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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
Strasbourg, 3-6 December 2013

Complaint in stand-by

PRESUMED ILLEGAL KILLING OF BIRDS IN MALTA

REPORT BY THE GOVERNMENT

*Document prepared by
the Ministry of Tourism, Culture and the Environment, Malta*

GOVERNMENT OF MALTA RESPONSE TO COMPLAINT LODGED BEFORE THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERN CONVENTION) BY MS. RACHELLE ADAM

Malta wishes to draw the attention of the Convention Secretariat to the following observations:

Complaint statement 1:

“I am submitting a complaint regarding the bird killing on Malta by Maltese nationals during the spring migratory season, apparent violations of articles 6-9 of the Bern Convention by the Maltese government”.

Malta submits the following status of implementation of articles 6-9 of the Convention:

Article 6

Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species:

- a all forms of deliberate capture and keeping and deliberate killing;*
- b the deliberate damage to or destruction of breeding or resting sites;*
- c the deliberate disturbance of wild fauna, particularly during the period of breeding, rearing and hibernation, insofar as disturbance would be significant in relation to the objectives of this Convention;*
- d the deliberate destruction or taking of eggs from the wild or keeping these eggs even if empty;*
- e the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, where this would contribute to the effectiveness of the provisions of this article.*

Malta notes that the provisions of Articles 6-10 of the Bern Convention are implemented in Malta through the [Conservation of Wild Birds Regulations](#) (LN79/06 as amended). These Regulations, together with the [Flora, Fauna and Natural Habitats Protection Regulations](#) (LN311/06 as amended) provide the main legal framework for the implementation of the Bern Convention, as well as transpose into Maltese national legislation the corresponding EU Nature Directives, including Directive 2009/147/EC on the Conservation of Wild Birds.

The Conservation of Wild Birds Regulations provide for the protection in Malta of all species of naturally occurring birds in the wild state in the European territory of the Member States of the European Union.

Moreover, it is to be noted that provisions have been included in these Regulations which prohibit the following activities:

- a. the hunting or taking of protected birds¹;
- b. the deliberate disturbance to any protected bird during the period of breeding and rearing;
- c. the hunting, taking, destruction, damage or removal by any means of any bird nest and their eggs;
- d. the taking of eggs from the wild of any protected bird and the keeping of such eggs (even if empty);
- e. the import or export, sale, transport for sale, keeping for sale or offering for sale of live or dead birds or any recognisable parts or derivatives of protected birds².

¹ It should be noted that the Regulations provide for the legal hunting and taking of huntable bird species in Malta, under strictly controlled and supervised conditions, in the context of a derogation from the EU Birds Directive where applicable. It should further be noted that none of the species which can be hunted or trapped in Malta are listed under Appendix II of the Bern Convention.

For further information, a consolidated version of the Conservation of Wild Birds Regulations, 2006 may be viewed through the following link:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11548&l=1>

Furthermore, these Regulations also allow for the prosecution of any person who fails to comply with or acts in contravention of any provision of these Regulations. Upon conviction such person may be liable to a variety of penalties including fines ranging from €232.94 to €9,317.49, the confiscation of the *corpus delicti*, suspension or permanent revocation of the licence or permit and/or imprisonment (of not less than two months but not exceeding two years).

Article 7

- 1 *Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the protection of the wild fauna species specified in Appendix III.*
- 2 *Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger, taking into account the requirements of Article 2.*
- 3 *Measures to be taken shall include:*
 - a *closed seasons and/or other procedures regulating the exploitation;*
 - b *the temporary or local prohibition of exploitation, as appropriate, in order to restore satisfactory population levels;*
 - c *the regulation as appropriate of sale, keeping for sale, transport for sale or offering for sale of live and dead wild animals.*

All species of birds which may be hunted or taken under Maltese legislation (vide footnote 1) are either listed under Appendix III of the Bern Convention or not listed in any of its Appendices (e.g. *Columba palumbus* and *Sturnus vulgaris*). The Conservation of Wild Birds Regulations establishes a closed season, time restrictions and entry restrictions (i.e. sites/areas where hunting/ trapping is prohibited). For more detailed information of such restrictions one may view the consolidated version of the Conservation of Wild Birds Regulations.

Moreover, it is to be noted that the Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations (LN221/10 as amended) established bag limits for the hunting of the turtle dove and quail during a spring season, whilst the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (LN303/12) established bag limits and for live-capturing of the golden plover and song thrush during an autumn season. Such quotas do not exceed 1% of the total annual mortality of the species concerned and also take into consideration the conservation status of the species and the maintenance of the populations at a satisfactory level.

As mentioned previously, the import or export, sale, transport for sale, keeping for sale or offering for sale of live, or dead birds, or any recognisable parts or derivatives of birds protected under the Maltese Regulations is prohibited.

Article 8

In respect of the capture or killing of wild fauna species specified in Appendix III and in cases where, in accordance with Article 9, exceptions are applied to species specified in Appendix II, Contracting Parties shall prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species, and in particular, the means specified in Appendix IV.

The provisions of the Conservation of Wild Birds Regulations also prohibit a number of means and methods of killing or capturing wild birds including the following:

² This provision is, however, not applicable with respect to those species in Annex III of the Birds Directive.

- a. snares, limes including birdlime, poisonous or stupefying bait, hooks or any similar substances or methods;
- b. any electrocuting devices
- c. any artificial light sources, mirrors, devices for illuminating targets or any sighting devices for night shooting comprising an electronic image magnifier or image converter;
- d. any gas, or any electric or electronic device, especially the use of pre-recorded bird calls;
- e. nets³, including those known as ranja, mist-nets and any type of vertical net;
- f. any kind of cage-trap, whether with a net or not;
- g. explosives and
- h. semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition.

Moreover, the Regulations prohibit persons from holding any fire-arm which is loaded or outside its case, and from pursuing / hunting / taking any birds whilst in or on any motor vehicle or aircraft.

Furthermore, regulation 19 of the Conservation of Wild Birds Regulations establishes time restrictions for hunting or taking activities. Regulation 20 contains several provisions related to the welfare of captive birds, whilst regulation 22 provides restrictions on permissible size of lead shots.

Article 9

- 1 *Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned:*
 - *for the protection of flora and fauna;*
 - *to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;*
 - *in the interests of public health and safety, air safety or other overriding public interests;*
 - *for the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding;*
 - *to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.*
- 2 *The Contracting Parties shall report every two years to the Standing Committee on the exceptions made under the preceding paragraph. These reports must specify:*
 - *the populations which are or have been subject to the exceptions and, when practical, the number of specimens involved;*
 - *the means authorised for the killing or capture;*
 - *the conditions of risk and the circumstances of time and place under which such exceptions were granted;*
 - *the authority empowered to declare that these conditions have been fulfilled, and to take decisions in respect of the means that may be used, their limits and the persons instructed to carry them out;*

³ In Malta, birds may only be live-captured using traditional nets known as clap-nets which are solely operated by human intervention without the use of electrical, electronic or mechanical means. Such nets, however, should not in any case exceed 37.81 square meters nor have a mesh size smaller than 30 x 30mm.

– *the controls involved.*

Article 9 of the Bern Convention lays down the provisions concerning the application of exceptions from the requirements laid down in Articles 4, 5, 6, 7 and from the prohibitions of the use of the means mentioned in Article 8 and the reporting of such exceptions. However, the Bern Standing Committee notes that the “European Community states do not need to report on exceptions regarding birds, as the European Community will cover that obligation for all its member States.”⁴

In this context, Malta would like to note that the Maltese legislation providing for the legal hunting and taking of bird species in Malta, under strictly controlled and supervised conditions, is established in the context of a derogation from the EU Birds Directive, where applicable, and hence takes into account the provisions of Article 9 of the Bern Convention.

Complaint statement 2:

“According to the CABS website “the consequences of hunting on Malta are catastrophic for many European migrant bird species.”

Malta rejects the unfounded assertion that *“the consequences of hunting on Malta are catastrophic for many European migrant bird species.”* To the contrary, there is a wealth of scientific evidence that such an assertion is totally incorrect.

In Malta, the local huntable species, which are also listed as huntable under Annex II of the EC Birds Directive, are predominately migratory birds which do not breed in the Islands. In this regard, Thomaidis C.⁵ notes that migratory birds fly in a broad front over the Mediterranean and consequently huge passages over Malta are considered to be rare. In view of the fact that the bird passage over Malta is small, the hunting opportunities are consequently limited.

Furthermore, Moreau (1953), in discussing migration over the Maltese Islands, notes that there was lack of evidence in favour of high concentrations of small birds. Gibb (1951) also concludes that birds in the Maltese islands were seldom present in such numbers as to suggest that the Islands receive any concentrated stream passing on a narrow front. Moreau (1961) cites Steinbacher (1954, 1955) who conducted an extensive study of bird migration in Sicily and concluded that migrant birds did not concentrate extensively on Sicily any more than they do on Malta.

Therefore, it can be concluded that Malta receives only a small fraction of the birds that travel along a broad front over the Mediterranean. De Lucca (1969) also supports this view by stating that several species were present on most days on the Maltese islands, but spectacular passages were scarce and irregular.

The notion of limited hunting opportunities in Malta, such as in respect of Turtle dove and Quail, has also been confirmed by the Court of Justice of the European Union in its judgment on Case C-76/08 *Commission v Malta* which held that *“Having regard to those very specific circumstances, hunting for quails 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”*. .

In this respect, it should be noted that spring hunting in Malta is subject to a stricter regime of control than that provided for in the Conservation of Wild Birds Regulations cited above, and is in fact also subject to the provisions of the Conservation of Wild Birds ([Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail](#)) Regulations (LN221/10 as amended) as applicable.

⁴ Quote extracted from the *Updated Model Form for Biennial Reports*.

⁵ Thomaidis C. (nd) Study of the Migration Patterns of Turtle Dove *Streptopelia turtur* and Quail *Coturnix coturnix* over the Maltese Islands. Final Report. Technological Education Institute of Lamia, Department of Forestry and Management of Natural Environment, Karpenisi, Greece.

Specific provisions in this regard provide that:

- If during any particular autumn hunting season the number of bagged Turtle Doves and Quails reaches a specific limit then Malta would not apply a derogation to allow hunting during the following Spring season;
- If a spring hunting season is declared open, a national spring hunting limit is set for each species. This limit is calculated taking into consideration the 1% overall annual mortality of the individual bird species concerned (Turtle Dove or Quail) with a view to ensure that the conservation status of the species concerned and their population is maintained at a satisfactory level;
- Spring hunting may only be allowed for the hunting of the Quail and Turtle Dove;
- Spring hunting is only allowed by virtue of a Special Spring Hunting Licence, issued against a payment of a fee;
- A daily bag limit and a seasonal bag limit is set in respect of each Spring Hunting Licence;
- If a Spring hunting season is declared open it shall be for a maximum of three weeks in April;
- Spring hunting would only be allowed to take place from Monday to Friday from two hours before sunrise till three o'clock in the afternoon and on Saturdays from two hours before sunrise to noon. No hunting would be allowed on Sundays and public holidays;
- Each licensee is obliged to wear an identification armband bearing the licence number and to carry the Spring Hunting Licence with him whilst in search or pursuit of birds;
- Each licensee is obliged to inform the Authorities by means of a text messaging service (sms) as soon as a bird is shot;
- For every one thousand hunters in possession of a Spring Hunting Licence, a minimum of seven police officers and, or hunting marshals would be on duty during all hours for which a spring hunting season is open. (Outside these hours at least two police officers and, or, hunting marshals for every one thousand licensed hunter, would be on duty during the hours of daylight);
- The Police will be assisted by hunting marshals as may be necessary who shall continue to carry out on-the-spot checks until at least four weeks following the start of a spring hunting season, in order to prevent illegal hunting. Following the closure of a spring hunting season, for every one thousand Spring Hunting Licences issued that year, a minimum of three police officers and, or hunting marshals shall be on duty during the hours of daylight.

