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Major strengthening of Conservation of Wild Birds Regulations

The Parliamentary Secretariat for Agriculture, Fisheries and Animal Rights has published a series of comprehensive legal amendments aiming to further consolidate progress as part of the ongoing reform to strengthen Conservation of Wild Birds Regulations (S.L.504.71).

The amendments build upon the earlier stages of the legal reforms, implemented in October 2013 and in March 2014 which have seen the doubling of the penalties for hunting-related offences, and in the case of the most serious offences such as illegal shooting or taking of protected birds – increasing penalties ten-fold.

Through the latest amendments, the law is being further strengthened to introduce additional legal clarity with regards to wild birds which do not naturally occur within the territory of the EU, but which may be brought into Malta.

Under the amended legal regime, provisions concerning legal controls over importation, transport, sale, taxidermy and possession of wild birds are being further strengthened to prevent and deter any possible abuse. The amendments, amongst other, introduce a major revamp of the provisions concerning taxidermy, to render these regulations more enforceable. These new provisions, amongst other, differentiate between small scale taxidermy for personal use from taxidermy for commercial purposes and therefore provide for differentiated licensing regime. The amendments also increase the powers of the Malta Ornis Committee by introducing the possibility for the Committee to recommend the closure or suspension of any hunting or taking season, or any other alteration of the season's parameters, subject to consideration of certain criteria.

Crucially, legal protection status for certain commonly targeted non-Schedule I birds by including additional species in Schedule IX. Offences against these birds, as well as against any birds listed in Schedule I carry the highest penalties, including fines of up to €10,000, imprisonment, confiscation and permanent revocation of hunting license. The amendments also further strengthen legal deterrent against bird-related crime by including further offence categories that qualify for higher penalties.

In parallel, the amendments also strengthen the executive enforcement powers of the regulatory authority, i.e. the Wild Birds Regulation Unit, by ensuring that the inspectors of the Wild Birds Regulation Unit have the same legal powers as those granted to environment inspectors under the Environment and Development Planning Act. The new law also includes a set of gravity factors intended to guide the judiciary in consideration of the seriousness of the offence, in line with the relevant Recommendation of the Standing Committee of the Bern Convention on the Conservation of Wildlife and Natural Habitats in Europe. Finally, the amendments also introduce a series of fees for administrative and regulatory services rendered to ensure recovery of the relevant costs associated with providing these services, such as costs of conducting re-sits for failed hunting examinations, taxidermy licenses and other services, previously provided free of charge.