years



Source: Wild Birds Regulation Unit / Malta Police, 2016

11.14 Additionally to enforcement deployment by the authorities, around 52 hunting marshals were deployed by the Federation for Hunting and Conservation (FKNK) to assist the authorities in surveillance, whilst *Kaċċaturi San Ubertu (KSU)* deployed around 18 observers monitoring the extent of migration and also assisting the authorities in the detection and reporting of any observed illegalities. Furthermore, 22 volunteers from the Committee Against Bird Slaughter (CABS) and an unspecified number of Birdlife (Malta) volunteers also maintained a close watch for any irregularities throughout the season.

11.15 In respect of the offences detected during the 2016 spring hunting season, criminal proceedings are being undertaken against four persons, whilst the fifth person was subject to administrative fine for non-reporting a Turtle Dove caught through telephone system in accordance with Schedule VIII of the Conservation of Wild Birds Regulations (S.L. 549.42).

11.16 By the date of compilation of this report (31/05/2016), one criminal case involving possession of ammunition in the field after season's permitted hours (offence occurred in Gozo at 1.45pm on 20/04) was decided by the Court on 31/05/2016 and resulted in the accused being found guilty and sentenced to a €2,000 fine, confiscation of ammunition, and two year suspension of his hunting license.

12 Conclusions

12.1 The application of the 2016 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 stakeholders.

12.2 As a result of these processes, the decision to apply the derogation was made after ascertaining that there is no other satisfactory solution, and that the following critical prerequisites will be met:

- 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.

12.3 Although it was noted that the conservation status of Turtle Dove has been **re-classified as "Near Threatened" at EU level**, it was also noted that, in the absence of any scientific data that would otherwise indicate that Malta's limited and strictly supervised derogation can have any detectable negative impact on the population dynamics and status of the Turtle Dove within reference range, or, in any manner, worsen such status or prevent its restoration to favourable[26], **the further restrictive measures enacted by Malta in line with the precautionary principle in 2016 were designed to ensure that any potential impact of the 2016 spring hunting derogation on the population status of the species concerned would effectively be <u>ruled out</u> due to *de minimis* nature of the derogation and its strict parameters.**

12.4 Therefore, pursuant to this aim and further to the recommendation of the Malta Ornis Committee on 25 February 2016, the Government enacted the following measures,

[26] Reference is made to Case 342/05 *Commission v. Finland*, where the question was whether the Finnish government could apply derogations for the hunting of wolves from populations that were listed as strictly protected under the EU Habitats Directive. The European Court of Justice concluded that "the grant of such derogations remains possible by way of exception where it is duly established that they are not such as to worsen the unfavorable conservation status of those populations or to prevent their restoration at a favorable conservation status" (See paragraph 29).

through the publication of two Legal Notices[27], which stipulated the following **additional** restrictions:

- **Season's length was shortened** to a two week period between 17 and 30 April, a reduction of 7 days from the maximum of three weeks allowed under the Framework Regulations;
- **Permitted hunting hours were reduced** from two hours before sunrise until two o'clock in the afternoon (2pm) during weekdays, to two hours before sunrise until noon on all days, which represents a reduction of two hours on each weekday;
- The national spring quota for Turtle Dove has been **reduced from the maximum of 11,000 birds to 5,000 birds**, a reduction of more than half the previous national quota which is well below the 1% of annual mortality rate of reference populations.

11.17 In addition to these measures, in order to further reduce what is already the EU's smallest share of Turtle Dove uptake, Malta has **reduced the autumn hunting season** for this species from five months (previously between 1st September and 31st January of the following year) to the month of September only, through the publication of Legal Notice 77 of 2016.[28] This Legal Notice stipulates that the one-month autumn hunting season for Turtle Dove shall be subject to a **new statutory maximum national quota** of 7,000 birds.

11.18 Based on the above, the 2016 spring overall bag limit was thus set at 5,000 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.

11.19 Relatively poor extent of migration, as confirmed through independent scientific study, coupled with the major restrictions on the hunting effort, resulted in the maximum national bag limits for the two species **not being reached by a wide margin.**

[27] Legal Notice 89 of 2016 (available online: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27472&l=1) and Legal Notice 90 of 2016 (available online: http://environment.gov.mt/en/Document%20Repository/WBRU/LN%2090.pdf)

[28] Legal Notice 77 of 2016 (available online: http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=27460&l=1)

12.5 Throughout the period of this derogation, the Maltese authorities ensured that all parameters of the derogation were met in practice. Supervision on the ground was ensured through deployment of appropriately trained and suitably equipped field officers who **maintained extremely high intensity of field patrols and spot-checks on individual hunters** at the level comparable to level of inspections conducted during 2014 and 2015 spring hunting seasons.

12.6 The overall personnel complement tasked with supervising 2016 derogation was the **largest ever deployed during a spring hunting season in Malta.**

12.7 The above efforts paid off in terms of further consolidating progress attained in previous years and sustaining a further reduction in the incidence of violations of the law. Indeed the 2016 spring hunting season was **characterised by the lowest ever number of illegalities disclosed**.