The Government remains committed to ensure strict enforcement of the mentioned rules. The supervisory regime is probably unparalleled in other EU Member States suffice it to note that at times, particularly during the period of spring hunting derogation, almost 10% of the on-duty police force on the Maltese Islands is in some way involved in the monitoring of hunting activities. Records of prosecutions and convictions for hunting-related offences over the past years show that these Regulations are implemented and enforced effectively and offenders are brought to justice.

Complaint statement 3:

“Birds such as the Honey Buzzard and the Golden Oriole, which migrate twice a year over the Maltese islands, show a dramatic population decline in the northern habitats.”

Both the Honey Buzzard (*Pernis apivorus*) and the Golden Oriole (*Oriolus oriolus*) are not listed in Schedule II of the Conservation of Wild Birds Regulations, 2006 and consequently the hunting and killing of such species in Malta is prohibited. The *Pernis apivorus* is also listed in Schedule I of these Regulations and therefore, the illegal hunting of this species is subject to stricter penalties, which include higher fines and/or the permanent revocation of the hunting licence.

Moreover, the ‘Policy Guidelines for Hunting and Trapping of Birds in Malta’ issued by the Government in August 2011 give due consideration to the ecological conditions and the protection of birds of prey. In particular, such guidelines state that *“The duration and daily time-table for any open season must ensure the safe-passage of protected bird species. In this context, account must be taken*

of the fact that the peak raptor migrations over Malta normally occur in the month of May and in the second half of September (15- 30 September)⁶”.

The Government has consistently condemned without reservation any incident of illegal hunting. However, as in any other area of law enforcement, there may be individuals who break the law.

The Police Administrative Law Enforcement Unit routinely deploys around 43 officers in the field to monitor hunting activities. These officers received specialised training and are adequately equipped to monitor the situation and prosecute any individuals contravening the law. These officers are further assisted by district police units and mobile squads, which are also involved in the monitoring of hunting activities and conducting field inspections. It is estimated that at times over 10% of all on-duty police officers are in some way involved in enforcing hunting regulations.

Moreover, hundreds of volunteers from dozens of NGOs, both foreign and local, monitor spring and autumn bird migrations in the field and cooperate with the authorities in case of detection of illegalities.

In recent years, the Government has revised the legal and policy framework in relation to hunting in Malta. Penalties for hunting offences have been doubled since 2007 and are today amongst the harshest in Europe. Persons convicted of hunting offences may face penalties that range from revocation of licence and confiscation of weapons and other *corpus delicti* to fines and imprisonment.

Whilst hunting is recognised as a legitimate activity under EU and national law, and is indeed practised in all EU Member States, it is subject to strict controls. Such controls include bag limits and quotas, assessment of conservation status of species that may be hunted, restrictions pertaining to time and place, safety controls, and a range of reporting requirements. These are being implemented and constantly monitored by the competent authorities. In order to ensure that enforcement is continuously improved, the Government maintains ongoing liaison with a wide range of stakeholders and works together with the various authorities including those related to law enforcement in order to further improve the effectiveness of enforcement.

Complaint statement 4:

Almost all migrant birds legally hutable on Malta are in the meantime on the German Red List of endangered species and the Golden Plover, Lapwing and Skylark are critically endangered,”

The Golden Plover (*Pluvialis apricaria*), Lapwing (*Vanellus vanellus*) and the Skylark (*Alauda arvensis*) are all listed in Appendix III of the Bern Convention and consequently hunting may be allowed for these species as long as such exploitation “*shall be regulated in order to keep the populations out of danger, taking into account the requirements of Article 2.*” (Article 7.2 of the Bern Convention).

In this regard, these species may be legally hunted in Malta in view of the fact that this is provided for in Annex II (Part B) of Directive 2009/147/EC on the Conservation of Wild Birds. Such hunting may only be allowed provided that the requirements set by the Conservation of Wild Birds Regulations (LN79/06 as amended) and the Arms Act (Cap. 480 of the Laws of Malta are adhered to.

It must also be noted that since the species in question are listed in the above mentioned Annex they may be hunted in a number of European countries. Hence according to the Directive the species in question may be hunted in the following Member States:

- *Golden Plover*: Belgium, Denmark, Greece, France, Ireland, Malta, Netherlands, Romania and the United Kingdom
- *Lapwing*: Belgium, Denmark, Greece, Malta, Spain, France, Ireland and Italy.

⁶ In view of this, in recent years hunting was not permitted after three o'clock in the afternoon between the 15th September and the 30th September. Furthermore, Framework Regulations on spring hunting (Legal Notice 221 of 2010 as amended) allow hunting for 3 weeks in April only, in order for any spring hunting season which may be allowed not to coincide with peak raptor migrations during May.

- *Skylark*: Greece, France, Italy, Cyprus, Malta and Romania.

Complaint statement 5:

*The BirdLife Malta website indicates that “poachers (are) specifically targeting (birds of prey) and Herons as well as rare migratory birds such as Greater Flamingo *Phoenicopterus roseus*, Black Stork *Ciconia nigra* and Eurasian Spoonbill *Platalea leucorodia* among others.” The websites of these organizations also list white storks, great egrets, kestrels, lesser spotted eagles and others as victims of Maltese hunters. To the best of my knowledge all these birds are protected under the Bern Convention. Thus the by not taking appropriate and necessary measures to protect these birds the government of Malta is in apparent violation of articles 6-9 of the Bern Convention.*

All the above mentioned species are protected by law in Malta are all listed in Schedule I of the Conservation of Wild Birds Regulations and consequently, the illegal hunting of these species is subject to stricter penalties, which include higher fines and/ or the permanent revocation of the hunting licence.

Apart from such legal deterrents, Malta also boasts a specialised section in the Police Force which tackles wildlife crime. In addition, enforcement is increased during a spring hunting or autumn trapping season. During a spring hunting or autumn trapping season there will be a minimum of 7 police officials or marshals for every 1,000 licensed hunters or trappers respectively to monitor these bird related activities. In view of the very limited areas which are suitable for hunting and trapping Malta deems that such enforcement measures are adequate to control illegal activity with respect to birds to the maximum extent possible.

Complaint statement 6:

These species or some of them are also protected by the SPA and Biodiversity Protocol under the Barcelona Convention for the protection of the Mediterranean (Malta is a party), the CMS (Malta is a party), and the AEWA (Malta is not a party).

I am also trying to verify if illegal hunting and trapping of protected species take place within Malta's two Ramsar sites. And since elements of international trade in these birds are sometimes involved, the illegal trapping and hunting might also comprise violations of CITES.

Furthermore, the Maltese government's omissions in preventing this loss of global biodiversity are also violations of the Convention on Biological Diversity.

Malta rejects the claims of violation of these Conventions.

Complaint statement 7:

The European Court of Justice in 2009 issued a judgment against Malta determining that it was in violation of the European Bird Directive by allowing the hunting of skylarks and quail in the spring. In light of continued violations by the Maltese government the European Community is now considering returning to court against Malta and this time asking to impose fines on the Maltese government.

The judgment delivered by the Court of Justice of the European Union in Case C-76/08 *Commission vs Malta* recognises that the autumn hunting season does not provide a satisfactory solution to spring hunting for Quail and Turtle Dove in Malta: ‘Having regard to those very specific circumstances, hunting for quails 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’ (paragraph 63).

The judgment envisages the possibility of limited hunting of Turtle Dove and Quail under strictly supervised conditions in view of the specific circumstances prevalent in Malta.

The Government has, therefore, allowed a derogation in terms of the provisions of the EU Birds Directive for the spring hunting of a limited number of Turtle dove and Quail, under strictly supervised conditions, in 2010, 2011 and 2012.

A spring hunting season in Malta is subject to various measures and strict controls aimed at ensuring that the conservation status of the relevant species is not affected. The Regulations currently in force state that if during any particular autumn hunting season, the number of bagged Turtle Doves and Quails reaches a specific limit, then Malta would not apply a derogation to allow hunting during the following Spring season.

The Regulations also state that if a spring hunting season is declared open, a national spring hunting limits is set for each species. This limit is calculated taking into consideration the 1% overall annual mortality of the individual bird species concerned (Turtle Dove or Quail) with a view to ensure that the conservation status of the species concerned and their population is maintained at a satisfactory level.

The measures related to a spring hunting season are provided for in the Conservation of Wild Birds (Framework for allowing a derogation opening a spring hunting season for the Turtle Dove and Quail) Regulations (LN221/10, as amended). These Regulations ensure that any spring hunting season derogation in Malta fully respects the spirit and provisions of the EU Birds Directive and the judgment of the CJEU, whilst establishing adequate measures to ensure strict control and enforcement during any such season.

Malta maintains that bird related activities in Malta will continue to be regulated by the legal parameters of all relevant national, EU and international legislation. Malta states that such regulation in Malta shall continue to respect the rights of citizens engaged in the pursuit of legitimate activities whilst ensuring that biodiversity is conserved for the benefits of present and future generations.

Annex 1: Report on the implementation of Recommendation No. 5 (1986) of the Standing Committee on the prosecution of persons illegally catching, killing or trading in protected birds

(1) Recommendation to “ensure without delay, by the appropriate legal and administrative measures, the prosecution of persons illegally catching or killing birds or establishments commercialising live or dead protected bird”

The Conservation of Wild Birds Regulations (LN79/06 as amended) provide for the protection in Malta of all species of naturally occurring birds in the wild state in the European territory of the Member States of the European Union. These Regulations which transpose the EU Directive 2009/147/EC on the Conservation of Wild Birds, allow for the prosecution of a person who fails to comply or acts in contravention of any provision of these Regulations.

These Regulations initially provided for sanctions applicable to offences related to Schedule I of these Regulations (which lists bird species which must be the subject of special conservation measures concerning their habitat). These sanctions included:

- Fines for first time offenders ranging from €116.50 to €2,329.37;
- Confiscation of *corpus delicti*;
- Suspension of hunting licence from 1 year to 3 years;
- Second time offender fines (multi) ranging from €232.92 to €4,658.75;
- Confiscation of *corpus delicti*; and/or Imprisonment up to 2 years;
- Suspension of hunting licence for a minimum period of 1 year and maximum penalty of permanent revocation of licence / permit;

Sanctions applicable to hunting infringements related to birds not listed in Schedule 1 (that is, birds that can be hunted on land or at sea) included:

- First time offender fine (*multa*) ranging from € 116.50 to €2,329.37;
- Second time offender fine (*multa*) ranging from €232.92 to €2,329.37 and/or imprisonment for not more than 2 years;
- Suspension of hunting licence for a period of between 1 and 3 years.

These Regulations were subsequently amended in 2007 by LN39/07 to further increase the penalties for contravention with a view to making such penalties a stronger deterrent for bird related offences.

Sanctions applicable for offences related to birds listed in Schedule 1 were increased as follows:

- First time offender fine ranging from €232.92 to €4,658.75;
- Confiscation of *corpus delicti*;
- Suspension of hunting licence for a period of between 1 and 3 years.
- Second time offender fine €465.87 to €9,317.47;
- Confiscation of *corpus delicti* and/or imprisonment for a period of between 2 months and up to 2 years;
- Permanent revocation of any licence or permit, issued under these Regulations and under Part XV of the Code of Police Laws.

Sanctions applicable to birds not listed in Schedule I were increased as follows:

- First time offender fine ranging from €232.94 to €2,329.37;
- Suspension of hunting licence for 1 to 3 years;

- Second time offender fine from € 465.87 to € 4,658.75 and/or imprisonment for not more than 2 years.

The 2007 amendments also provide that any person who hunts after his licence has been permanently revoked shall, upon conviction, be liable to a fine of not less than €6,988.12 and not more than €13,976.24 and imprisonment of not less than one year and not exceeding two years.

Although the minimum penalty for first time offenders is of €232.94, Table 1 below which lists typical fines normally applied by Maltese courts in the case of hunting and trapping violations shows that the Courts have uniformly applied this minimum penalty only in the case of minor first-time hunting offences, whilst in other cases the penalty applied is invariably above the minimum stipulated by law.

Table 1 – Typical penalties applied by Maltese courts in respect of hunting and trapping offences⁷

Article	Type of charges	Typical fine (multa) in Euro applied by Maltese Courts
4(1)(a)	Hunting or trapping protected species	500
(b,c,d)	Hunting/trapping, taking of nests or eggs, disturbing protected birds	"
(e)	Possession of protected species	"
(f)	Possession of semi-protected birds	"
4(2)	Disposal of protected bird without permission	500
5(1)	hunt or attempt to hunt any birds other than those referred to in Schedule II	500
6(1)	sales, import, export of protected birds	500
7(1)(a)	Use of snares, limes including birdlime, poisonous or stupefying bait, hooks or any similar substances or methods	240
(b)	Use of any electrocuting devices	"
(c)	Use of artificial lights	"
(d)	Use of gas, bird caller	"
(e)	Use of nets, including those known as ranja, mist-nets, and any type of vertical net	"
(f)	Use of any kind of cage-trap, whether with a net or not	"
(g,h)	Use of decoy live birds held by any means except those held by cotton string and swivel	"
(i)	Use of decoys of protected birds	"
(j)	Use of explosives	"
(k)	Use of semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition	"
7(2)	No person shall sell, offer for sale, exhibit for sale or keep any device the use of which, is prohibited by sub regulation 7(1)	240
8(1)	Song birds not caught with traditional clap nets sized 37.81 square meters (405 square feet)	300
12(1)	Hunting or trapping without license	700
13(1)	License is not paid or renewed	300
14(1)	No person in search or in pursuit of birds shall enter any field, land, tenement or other enclosure belonging to or occupied by third parties against their consent	240
15	Hunting outside hunting season i.e. 2hrs before or after sunset or found in possession of firearm	300

⁷ This table lists typical penalties normally applied by Maltese Courts in respect of charges under the Conservation of Wild Birds Regulations, 2006. Actual penalties applied in specific cases vary depending on the severity of offence, the specific circumstances of each case, the presence of aggravating circumstances and other legal considerations.⁸ IUCN/SSC Guidelines For Re-Introductions: <http://www.iucn.org/themes/ssc/publications/policy/reinte.htm>

Article	Type of charges	Typical fine (<i>multa</i>) in Euro applied by Maltese Courts
16(a+b)	Carrying a firearm or hunting without carrying his identity card	240
17	Carrying a fire-arm which is loaded, or with cartridges in its magazine, or out of its case, Unless at a place where shooting of game is allowed.	240
18(1)(a)	during the closed season for the hunting of birds not at sea, hunt or attempt to hunt any bird, or carry ammunition or a fire-arm outside its case	500
(b)	during the open season for the hunting of birds not at sea, hunt or attempt to hunt any bird not included in Schedule II	500
(c)	during the closed season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird	400
(d)	during the open season for the taking of birds as may be permitted in accordance with these regulations, take or attempt to take any bird at sea	400
(e)	during the closed season for the hunting of birds at sea, carry while at sea (other than while crossing between Malta and Gozo by public transport), any ammunition or any fire-arm licensed for taking birds	500
(f)(i)	hunt or attempt to hunt, at sea, any bird which is not included in Part B of Schedule II	500
(f)(ii)(aa)	hunt or attempt to hunt at sea: within, or less than, three kilometres from the coastline, from a boat or any sea-craft	500
(f)(ii)(bb)	Beyond three kilometres from the coast from a boat or sea-craft which is being driven at more than 5 kilometres per hour	500
(f)(iii)	carry at sea, within a distance of three kilometers from the coastline, a fire-arm licensed for hunting game which is loaded, or has cartridges in the magazine, or is out of its case	500
(f)(iv)	hunt or attempt to hunt from any sea-craft which is not registered with the competent authorities	240
(f)(v)	hunt or attempt to hunt from any sea-craft unless in possession of a licence for that purpose from the Commissioner	240
(f)(vi)	Be in possession of birds not listed in Schedule II B	600
(f)(vii)	launch, and haul on land, sea-craft used for hunting birds at sea other than from those places indicated in the licence mentioned in subparagraph (v)	240
(g)	no person shall, while in or on any motor vehicle or aircraft, be in possession of any fire-arm which is loaded or outside its case, or go in pursuit of any bird, or hunt or attempt to hunt, take or attempt to take any bird	400
(2)(a)	To be within 200 meters distance from inhabited area and within 50meters from main roads	240
(b)	No person shall be in possession of any fire-arm, licenced for hunting game, which has a magazine capable of holding more than two shots at any time	240
19(1)	No person shall, between two hours after sunset and Time restrictions.two hours before sunrise of the next following day, hunt or attempt to hunt, take or attempt to take any bird by any means, or carry a fire-arm which is loaded, or out of its case	400
(2)	No person shall hunt or attempt to hunt any bird by any means on Sundays and Public Holidays after 1 o'clock in the afternoon (1.00 p.m).	400
20(a)	keep or confine any bird whatsoever in any cage or other receptacle which is less than 250mm in height, 250mm in length and 150mm in breadth, and which, considering the size of the bird, is not large enough to permit the bird to stretch its wings freely	240
(b)	promote, permit, assist or take part in any event whatsoever in the course of which captive birds are liberated for the purpose of being shot at on their release	"

21(1)	no person shall stuff or mount any bird or act as a taxidermist, whether for commercial purposes or for a personal purpose, or be in possession of tools, chemicals or other equipment which is used or is normally used for taxidermy, without a licence issued by the Director.	500
(2)	No taxidermist shall mount or stuff any bird except those which are included in Schedule III.	500
(3)	Every taxidermist shall keep a register in which he shall clearly indicate against the date of entry the owner of any bird or birds, his address and identity card number, the type of species of bird or birds to be stuffed, which details are to be endorsed by the owner himself.	240
(4)	Any bird found in the possession of a taxidermist in contravention of sub regulation (3) shall be deemed to be the sole property of such taxidermist	500
(5)	Without prejudice to the provisions of regulation 9, it shall not be lawful for any person to possess any stuffed bird or birds whose species is not included in Schedule III and which have not been registered with the Section within the time prescribed in sub regulation (6)	600
(6)	Possession of stuffed birds not registered	600
22	No person shall sell, offer for sale, carry, be in possession of, hunt or use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter.	300
23	Bird ringing not in accordance with these regulations	240
24	Hunting activity in any designated bird sanctuary	600
27(d)	conspires or attempts, or aids, abets, counsels or procures any other person to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any provision of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under these regulations	400

(2) Recommendation to “ensure without delay, by the appropriate legal and administrative measures, the promotion of education of hunters and the general public and the dissemination of information on the need to conserve wild birds and their habitats”

Malta has implemented an extensive framework of legal and administrative measures, and undertaken a number of information and education initiatives to promote conservation of wild birds and their habitats.

Amongst other measures, the Government has implemented a system whereby applicants for a hunting licence are forwarded a detailed information leaflet, which explains the Regulations concerning hunting and also provides pictorial illustrations of all those avifauna species which are allowed to be hunted on land and/or at sea.

Moreover, applicants for licences pertaining to bird activities are asked to sit for an examination to determine their knowledge on the safe carrying of fire-arms, their ability to identify birds and their knowledge on the Regulations concerning the conservation of wild birds. A licence is provided only if the applicant shows sufficient awareness and understanding of the Regulations in question and is able to demonstrate, through such examination that he is able to identify different bird species.

With respect to the promotion of education to the general public and the dissemination of information on the need to protect wild birds and their habitats, the Maltese Authorities have undertaken a number of initiatives to promote awareness and the value of species and habitats which occur in Malta.

Initiatives, have varied from articles in local newspapers, information panels, dissemination of information through television programmes and the organisation of educational tours

Moreover, the website of the Malta Environment and Planning Authority (MEPA) www.mepa.org.mt includes sections on species, habitats, data management, nature protection

legislation, nature protection policies, protected areas, nature publications and reports, and biodiversity permitting.

MEPA has also prepared a leaflet on Natura 2000 for distribution during seminars and other events. Posters on protected bird species, available in digital format on the MEPA website, are also distributed to interested parties. A series of bookmarks and coasters depicting important Maltese species have also been produced by MEPA. These have been widely distributed free of charge. The coasters have also been distributed to local bars and restaurants.

A number of national seminars, addressed to relevant stakeholders and also to the public in general have been held over the past years in relation to the Birds and Habitats Directives and related policy. These included, amongst other, a national seminar on Natura 2000, a seminar on the protection of marine habitats and species (including sea-birds) and two seminars on financing Natura 2000. Various other stakeholder meetings or workshops have been held under the auspices of projects funded by the EU or private companies were carried out in the period 2007-2012.

A number of other seminars and workshops have also been organised as part of a Natura 2000 twinning project. A series of five half-day workshops have also been held with different sectors of stakeholders, also as part of this twinning project. These covered various topics including hunting, agriculture, tourism and fisheries. A national seminar on Natura 2000 in Malta was also held in 2007.

Moreover, various seminars and workshops were also held in the period between 2008 and 2012 in relation to a number of EU funded projects on birds, such as the LIFE+ Garnija and the LIFE+ Gawdihom Hielsa projects.

Continuous discussions take place between the Maltese authorities and the relevant NGOs, including BirdLife Malta and FKNK (the local Federation of Hunters and Trappers), which are also both represented at the national Malta Ornis Committee, which was established by the Conservation of Wild Birds Regulations specifically to provide a forum for such discussions on policy related to the conservation of wild birds.

ANNEX 2 - EUROPEAN CHARTER ON HUNTING AND BIODIVERSITY

3.1 | Principle 1 – Favour multi-level governance that maximises benefit for biodiversity conservation and society

3.1.2.1 Regulators and managers:

a) Take into consideration the international, national, regional and local – as appropriate - conservation status of fauna and flora;

The national Policy Guidelines for Hunting and Trapping of Birds in Malta (issued by the Government in August 2011) take due consideration of the applicable national, EU and international policy instruments concerning conservation of wild birds and their habitats. Government decisions concerning hunting and live-capturing activities are guided by these policy guidelines, as well as by the applicable national legislative framework, in particular the Conservation of Wild Birds Regulations (LN79/06 as amended) which transpose the relevant EU legislation. These decisions also take into consideration recommendations made by the Malta Ornis Committee. Moreover, Regulations currently in force provide for the application of hunting/live-capturing derogations to be allowed in Malta only following due consideration of the conservation status of the species concerned and the maintenance of the population of these species at a satisfactory level.

Moreover, Regulation 3 of the Conservation of Wild Birds Regulations provides that, when necessary, special conservation measures may be adopted for the conservation of bird species which are listed in Schedule I (which corresponds to Annex I of the EU Conservation of Wild Birds Directive 2009/147/EC) as well as for regularly occurring migratory species not listed in Schedule I. Consideration would be given, in particular to i) those species in danger of extinction, ii) species vulnerable to specific changes in their habitats, iii) species considered rare because of small populations or restricted local distribution and iv) other species requiring particular attention for reasons of the specific nature of their habitat.

In addition within protected areas, measures to achieve or maintain favourable conservation status are set by establishing conservation objectives which are achieved through implementing conservation measures according to management plans.

b) Encourage the creation of policies and structures that reduce conflicts and create synergies between hunting and other conservation interests, reward best practices (e.g. with subsidies or privileges), and regulate against malpractice;

The establishment of the Malta Ornis Committee aims at promoting dialogue between hunting and avifauna conservation interests. The functions of this Committee (established by virtue of LN79/06, as amended and composed of members of organisations representing hunters, as well as members of organisations working for the protection of avifauna, and independent experts) include making recommendations to the Government on the establishment of policies and conditions in relation to hunting and the enforcement of avifauna regulations and the management of protected areas.

The principle of creating synergies is also addressed through the National Environment Policy (NEP) and the National Biodiversity Strategy and Action Plan (NBSAP), where the latter includes a measure for outreach to farming, fisheries and aquaculture cooperatives, as well as hunting associations, to help foster new partnerships and new projects or other collaborative work in support of biodiversity.

In relation to the Convention on Biological Diversity (CBD) Malta has incorporated the provisions of this global treaty in the

	<p>Convention on Biological Diversity (Incorporation) Regulations (Legal Notice 160 of 2002). The main tool for Parties to implement this Convention at a national level is by establishing and implementing National Biodiversity Strategies and Action Plans (NBSAPs) in accordance with Article 6 of the CBD. Malta's NBSAP entitled "Working Hand-in-Hand with Nature" was adopted following Cabinet's approval in November 2012. The NBSAP covers the illegal capture and killing of protected species, including birds. Relevant provisions of the NBSAP include the following:</p> <ul style="list-style-type: none"> - A strict protection regime is in place, in line with requirements of the EU Nature Directives, and which incorporates measures to address the <u>illegal and the incidental capture and killing of protected species</u>, including those that are migratory. - The <u>regulation of capture and killing of protected species</u> builds on sustainability principles and is in line with provisions of national law and the EU Nature Directives. This is ensured via the better regulation initiative and also in light of conservation status assessments. - Outreach to farming, fisheries and aquaculture cooperatives, as well as hunting associations, helps to foster new partnerships and new projects or other collaborative work in support of biodiversity. - Environmental illegalities such as, but not limited to, the illegal alteration of water flows that is detrimental to freshwater-dependent biodiversity, illegal land conversion, as well as the illegal capture and killing of species, are addressed through strengthened enforcement and corrective action.
<p>c) Ensure that the policies and structures accommodate local cultural demands (i.e. multiple use) and ecological conditions as well as higher-level policy;</p>	<p>National policy and regulations in relation to conservation of wild birds take due account of local socio-cultural and ecological conditions.</p> <p><i>Socio-Culture Conditions</i></p> <p>The Government believes that the local countryside belongs to everyone and this principle is reflected in the national Policy Guidelines for Hunting and Trapping of Birds in Malta which state that "<i>The Maltese countryside belongs to everyone and measures should ensure its rightful enjoyment by families and children. The time schedules of hunting and trapping seasons should reflect this principle. In particular, hunting and trapping activities on Sunday and public holidays will continue to be strictly limited. Account may also be taken of school holidays.</i>" In line with such principles hunting activities are generally prohibited on Sundays and public holidays after one o'clock in the afternoon whilst no hunting activity is allowed on Sundays and public holidays during derogation periods.</p> <p><i>Ecological Conditions</i></p> <p>Concerning the accommodation of policies for ecological conditions, the same Guidelines mentioned above also provide that "<i>Hunting is allowed for the species listed in Annex II of the Birds Directive as long as it is ensured that hunting does not jeopardise conservation efforts in the distribution of the species concerned.</i>" and that moreover "<i>The duration and daily time-table for any open season must ensure the safe-passage of protected bird species. In this context, account must be taken of the fact that the peak raptor migrations over Malta normally occur in the month of May and in the second half of September (15- 30 September)</i>"</p>

	<p>The latter provision is implemented through legislation governing the duration and other conditions of the autumn hunting season, published prior to the opening of the autumn hunting season each year, which prohibits hunting activities between 15th and 30th September after three o'clock in the afternoon in order to safeguard the passage of migrating birds of protected species.</p> <p>In case of limited hunting in spring, which is only permitted through a derogation from the EU Birds Directive under strictly supervised conditions specified in the Conservation of Wild Birds (Framework for Allowing Derogation for the Opening of Spring Hunting Season for Turtle Dove and Quail) Regulations (LN221/10) migration of birds is monitored through an independent ornithological study that covers the period during and immediately following such derogation.</p> <p>In addition, areas which are deemed to be essential for the conservation of birds have been protected and declared as bird sanctuaries and no hunting (or trapping) is allowed within such sites.</p> <p>Additionally, as part of protected area management, the management planning process ensures that stakeholder participation is achieved to establish and discuss issues that may pertain to the protected area or to the measures that are proposed to be implemented.</p>
<p>d) Audit for regulatory or other incentives that are detrimental for conservation of biodiversity, and remove, neutralise or compensate for them.</p>	<p>Regulatory measures having impact on biodiversity conservation objectives are subject to regular reviews. Such review mechanisms are in-built within Malta's national plans and policies dealing with the protection of the environment in general and biodiversity conservation in particular. In 2012 a Cabinet sub-committee on the environment has been established specifically to monitor and periodically review the implementation of the National Environment Policy at the highest level. A Parliamentary Environment Committee is also active in reviewing the effectiveness of existing environmental regulatory mechanisms.</p> <p>Review mechanisms are also embedded within Malta's NBSAP. Furthermore, an ambitious management planning exercise is presently underway to ensure 100% management planning coverage for all terrestrial Natura 2000 sites by the end of 2013. This project involves a comprehensive review of the present situation, including regulatory measures in relation to biodiversity, and the development of measures specifically designed to address any deficiencies. All management plans and other management instruments that will be developed as a result of this exercise will also incorporate audit and review mechanisms.</p>
<p>3.1.2.2 Hunters and hunting tour operators:</p>	
<p>a) Assist authorities at all levels to develop and promote incentives for conserving biodiversity through sustainable use;</p> <p>b) Strive at all levels to attain maximum conservation benefit through hunting.</p>	<p>In accordance with Maltese legislation, in particular under the Conservation of Wild Birds Regulations no person may hunt or take birds without a valid licence issued by the Maltese authorities. The licence is renewable on a yearly basis and the holder must be a member of recognised local hunting organisation in order to obtain such renewal. This ensures that each hunter must be properly insured against any accident and must abide by further conditions which the hunting organisation concerned might impose to further</p>

	<p>complement the hunting regulations.</p> <p>The hunting organisations/associations in Malta have their own disciplinary regulations. They promote programmes to prevent accidents and generally promote self-regulation and discipline. They also actively encourage responsible behaviour while members are engaged in hunting/trapping activities. One of the more important provisions in these self-discipline regulations of the main officially recognised hunting organisations/associations is that if a member is found guilty by the Courts of Law of having acted illegally or of criminal or unruly behaviour while hunting/trapping such member's membership is immediately suspended (or in serious cases terminated). In the case of termination of membership, the relevant members are deprived of all the privileges of membership, including the important right of seeking renewal of the yearly hunting/trapping licence.</p>
3.2 Principle 2 – Ensure that regulations are understandable and respected	
3.2.2.1 Regulators and managers:	
<p>a) Formulate simple, flexible, and logical regulations which address biological principles, (inter)national policy, the socio-economic context, as well as reasonable stakeholder concerns and expectations;</p>	<p>The main legislation aimed at protecting avifauna in Malta is the Conservation of Wild Birds Regulations which, apart from transposing the Directive 2009/147/EC on the Conservation of Wild Birds, also implement the Bern Convention and integrate the local Policy Guidelines for Hunting and Trapping of birds in Malta.</p> <p>National regulators endeavour to ensure that stakeholders fully understand local regulations through diverse means, such as through the information leaflets sent to new applicants of hunting licences or the issuance of press releases concerning new legislation.</p> <p>As mentioned previously, Malta also has a national Ornithology Committee (which includes amongst others, members of hunting organisations, as well as members of organisations representing persons working for the protection of avifauna, apart from independent experts on avifauna and hunting) which acts as a platform to help address the various stakeholder concerns. Moreover, its members include representatives of the most relevant stakeholder organisations, who subsequently update the other members of these organisations accordingly.</p> <p>All legitimate stakeholders are encouraged to participate in the management planning process within protected areas.</p>
<p>b) Impose only those restrictions on methods and means which can be justified from the standpoint of conservation and that will be easily understood by stakeholders;</p>	<p>Hunting and live-capturing activities in Malta are subject to a number of control measures provided for in legislation, particularly in the Conservation of Wild Birds Regulations (as amended). The Maltese legal framework imposes <i>inter alia</i> restrictions on the types of methods and equipment that may be utilised under strict supervision during any live-capturing derogations, as well as a range of restrictions applicable to hunting. For example, the limited hunting derogation in spring is only applied subject to a number of restrictions being met, including restrictions on time and place where hunting can take place, the requirement for hunters to apply for special spring hunting licence, the requirement for licensed hunters to wear special identification arm bands, individual daily and seasonal bag limits, the monitoring of the uptake of the bag via an SMS system and through <i>Carnet de Chasse</i> reporting, legal provision related to enforcement and the presence of enforcement personnel in the field, as well as an independent ornithological</p>

	<p>monitoring of bird migration. These restrictions and requirements are enshrined in legislation through the Conservation of Wild Birds (Framework for Allowing a Derogation Opening Spring Hunting Season for turtle Dove and Quail) Regulations (Legal Notice 221 of 2010 as amended). In the case of live-capturing activities additional restrictions concerning permitted methods and place restrictions also apply, such as the prohibition of live-capturing activity on <i>garigue</i> habitats within Natura 2000 sites. The above restrictions have been developed following extensive consultation with stakeholders, including with the European Commission, as well as with the representatives of hunting organisations and bird watching associations. Legal parameters which any derogation allowed for autumn trapping must adhere to are enshrined in legislation through the Conservation of Wild Birds (Framework for Allowing Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations (Legal Notice 303 of 2012). The restrictions and conditions are communicated to the members of the hunting community via seminars organised by hunting associations, as well as through the publication of press releases and written information supplied to each hunter by the competent authority together with the <i>Carnet de Chasse</i> and any special licence where applicable.</p>
<p>c) Have transparent regulatory processes that allow for the active participation of hunters and other stakeholders;</p>	<p>The national Malta Ornis Committee established by LN79/06 (as amended) provides a transparent platform for exchange of legal, scientific and technical information amongst a variety of stakeholders represented on this Committee. The Committee is instrumental in the assessment and due consideration of a variety of technical, policy and legal issues pertaining to the conservation of wild birds. The Committee also fulfils the important role of making recommendations to the Government on a wide array of issues ranging from conservation status of particular species to conditions of hunting seasons as well as recommendations on enforcement or legislative proposals. The decision-making processes of the Committee are governed by the Conservation of Wild Birds Regulations.</p> <p>In addition to the work of the Malta Ornis Committee, the Government maintains ongoing dialogue with a range of environmental organisations as well as with the hunting associations. Regular meetings are held with these NGOs, whereby a variety of policy issues and proposals are discussed.</p>
<p>d) Favour forensic law enforcement technologies that motivate minimal-effort compliance; e) Create regulations that can be adapted to local governance and enforcement needs.</p>	<p>The Administrative Law Enforcement Police (ALE Unit) in conjunction with officers from other sections in the Police Force are instructed to concentrate on enforcing bird related legislation during the hunting/trapping seasons. Another important duty of the Police is to prevent any illegalities during the season, thus giving importance to preventive measures. As at November 2012, this Unit consisted of 18 field officers on patrol, 4 officers in administration in Malta and 4 field officers on patrol in Gozo. These officers receive specialised training and are adequately equipped to monitor hunting/trapping seasons and prosecute any individuals contravening the law. Amongst other equipment, the ALE has 11 patrol vehicles and 10 patrol boats at their disposal. The ALE officers are further assisted by district police units, which are also involved in the monitoring of hunting activities and conducting field inspections. During the periods of spring hunting derogations, the capacity of the ALE is further boosted up to a 43-strong complement. In fact it is estimated that at times almost 10% of all on-duty police officers in Malta are in some manner involved in enforcing hunting or live-capturing regulations. The officers are deployed in uniform and in marked vehicles so as to make them</p>

	easily recognisable in order to give, as already stated, importance to the preventative aspect of enforcement measures. In addition, officers and vehicles are provided with all means of modern communication systems to allow for quick transmission of information between officers, Head Quarters, and patrols on land and sea.
3.2.2.2 Hunters and hunting tour operators:	
a) Assist in development and acceptance of effective regulations;	<p>In accordance with Maltese legislation, in particular under the Conservation of Wild Birds Regulations no person may hunt or take birds without a valid licence issued by the Maltese authorities. The licence is renewable on a yearly basis and the holder must be a member of recognised local hunting organisation in order to obtain such renewal. This ensures that each hunter must be properly insured against any accident and must abide by further conditions which the hunting organisation concerned might impose to further complement the hunting regulations.</p> <p>The hunting organisations / associations in Malta have their own disciplinary regulations. They promote programmes to prevent accidents and generally promote self-regulation and discipline. They also actively encourage responsible behaviour while members are engaged in hunting/trapping activities. One of the more important provisions in these self-discipline regulations of the main officially recognised hunting organisations/associations is that if a member is found guilty by the Courts of Law of having acted illegally or of criminal or unruly behaviour while hunting/trapping such member's membership is immediately suspended (or in serious cases terminated). In the case of termination of membership, the relevant members are deprived of all the privileges of membership, including the important right of seeking renewal of the yearly hunting/trapping licence.</p> <p>The Maltese authorities hold regular meetings with FKNC (Federazzjoni Kaċċaturi Nassaba Konservazzjonisti), the federation of Maltese hunters, to discuss measures which would ensure the acceptance and implementation of the regulations established and to encourage self-regulation.</p>
b) Follow and encourage respect for all rules and regulations pertaining to hunting, conservation measures (including protected areas), and private property;	
c) Embrace self-regulation where possible;	
d) Assist in preventing and reporting poaching.	
3.3 Principle 3 – Ensure that harvest is ecologically sustainable	
3.3.2.1 Regulators and managers:	
a) Implement adaptive management strategies for sustainable harvest and maintaining populations at optimal levels relative to ecological and socio-economic carrying capacity and objectives;	<p>In accordance with the Policy Guidelines for Hunting and Trapping <i>“Hunting is allowed for the species listed in Annex II of the Birds Directive as long as it is ensured that hunting does not jeopardise conservation efforts in the distribution of the species concerned.”</i></p> <p>The judgment delivered by the Court of Justice of the European Union (CJEU) in Case C-76/08 <i>Commission vs Malta</i> recognises that the autumn hunting season does not provide a satisfactory solution to spring hunting for Quail and Turtle Dove in Malta: <i>‘Having regard to those very specific circumstances, hunting for quails 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’</i> (paragraph 63).</p> <p>The judgment envisages the possibility of limited hunting of Turtle Dove and Quail under strictly supervised conditions in view of the specific circumstances prevalent in Malta.</p> <p>The Government has therefore allowed a derogation in terms of the</p>

	<p>provisions of the EU Birds Directive for the spring hunting of a limited number of Turtle dove and Quail, under strictly supervised conditions, in 2010, 2011 and 2012.</p> <p>A spring hunting season in Malta is subject to various measures and strict controls aimed at ensuring that the conservation status of the relevant species is not affected. The Regulations currently in force state that if during any particular autumn hunting season, the number of bagged Turtle Doves and Quails reaches a specific limit, then Malta would not apply a derogation to allow hunting during the following Spring season.</p> <p>The Regulations also state that if a spring hunting season is declared open, a national spring hunting limits is set for each species. This limit is calculated taking into consideration the 1% overall annual mortality of the individual bird species concerned (Turtle Dove or Quail) with a view to ensure that the conservation status of the species concerned and their population is maintained at a satisfactory level.</p> <p>The measures related to a spring hunting season are provided for in the Conservation of Wild Birds (Framework for allowing a derogation opening a spring hunting season for the Turtle Dove and Quail) Regulations (Legal Notice 221 of 2010, as amended). These Regulations ensure that any spring hunting season derogation in Malta fully respects the spirit and provisions of the EU Birds Directive and the judgment of the CJEU, whilst establishing adequate measures to ensure strict control and enforcement during any such season.</p> <p>Similarly, the national bag limits for the live-capturing of the Golden Plover and Song Thrush, which is only permitted subject to strict conditions under a derogation from the EU Birds Directive are calculated taking into consideration the 1% overall annual mortality of the individual bird species concerned to ensure that the conservation status of the species concerned and their population is maintained at a satisfactory level. These and related measures are established in the Conservation of Wild Birds (Framework for allowing a derogation opening an Autumn live-capturing season for Song Thrush and Golden Plover) Regulations (LN303/12).</p>
<p>b) Ensure that management plans and/or measures have clear objectives that take into account the behaviour and ecology (including predation and seasonal effects) and the long-term conservation status of wild species. These plans and/or measures should also consider the possible effects of harvest strategies and other measures on ecosystems, species populations and society. Management plans and/or measures need provisions to ensure proper implementation, monitoring and updating.</p>	<p>A number of sites have been designated as Special Protection Areas under the EU Wild Birds Directive in view of their importance to locally breeding species such as <i>Calonectris diomedea</i>, <i>Puffinus yelkouan</i> and <i>Hydrobates pelagius</i>. Such designated sites afford the protection to a significant percentage of the Maltese populations of these species.</p> <p>Moreover, some sites have been declared as Sites of Community Importance (SCIs) and as Special Areas of Conservation (SACs) by virtue of the Flora, Fauna and Natural Habitats Regulations. The Management planning exercise for Special Protected Areas and SCIs / SACs is currently on-going and all terrestrial sites that have been declared as Natura 2000 sites should have conservation objectives and conservation measures through the setting up of legal provisions and/or management plans by 2014.</p>
<p>c) Seek to avoid and mitigate negative impacts on species and/or habitats where possible, and optimise management of ecosystem components to the benefit of biodiversity and society;</p>	<p>Another function of the Ornithological Committee is to make recommendations on the diverse issues which may negatively impact avifauna; such as the adverse chemical pollution on population levels and the introduction of any species of birds which do not naturally occur in the European territory of the Member States.</p>

	<p>Moreover, in general, for plans or projects which are not directly connected with or necessary to the management of the SAC's but which are likely to have a significant effect on the habitats or species for which the SACs/SCIs have been designated, an appropriate assessment would need to be carried out.</p> <p>Furthermore, the management planning process for protected areas is based on the ecosystems based management principle and encourages stakeholder participation.</p> <p>At present, the Malta Environment and Planning Authority is undertaking a significant management planning exercise that involves delivering 100% management planning coverage for all terrestrial Natura 2000 sites in Malta. A €3.4 million EU-funded project is intended to deliver a comprehensive management framework compiled with participation of all stakeholders by the end of 2013.</p>
<p>d) Ensure that harvest by resident hunters and hunting tourists is addressed in management plans;</p> <p>e) Cooperate with hunters to develop and apply methods for simple and effective monitoring and management of populations, habitats and ecosystem services;</p>	<p>Stakeholder involvement is considered a key issue in the management of sites and is a key component of the ongoing management planning process. Biodiversity monitoring is implemented through a range of national studies and projects. These amongst other include spring migration studies for Turtle Dove and Quail, as well as specific studies concerning particular species such as Yelkouan Shearwater.</p> <p>Malta notes that it does not have any hunting tourism and that such tourism is not envisaged by any national policy.</p>
<p>f) Cooperate with neighbouring and flyway administrative authorities to properly manage and conserve transboundary populations where appropriate;</p>	<p>Two Special Protected Areas are managed by BirdLife Malta, who also carries out monitoring of birds which have been ringed outside of Malta as well as carrying out ringing of birds in Malta.</p>
<p>g) Develop and implement standardised systems for collecting harvest data for use in adaptive management of populations at all appropriate scales;</p>	<p>The harvest/catch data in Malta is primarily collated through the <i>Carnet de Chasse</i> permit. This booklet helps to collect information on the hunting dates, location used, hunting effort, the species bagged and their quantity. It is to be noted, moreover, that no person can renew a hunting licence unless such person has duly filled in his <i>Carnet de Chasse</i> of the previous year.</p> <p>Moreover, hunters / trappers who have been granted a special licence in accordance with derogation conditions for hunting in spring or live-capturing in autumn are required to also submit an SMS, in real time, declaring their catches.</p> <p>In addition, every hunter may also be required to participate in any other study or survey organised by the Malta Ornithology Committee.</p>
<p>h) Recognise that natural and human-induced change is inevitable.</p>	
<p>3.3.2.2 Hunters and hunting tour operators:</p>	
<p>a) Assist in population monitoring and research;</p>	<p>Hunting associations have over the past years carried out a number of studies under their own initiative as well as collaborated with Government and other stakeholders in bird migration monitoring exercises carried out in spring since 2008.</p>
<p>b) Work to integrate their activities into the adaptive management of populations and habitats of target game species;</p>	<p>Hunting associations have also been proactive in disseminating regulatory information and in conducting educational initiatives amongst their members to promote compliance with applicable legal and policy restrictions. Hunting associations have also,</p>
<p>c) Understand and recognise the biological role and impact of indigenous predators on game species and take this</p>	

<p>into account when participating in their conservation and management;</p>	<p>undertaken concrete conservation activities and afforestation projects in a number of sites particularly in recent years.</p>
<p>d) Ensure that populations of target game species are kept at optimal levels relative to their habitats, species communities and any biodiversity restoration targets;</p>	
<p>e) Ensure that harvests are demographically sustainable and non-detrimental to ecosystem services</p>	
<p>3.4 Principle 4 – Maintain wild populations of indigenous species with adaptive gene pools</p>	
<p>3.4.2.1 Regulators and managers:</p>	
<p>a) Deter the release of new alien species that could become invasive and/or negatively effect native fauna or flora;</p>	<p>In accordance with Maltese legislation the Malta Ornithology Committee can recommend measures to the Government to control and monitor the introduction of any species of birds which do not occur naturally in the wild state in the European territory of the Member States of the European Union (so called alien species). This measure is aimed at preventing negative impact on Maltese flora and fauna by such introductions. Moreover, relevant competent authorities in Malta may also prohibit the importation and/or keeping of any species of flora and fauna, if in their opinion, this importation and/or keeping could harm or lead to the endangering of biodiversity in Malta. Moreover, the Maltese Authorities may also take all necessary measures to prevent, control, and monitor the introduction into the environment of organisms belonging to alien species with the potential to establish populations, in accordance with the Flora, Fauna and Natural Habitats Protection Regulations (LN311/06 as amended).</p> <p>In this respect, there are various cases of control or removal of alien invasive species in Malta with respect to both flora and fauna, including <i>Acacia saligna</i>, <i>Arundo donax</i>, <i>Carpobrotus edulis</i>, <i>Aptenia</i> spp. <i>Opuntia</i> spp. <i>Kalanchoe daigremontiana</i>, <i>Rattus</i> spp. etc.</p>
<p>b) Engage hunters in programmes to remove invasive alien species;</p>	<p>Hunters have not been targeted specifically in the programme to remove invasive alien species. However, it should be noted that the Malta Environment and Planning Authority has issued a policy guidance document aimed for site managers and users and addresses the need of managing non-native plant invaders and restoring native plant communities in Malta. This guidance document was issued last year for public consultation by the Environment Protection Directorate within MEPA and may be viewed through the following link: http://www.mepa.org.mt/lpgdocuments/LEG.pdf</p> <p>Moreover, in accordance with the Flora, Fauna and Natural Habitats Regulations the Competent Authority may, when necessary, develop eradication or control plans and related programmes aimed at monitoring, preventing and controlling the introduction into the environment of established alien species, invasive species and those alien species with the potential of establishing populations and become invasive.</p>

<p>c) Facilitate the reestablishment of originally indigenous species of fauna and flora in accordance with IUCN guidelines⁸ and have clear management plans that define their recovery;</p> <p>d) Incorporate genetic considerations into management plans;</p> <p>e) Seek transboundary cooperation to ensure genetic adaptability of populations;</p> <p>f) Monitor the genetic characteristics of species populations of special concern.</p>	<p>In terms of policy, the National Biodiversity Strategy and Action Plan (NBSAP) which Malta adopted this year aims to explore opportunities for species re-introduction or reinforcement, where feasible and where deemed of added value. Such endeavours would be designed in accordance with IUCN and should also be supported by secured resources and stakeholder engagement.</p> <p>In addition to this the Flora, Fauna and Natural Habitats Regulations stipulate that prior to the re-introduction of species listed in Schedules II and III therein (species of Community/National interest whose conservation requires the designation of special areas of conservation) the Competent Authority may, deem it necessary to commission a study in order to establish whether such re-introduction would contribute effectively to the re-establishment of such species at a favourable conservation status.</p> <p>In practice, promotion on the use of indigenous species is ongoing, through publication of guidelines for landscaping and a photographic guide to assist landscapers and the general public.</p> <p>Additionally a Code of Conduct on Horticulture and Invasive Alien Plants has been published. It mainly addresses the horticultural sector and those entities engaged in landscaping and afforestation and aims at enlisting their cooperation to adopt good practices in raising awareness on this topic, preventing the introduction of potentially invasive plants into Malta and the spread of Invasive Alien Plants already present in Malta.</p> <p>In relation to genetic aspects, although such considerations are recognised, particularly with respect to terrestrial species, there seem to be no major issues in relation to birds, since most of the species breeding in Malta are migratory and there are no indications of genetic concerns at present.</p>
3.4.2.2 Hunters and hunting tour operators:	
<p>a) Accept the return through natural recolonisation of wild species that were once indigenous to an area, taking into account the socio-economic context;</p> <p>b) Favour re-stocking from appropriate sources but only introduce or reintroduce species in accordance with IUCN guidelines;</p> <p>c) Avoid exclusive selection for specific phenotypic or behavioural traits of individuals which are not representative of the wild species population and can consequently be detrimental;</p> <p>d) Aid scientists and managers in monitoring genetic characteristics of populations</p>	<p>Several proposed species re-introduction initiatives are being discussed by the Malta Ornithology Committee. These, include a project to re-introduce the Barn Owl as well as a possible captive breeding programmes for various bird species.</p>

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3.5 Principle 5 – Maintain environments that support healthy and robust populations of harvestable species	
3.5.2.1 Regulators and managers:	
<p>a) Develop mutually agreed systems that motivate hunters to help conserve habitats and landscapes with their associated fauna;</p> <p>b) Develop and implement standardised systems for monitoring the health and condition of game animals, populations, habitats and ecosystems;</p> <p>c) Account for possible negative impacts of hunting on other ecosystem services and minimise and mitigate these.</p>	<p>The management planning exercise for all terrestrial Natura 2000 sites in the Maltese Islands which is currently on-going. Hunters have been identified as key stakeholders in the management of some sites and discussions are ongoing in this respect. The project is expected to be concluded in 2014.</p> <p>Moreover, one of the functions of the Ornis Committee is to draw up lists, as necessary, concerning data on the population levels of migratory species as shown by bird ringing initiatives and make recommendations thereon. Moreover, the Committee can also, draw up (as necessary) national lists of species in danger of extinction or particularly endangered species, whilst taking account of their geographical distribution.</p> <p>The application of hunting and live-capturing derogations is subject to detailed review and reporting to the European Commission. These reports, amongst other elements account for all significant impacts of hunting and live-capturing activities on ecosystems.</p> <p>It is noted that by limiting the season duration, times when practise of the activity is allowed and areas where hunting is can take place Malta endeavours to strike an adequate balance between the needs of hunters and other stakeholders. For instance, the Conservation of Wild Birds Regulations contains provisions restricting time and place of hunting and taking activities.</p> <p>Malta has also commissioned independent scientific studies on the migration of turtle dove and quail in Malta in 2008, 2009, 2011 and 2012. Malta has also worked on the implementation of the EU Management Plans for the Turtle Dove and Quail. Malta has implemented various activities of both management plans, some of which have also been reported in selected parts of Malta’s Birds Directive Article 12 report for the period 2005-2008. A summary of such activities in relation to the Management Plans’ measures is included below:</p> <ul style="list-style-type: none"> • Public awareness: awareness on these species is regular, due to press articles, press releases as well as related activities linked with the LIFE+ Gawdihom Hielsa project. • Habitats Protection: various existing legal provisions of the Environment and Development Planning Act are in place, declaring various important sites in Malta as Nature Reserves, Bird Sanctuaries (BSs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Tree Protection Areas (TPAs), Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs). The Ramsar sites (which are also SACs, SPAs and BSs) are both managed on the basis of a management agreement with BirdLife Malta. The development of management plans for other Natura 2000 sites and relevant publicity is also being addressed through EU funding. • Annual Bag Statistics and Bag Limits: <i>Carnet de Chasse</i> (annual bag statistics) reports are public, and are available on the MEPA website. Bag limits in relation to a spring hunting season are inversely proportional to the autumn hunting bag numbers and also calculated by taking into account the

	<p>principle of 1% of natural mortality of the species concerned. An SMS service is in place to assist in the enforcement of bag limits. Control measures are further reinforced by additional Police officers/hunting marshals deployed to supervise derogation periods.</p> <ul style="list-style-type: none"> • Ringing: ringing is subject to regular annual permits. This is carried out regularly through BirdLife Malta (BLM) as part of EURing. Information is published by BLM and reports are submitted annually by Malta to the Commission in its Article 9 derogation reports. • Annual estimates of breeding success through national research activities on breeding grounds: In 2007 Malta commissioned a study on farmland birds, which was conducted by BirdLife Malta. This study produced a breeding bird atlas, published in 2009 as Raine <i>et al.</i> (2009). Both Turtle Dove and Common Quail were included in the assessment. Sultana <i>et al.</i> (2011) published by BirdLife Malta, provides the latest information. • Research on Migration Patterns: Malta has commissioned independent scientific studies on the migration of turtle dove and common quail in 2008, 2009, 2011 and 2012. • Investigation of the potential competition with Collared Dove: the collared dove is a relatively recent regular breeder in Malta, known from breeding stations in the north east of Malta and the central parts of Gozo, and was introduced in Comino. Its numbers have been increasing annually since 2004, as indicated by studies, e.g. Raine <i>et al.</i> (2009) and Sultana <i>et al.</i> (2011). No specific interspecific competition assessments have been carried out between the collared and turtle doves, also because turtle dove does not breed in Malta. However, it has been noted that the collared dove is a highly adaptable breeder, preferring suburban human habitation areas with gardens and small cultivated holdings, with scattered individual or small groves, such as at Santa Marija Estate in Mellieha, the Government Nursery and Villa Rundle, the latter two at Rabat Victoria (Gozo). • Control on the Alien Japanese Quail (<i>C.c. japonica</i>) and its various hybrids (<i>C.c. coturnix</i> x <i>C.c. japonica</i>): Japanese and hybrid quails are not an issue in Malta, and no specialised breeding centres occur. However, provisions on the introduction of invasive alien species have been legally set up through the Flora, Fauna and Natural Habitats Protection Regulations.
<p>3.5.2.2 Hunters and hunting tour operators:</p>	
<p>a) Actively contribute to the conservation and restoration of habitats at appropriate scales where feasible;</p>	<p>The ongoing management planning exercise identifies hunters as key stakeholders in the management of some sites and discussions are on-going in this respect. The project is expected to be concluded in 2014. Furthermore hunting associations actively pursue conservation initiatives and regularly carry out conservation activities including afforestation, clean up and habitat restoration projects, control of alien species and other own initiatives.</p>
<p>b) Work to ensure that their activities do not adversely impact local environments and habitats;</p>	
<p>c) Use only native flora for habitat restoration.</p>	

3.6 Principle 6 – Encourage use to provide economic incentives for conservation	
3.6.2.1 Regulators and managers:	
<p>a) Understand that suppliers of harvest opportunities expect fair compensation for the services and opportunities they provide;</p> <p>b) Encourage harvest models that provide socio-economic benefits to local stakeholders and communities;</p> <p>c) Set official fees or taxes at reasonable levels so that these do not represent barriers to local participation;</p> <p>d) Provide local stakeholders and communities with incentives to uphold or improve the diversity of species and habitats.</p>	<p>This is not considered applicable to the Maltese scenario, since hunting tourism does not occur in Malta. There are no hunting tour operators which operate locally nor are there any suppliers of harvest opportunities. Hunting is solely practised by Maltese nationals.</p> <p>In Malta general hunting licence fees for hunting on land are currently set at €27.95 annually, whilst for hunting at sea these have been set at €69.88. Such fees do not represent barriers to local participation. Nonetheless, in addition to such fees, the hunter is also obliged to pay insurance coverage against third party risks to persons or damage to property and the membership fee of a hunting organisation.</p> <p>Such fees, however, only cover general hunting licences. Special licences for hunting in Spring, or for live-capturing in autumn on the other hand, would require an additional fee of up to €50, as well as additional fees for services such as provision of approved bird ringing tags for use on live decoys during live-capturing activity. These requirements are provided for in the Conservation of Wild Birds (Framework for Allowing Derogation for the Opening of Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations.</p>
3.6.2.2 Hunters:	
<p>a) Are willing to make reasonable contributions for access and hunting opportunity, as well as the conservation and management of game and their habitats;</p> <p>b) Accept contributory and management structures that favour a fair and appropriate balance for access between resident and non-resident hunters.</p>	<p>The ongoing management planning exercise identifies hunters as key stakeholders in the management of some sites and discussions are on-going in this respect. The project is expected to be concluded in 2014 and as a result hunters are expected to be fully involved in the management of Natura 2000 sites which account for over 13.6% of the national territory. Furthermore hunting associations actively pursue conservation initiatives and regularly carry out conservation activities including afforestation, clean up and habitat restoration projects, control of alien species and other own initiatives.</p>
3.6.2.3 Hunting tour operators:	
<p>a) Acknowledge and accept that their activities should benefit local economies and stakeholders and thereby enhance conservation efforts;</p> <p>b) Accept that their access can be limited, and/or that they can be subjected to higher fees than local resident hunters.</p>	<p>Not Applicable</p> <p>Not Applicable</p>
3.7 Principle 7 – Ensure that harvest is properly utilised and wastage avoided	
3.7.2.1 Regulators and managers:	
<p>a) Encourage the proper handling and processing of harvested wildlife;</p> <p>b) Ensure that game products comply with standards for health and hygiene before sale and/ or commercial consumption.</p>	<p>Not applicable. Bagged game is usually either skinned and kept as a hunting trophy or used for the individual's consumption. Nonetheless it is to be noted that the taxidermy of such game birds would require a relevant licence.</p> <p>Not applicable in view of the fact that in Malta the number of birds bagged is limited and captured birds are not sold or traded for commercial consumption.</p>

3.7.2.2 Hunters and hunting tour operators:	
a) Properly care for meat in order to prevent wastage and contamination;	Not applicable due to the specific nature of hunting activities in Malta and due to the absence of the commercial market for local game.
b) Fully utilise fur and hides where possible;	
c) Utilise harvested wildlife in other ways where possible and desirable;	
d) Observe rules of proper hygiene to ensure game meat quality and guard against detrimental health effects for consumers;	
e) Ensure that unutilised game products are made available to local inhabitants.	
3.8 Principle 8 – Empower local stakeholders and hold them accountable	
3.8.2.1 Regulators and managers:	
a) Where appropriate, promote and facilitate decentralised management of species with healthy populations that are stable or increasing at local or regional levels;	The currently ongoing management planning exercise covering all terrestrial Natura 2000 sites in the Maltese Islands is the principal vehicle addressing the management of species and their habitats. A significant proportion of this project's resources are being channelled towards mobilising a range of local stakeholders including hunters and other land users in this process.
b) Facilitate the empowerment and accountability of local stakeholders, especially hunters, in this decentralised process;	
c) Promote models that ensure equitable sharing of benefits among user groups.	The Policy Guidelines for Hunting and Trapping in Malta recognise that <i>“The Maltese countryside belongs to everyone and measures should ensure its rightful enjoyment by families and children. The time schedules of hunting and trapping seasons should reflect this principle. In particular, hunting and trapping activities on Sundays and public holidays will continue to be strictly limited. Account may also be taken of school holidays.”</i>
3.8.2.2 Hunters:	
a) Have knowledge regarding wildlife ecology and conservation practices;	Hunting licence in Malta is subject to passing examination which includes identification of species. Hunting associations in Malta have traditionally been proactive in the management of countryside and in undertaking conservation initiatives. The Maltese Authorities, particularly through the platform of the Malta Ornithology Committee maintain ongoing liaison with hunting organisations for the purpose of discussing a variety of policy proposals and their implementation. Hunters are regularly involved as stakeholders in the management process and are recognised as a good source of information in relation to birds and their status in Malta.
b) Recognise their role as resource stewards and actively participate in practical management and conservation measures;	
c) Interact with other interests and local authorities to find the best solutions.	
3.8.2.3 Hunting tour operators	
a) Recognise the cultures	Not applicable
b) Work closely with local hunters	Not applicable
3.9 Principle 9 – Competence and responsibility are desirable among users of wild resources	
3.9.2.1 Regulators and managers:	
a) Encourage and facilitate education and training programmes for hunters;	Federation of Associations for Hunting and Conservation of the European Union (FACE) is promoting education and training programmes for hunters in general. Moreover, MEPA produces various education awareness material on hunting and biodiversity.

	<p>Applicants for hunting licences are provided with information leaflets which besides from providing a summary of the relevant local legislation also contain pictorial illustrations of the avifauna species which are allowed to be hunted on land and/or at sea. Moreover, such persons would be asked to sit for an examination to determine their knowledge on the safe carrying of fire-arms, their ability to identify birds and their knowledge of the regulations concerning the conservation of wild birds.</p> <p>In addition, Malta has undertaken a number of initiatives to enhance public awareness regarding the value of species and habitats found around Malta. Initiatives, have varied from articles in local newspapers, information panels, dissemination of information through television programmes and the organisation of educational tours.</p> <p>FKNK (the largest hunters' organisation in Malta) has carried out training for hunters when the new bag statistics programme (<i>Carnet De Chasse</i>) was developed in 2008. Such CDC was developed in consultation with the Malta Ornithology Committee and FKNK.</p>
<p>b) Cooperate with organisations that coordinate hunters to engage with all participants, including recruitment from both sexes, all ages and backgrounds.</p>	<p>The majority of Maltese hunters are men however certain organisations are actively encouraging women to join their organisations by having a membership tailor-made to the wives and female relatives of hunters.</p>
<p>3.9.2.2 Hunters:</p>	
<p>a) Are proficient in the proper and safe handling and use of tools and implements that can legally be used for hunting;</p>	<p>Obtaining a hunting licence in Malta is subject to passing examination which includes an exercise on the identification of species. Hunting associations in Malta have traditionally been proactive in the management of countryside and in undertaking conservation initiatives. These associations also organise regular information sessions for their members explaining various legal and regulatory issues applicable to hunting. The Authorities, particularly through the platform of the Malta Ornithology Committee maintain ongoing liaison with hunting organisations for the purpose of discussing a variety of policy proposals and their implementation.</p>
<p>b) Have sufficient knowledge on the identification, habits and ecology of game species as well as of non-game species;</p>	
<p>c) Train regularly to maintain or improve proficiency;</p>	
<p>d) Know the laws and regulations governing hunting and the conservation of wildlife where they hunt;</p>	
<p>e) Teach new hunters the skills and knowledge they require to be competent and responsible.</p>	
<p>3.9.2.3 Hunting tour operators</p>	
<p>a) Provide their clients with the information and knowledge they need for a sustainable and responsible hunt.</p>	<p>Not applicable</p>

3.10 Principle 10 – Minimise avoidable suffering by animals	
3.10.2.1 Regulators and managers:	
<p>a) Adopt rules, regulations and incentives that promote methods and equipment that minimise avoidable suffering for animals;</p> <p>b) Communicate to hunters the need to treat game animals with respect;</p> <p>c) Recognise and promote best practices.</p>	<p>The provisions of the Conservation of Wild Birds (LN79/06 as amended) strictly state that no person is allowed to hunt or take any birds using the following methods:</p> <ul style="list-style-type: none"> i) snares, limes including birdlime, poisonous or stupefying bait, hooks or any similar substances or methods ii) any electrocuting devices iii) any gas, or electric or electronic device iv) decoys of live birds which are blind or mutilated v) decoys of live birds held by any means except those held by cotton string and swivel vi) explosives vii) semi-automatic or automatic weapons with a magazine capable of holding more than two rounds of ammunition. <p>Moreover, these Regulations stipulate that no person shall sell, offer for sale, carry, be in possession of, hunt or use, import or manufacture any cartridge loaded with lead shots of any size greater than 3.3mm in diameter.</p>
3.10.2.2 Hunters and hunting tour operators:	
<p>a) Show respect for game animals and strive to reduce or eliminate avoidable suffering where possible;</p>	<p>Hunting associations work to promote compliance with the above regulations amongst their members.</p>
<p>b) Learn about animal physiology and the most efficient way to kill game while inflicting minimal suffering;</p>	
<p>c) Promote measures which ensure proficiency in the use of hunting techniques and implements;</p>	
<p>d) Strive to efficiently track down and dispatch wounded game;</p>	
<p>e) Do not use capture methods that cause high levels of stress or pain, and/or are unselective or involve mass-capture;</p>	
<p>f) Take care not to disturb species in ways that can have significant and detrimental impacts.</p>	
3.11 Principle 11 – Encourage cooperation between all stakeholders in management of harvested species, associated species and their habitats	
3.11.2.1 Regulators and managers:	
<p>a) Create institutional structures that are inclusive of all stakeholder interests;</p> <p>b) Encourage public understanding of conservation, economic, and/or cultural benefits which can be derived from responsible and sustainable harvest;</p> <p>c) Seek opportunities and provide incentives for cooperation between different interests;</p>	<p>As previously noted Malta has a Malta Ornis Committee (which is composed amongst others, of members of hunting organisations, members of organisations representing persons working for the protection of avifauna, as well as other independent experts on avifauna and/or hunting).</p>

d) Use all possible measures to avoid and resolve conflicts.	
3.11.2.2 Hunters and hunting tour operators:	
a) Seek opportunities to benefit human and wildlife populations (including non-game species) and their habitats;	As above
b) Actively seek alliances with other local stakeholders.	As above
3.12 Principle 12 – Encourage acceptance by society of sustainable, consumptive use as a conservation tool	
3.12.2.1 Regulators and managers:	
a) Provide a framework which ensures the long-term acceptance by society of the conservation benefits derived from harvesting wild species;	Refer to the comments made in the earlier sections of this report concerning public awareness, management planning and policy-making.
b) Ensure that populations of game species are kept at levels that are compatible with the interests of other socio-economic sectors (e.g. agriculture, forestry, etc.);	It is to be noted that as part of Malta’s obligations under the Rural Development Programme, Malta is required to put in place a breeding bird monitoring scheme to chart population changes for the country’s Farmland Bird Index (FB Index). The FB Index is one of the indicators used by the European Commission to assess the overall health of the rural environment. Such index includes selected game birds such as the Turtle Dove, the Lapwing, Skylark, Starling and the Grey Partridge. A breeding bird atlas was published in 2009 by Raine <i>et al.</i> (2009). This work was recently updated by Sultana <i>et al.</i> (2011) and published by BirdLife Malta.
c) Preserve legitimate cultural, historical and aesthetic values related to wildlife and hunting.	National regulations concerning hunting and live-capturing refer to traditional methods of hunting and capture which have evolved over generations. Hunting associations regularly organise activities and issue publications aimed at promoting the aesthetic values related to wildlife and hunting.
3.12.2.2 Hunters and hunting tour operators:	
a) Are sensitive and respectful to local interests and cultures;	Local hunting associations are actively engaged in a number of educational and awareness raising activities aimed at promoting sustainable traditional hunting practices and the need for pro-active management of the country side and the conservation of habitats and species. Information on the specific initiatives is available on the website http://www.huntinginmalta.org.mt/index.pl/home
b) Strive to be ambassadors for hunting through proper behaviour and practices;	
c) Respect private property and local restrictions, including conservation measures;	
d) Educate and inform other interests about the benefits of sustainable hunting and conservation;	
e) Understand the need for local involvement in all hunting activity, including hunting tourism operations.	

Annex 3: Malta's report on the Implementation of Recommendation No. 155 (2011) of the Standing Committee on the illegal killing, trapping and trade of wild birds

Recommendation	Malta's Report
<p>1. General</p> <p>Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles:</p> <ul style="list-style-type: none"> i) this is about illegal killing of birds, not legal hunting ii) zero tolerance of illegal killing of wild birds iii) recognition of legal hunting and sustainable use. 	<p>Malta has an Ornithology Committee (which is composed amongst others, of members of hunting organisations, members of organisations representing persons working for the protection of avifauna, as well as other experts on avifauna and/or hunting) which helps to promote dialogue between all relevant interest groups. The function of this Committee also includes making recommendations to the Government on various elements relating to avifauna including recommendations on better enforcement of avifauna regulations.</p> <p>Moreover, various communication initiatives have been undertaken by the Maltese Authorities to promote the education of the general public (including hunters) and the dissemination of information on the need to conserve wild birds and their habitats. Such initiatives also include activities aimed at raising awareness of sustainable hunting with the ultimate aim of preventing illegal hunting</p>
<p>2. Enforcement</p> <p>a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;</p>	<p>Species of wild birds which naturally occur in the European territory of the Member States of the European Union are protected through the Conservation of Wild Birds Regulations (LN79/06 as amended). These Regulations, which transpose the Directive 2009/147/EC on the Conservation of Wild Birds, allow for the prosecution of any person who fails to comply or acts in contravention of any provision of these Regulations. Upon conviction such person may be liable to a variety of penalties including fines ranging from €232.94 up to €9,317.49, confiscation of the <i>corpus delicti</i>, suspension or permanent revocation of the licence or permit and/or imprisonment (of not less than two months but not exceeding two years).</p> <p>In addition, any offence which involves a bird species listed in Schedule I (which lists bird species which must be the subject of special conservation measures concerning their habitat) of these regulations are subject to the stricter penalties such as, the highest fines and/or the permanent revocation of the hunting licence.</p> <p>Government has consistently condemned without reservation any incident of illegal hunting in Malta.</p> <p>The Police Administrative Law Enforcement Unit routinely deploys around 43 officers in the field to monitor hunting activities. These officers receive specialised training and are adequately equipped to monitor the situation and prosecute any individuals contravening bird regulation. These officers are further assisted by district police units and mobile squads, which are also involved in the monitoring of</p>

	<p>hunting activities and conducting field inspections. It is estimated that at times over 10% of all on-duty police officers are in some way involved in enforcing hunting regulations.</p> <p>Moreover, hundreds of volunteers from dozens of NGOs, both foreign and local, monitor spring and autumn bird migrations in the field and cooperate with the authorities in case of detection of illegalities.</p> <p>Over the last few years, Government has revised the legal and policy framework in relation to hunting and live-capturing of wild birds. Penalties for hunting offences have been doubled and are today amongst the harshest in Europe. Persons convicted of hunting offences may face penalties that range from revocation of licence and confiscation of <i>corpus delicti</i> to hefty fines and imprisonment. Our record of prosecution and convictions shows that those who infringe the law are being brought to justice. For example during the present autumn hunting season between 1st September 2012 and up until 8th November 2012, the Police investigated and prosecuted a total of 57 confirmed incidents of illegal hunting, of which 8 incidents involved the killing of protected species. During the autumn hunting season of 2010 there were 73 confirmed incidents of illegal hunting, of which 4 incidents involved the killing of protected species and a further 3 involved possession of live protected birds. During the same period in 2011 there were 74 confirmed incidents of illegal hunting, of which 9 incidents involved the killing of protected birds.</p> <p>Whilst hunting is recognised as a legitimate activity under EU and national law, and is indeed practised in all EU Member States, it is subject to strict controls. Such controls include bag limits and quotas, assessment of conservation status of species that may be hunted, restrictions pertaining to time and place, safety controls, and a range of reporting requirements. These are being implemented and constantly monitored by the competent authorities.</p>
<p>b. Strengthen the enforcement at each stage of the bird-crime through appropriate political, judicial, operational, scientific and technical support and co-operation, and include a concerted focus on end users;</p>	<p>Apart from having a specialised section in the Police Force which tackles wildlife crime enforcement resources in Malta are increased during any open season in particular during a derogation period allowing a spring hunting or autumn trapping season as follows:</p> <p>During Spring Hunting</p> <ul style="list-style-type: none">• For every one thousand hunters in possession of a Spring Hunting Licence, a minimum of seven police officers and, or hunting marshals would be on duty during all hours for which a spring hunting season is open. (Outside these hours, at least two police officers and, or, hunting marshals, would be on duty during the hours of

	<p>daylight).</p> <ul style="list-style-type: none"> • The Police assisted by hunting marshals, as may be necessary, shall continue to carry out on-the-spot checks until at least four weeks following the start of a spring hunting season (which cannot be longer than three weeks), in order to prevent illegal hunting. Following the closure of a spring hunting season, for every one thousand Spring Hunting Licence issued that year, a minimum of three police officers and, or hunting marshals shall be on duty during the hours of daylight. <p>During Autumn Trapping</p> <ul style="list-style-type: none"> • For every one thousand autumn live-capturing licence issued there shall be a minimum of seven police officers and, or marshals, on duty during the hours when the autumn live-capturing season is open. (Outside these hours, if applicable, at least two police officers and, or marshals shall be on duty during the hours of daylight). • As necessary, two weeks following the closure of the trapping season there shall be a minimum of three police officers and, or marshals on duty during daylight for every one thousand autumn live-capturing licence issued, in order to prevent illegal bird-related activity. <p>In view of the very limited areas which are suitable for hunting and trapping Malta deems that such enforcement measures are adequate to ensure the efficiency of the enforcement regime and to serve as a disincentive for illegal hunting.</p> <p>To aid enforcement, the Maltese legal framework regulating hunting and live-capturing activities provides for numerous obligations and restrictions, including restrictions related to time and place of permitted activities, special licensing and registration requirements, real-time reporting requirements and detailed reporting through a <i>Carnet de Chasse</i> system, identification measures, marking measures for birds used as decoys, restrictions on permissible methods of hunting and live-capturing and other requirements.</p>
<p>c. Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness raising.</p>	<p>The establishment of a national Malta Ornithology Committee aims at promoting dialogue between hunting and avifauna conservation interests. The functions of this Committee (which is composed of members of organisations representing hunters, members of organisations working for the protection of avifauna, as well as a representative from the environment authority, amongst others) include making recommendations to the Government on the establishment of policies and conditions in relation to hunting and trapping of birds. Its recommendations also include suggestions on the enforcement of</p>

	<p>avifauna regulations and the management of protected areas.</p> <p>The principle of co-ordination is also addressed through the National Environment Policy (NEP) and the National Biodiversity Strategy and Action Plan (NBSAP) adopted in November 2012. Amongst other measures, the NBSAP specifically provides for outreach to farming, fisheries and aquaculture cooperatives, as well as hunting associations, to help foster new partnerships and new projects or other collaborative work in support of biodiversity.</p> <p>In relation to the Convention on Biological Diversity Malta has incorporated the provisions of this global treaty in the Convention on Biological Diversity (Incorporation) Regulations (LN160/02) and the Flora, Fauna and Natural Habitats Protection Regulations (LN311/06 as amended). The main tool for Parties to implement this Convention at a national level is by establishing and implementing National Biodiversity Strategies and Action Plans (NBSAPs) in accordance with Article 6 of the Convention. Malta's NBSAP entitled "Working Hand-in-Hand with Nature" has been adopted in November 2012. The NBSAP amongst other measures covers the illegal capture and killing of protected species, including birds. Relevant provisions of the NBSAP include the following:</p> <ul style="list-style-type: none"> - A strict protection regime is in place, in line with requirements of the EU Nature Directives, and which incorporates measures to address the illegal and the incidental capture and killing of protected species, including those that are migratory. - The regulation of capture and killing of protected species builds on sustainability principles and is in line with provisions of national law and the EU Nature Directives. This is ensured via the better regulation initiative and also in light of conservation status assessments. - Outreach to farming, fisheries and aquaculture cooperatives, as well as hunting associations, helps to foster new partnerships and new projects or other collaborative work in support of biodiversity. - Environmental illegalities such as, but not limited to, the illegal alteration of water flows that is detrimental to freshwater dependent biodiversity, illegal land conversion, as well as the illegal capture and killing of species, are addressed through strengthened enforcement and corrective action.
<p>3. Biological aspects</p>	
<p>a) Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed to support the solutions to the problem of</p>	<p>Regarding the improvement of current knowledge on the seasonality of the movement of migratory species, it is to be noted that Malta has commissioned independent scientific studies on the migration of the turtle doves and quails in 2008, 2009, 2011 and 2012.</p>

<p>illegal killing, trapping and trade of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;</p>	
<p>b) In co-operation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, providing for common reporting format and taking into account population flyways;</p>	<p>The Administrative Law Enforcement Unit of the Police operates a systematic monitoring and reporting system for illegal activities.</p>
<p>c) Undertake prioritised action in hotspots of birds concentration and illegal killing activities in order to facilitate a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a priority by the relevant countries and institutions;</p>	<p>Many areas which are considered to be hotspots of bird concentrations, such as wooded areas or saline marshlands, have been designated as Bird Sanctuaries through the Conservation of Wild Birds Regulations and the hunting, the taking or the possession of a bird in such protected areas is prohibited. Moreover, the possession of fire-arms, ammunition, decoys, nets or any other means to hunt, or take birds is also prohibited in such protected areas.</p> <p>Moreover, a number of sites have been designated as Special Protection Areas under the EU Wild Birds Directive in view of their importance to locally breeding species such as <i>Calonectris diomedea</i>, <i>Puffinus yelkouan</i> and <i>Hydrobates pelagius</i>. Such designated sites afford the protection to a significant percentage of the Maltese populations of these species.</p> <p>Moreover, some sites have been declared as Sites of Community Importance (SCIs) and as Special Areas of Conservation (SACs) by virtue of the Flora, Fauna and Natural Habitats Regulations. The Management planning exercise for Special Protected Areas & SCIs/SACs is currently on-going and all terrestrial sites that have been declared as Natura 2000 sites should have conservation objectives and conservation measures through the setting up of legal provisions and/or management plans by 2014.</p>
<p>d) Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of the flyways;</p>	<p>Refer to the Comments in the above section.</p>
<p>e) Take forward the issue of poisoning of migratory species in a global context to Conference or Meeting of Parties of CMS and respective agreements.</p>	<p>Not applicable. The poisoning of migratory birds is not considered to be an issue in Malta.</p>

4. Institutional aspects	
a. Strengthen the capacity, human resources, competencies and the level of co-operation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;	During the period of any open season the Police Force is augmented by additional staff. (As discussed in a previous Section).
b. Where internal judicial process allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them	In view of the limited number of bird related crimes committed in Malta, creating a specialised judiciary unit is not considered feasible. However, it is to be noted that crimes against birds prosecuted by the ALE (the Police Unit dedicated to tackle crime related to bird protection) are usually assigned to the same judges, who through experience are adequately knowledgeable in bird related crimes.

Annex 4 - Report on the implementation of the Larnaca Declaration

Recommendation	Comments
<p><i>“The participants in the European Conference on Illegal Killing of Birds call therefore on responsible stakeholders, government, local communities, law enforcement agencies, nature conservation NGOs including association to unequivocally condemn all forms of illegal taking and trading in wild birds, and to pledge a zero tolerance approach to illegal killing, and a full and proactive role in fighting against this illegal activity, which represents a serious threat to biodiversity, damaging nature as well as human society.”</i></p>	<p>The Conservation of Wild Birds Regulations (LN79/06 as amended) provide for the protection in Malta of all species of naturally occurring birds in the wild state in the European territory of the Member States of the European Union. These Regulations transpose Directive 2009/147/EC on the Conservation of Wild Birds. They allow for the prosecution of a person who fails to comply or acts in contravention with any provision of these Regulations. Upon conviction such person may be liable to a variety of penalties including fines ranging from €232.94 to €9,317.49, the confiscation of the <i>corpus delicti</i>, the suspension or permanent revocation of the licence or permit and/or imprisonment (of not less than two months but not exceeding two years).</p> <p>In addition, any offence which involves a bird species listed in Schedule I (which lists bird species which must be the subject of special conservation measures concerning their habitat) of these Regulations would be subject to the stricter penalties such as, the higher fines and/or the permanent revocation of the hunting licence.</p>
<p><i>“More detailed recommendations will be submitted to the 31st meeting of the Standing Committee to the Bern Convention to be held in Strasbourg on 29 November – 2 December 2011 for possible adoption.</i></p> <p><i>They include, inter alia</i></p> <p><i>i. The need to strengthen enforcement at each stage of the bird crime chain through appropriate targeting, scientific and technical support and co-operation;</i></p> <p><i>ii. The need to recognize the significance of the illegal taking and trade of birds as a risk to the achievement and maintenance of favourable status of bird populations and a damage to the conservation actions undertaken by Parties with adverse impacts on the conservation, legal hunting, agriculture and tourism sectors; and</i></p> <p><i>iii The need to develop, finance and support national communication strategies promoting dialogue between relevant stakeholders and the wider public.”</i></p>	<p>Comments on the application of the Recommendation on the Illegal Killing, Trapping and Trade of Wild Birds are provided in separate reports included as Annex 2 and 5.</p>