

# **Malta's Report on the Outcome of 2012 Spring Hunting Season**

This report is accompanied by the following annexes:

**Annex 1 - Scientific considerations on the conservation status of Turtle Dove and Quail**

**Annex 2 – Report of the migration study**

**Annex 3 – Summary information on the evolution of penalties for hunting-related offences within the Maltese legal framework and statistics on charges and convictions for these offences over the past few years**

## **1. Introduction**

The aim of this report is to inform the European Commission of the outcome of the 2012 Spring hunting season in Malta and to provide the information requested by Karl Falkenberg, Director General Environment in his letter dated 23 April 2012.

## **2. Legal and policy basis for applying a spring hunting derogation in 2012**

The judgment C-76/08 delivered by the European Court of Justice on 10 September 2009, explicitly recognised that "*hunting for quails and turtledoves 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 (Birds) Directive, should, in principle, be considered met*". This judgment therefore recognises the right to apply a derogation for spring hunting in Malta, subject to the strict conditions of Directive 2009/147/EC on the Conservation of Wild Birds (hereinafter the Birds Directive).

In accordance with this judgement, and in line with the provisions of the Birds Directive and following discussions with the European Commission, the Government of Malta decided to apply a derogation permitting spring hunting in 2012 for *Streptopelia turtur* (Turtle Dove) and *Coturnix coturnix* (Quail) under strictly supervised conditions.

The decision to apply a derogation was made on the basis of the Conservation of Wild Birds (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) Regulations LN 221 of 2010 (as amended) following the advice received from the Malta Ornis Committee on 20 March 2012. In its advice the Malta Ornis Committee recommended the opening of a hunting season for spring 2012 for a maximum number of birds not exceeding 11,000 Turtledoves and 5000 Quails.

The Government published Legal Notice 108 of 2012 (Declaration on a Derogation for a 2012 Spring Hunting Season for Turtledove and Quail Regulations after having given due

consideration too the recommendation made by the Malta Ornithology Committee, the scientific data upon which this recommendation was made, the legal provisions regulating hunting and the Policy Guidelines for Hunting and Trapping of Birds in Malta adopted by the Government in August 2011 (enclosed).

By means of this Legal Notice, a limited spring hunting season was allowed between Thursday, 12 April 2012 and Monday 30 April 2012, both days included, under strictly supervised conditions. During this period hunting could take place from two hours before sunrise until three o'clock in the afternoon from Monday to Friday, whilst on Saturdays hunting was permitted from two hours before sunrise until noon. No hunting was allowed on Sundays and public holidays.

### **3. Consideration of the conservation status of Quail and Turtle Dove**

In line with the provisions of Article 9(1)(c) of the Birds Directive, the Government assessed available scientific data regarding the conservation status of Quail and Turtle Dove in order to ascertain that the conservation status of these two species would not be threatened by the application of the 2012 spring hunting derogation, thus fulfilling the "judicious use" requirement. An analysis of available scientific studies is contained in Annex 1 to this Report.

On the basis of this analysis, the Government maintains that reliable scientific information points to the fact that Quail and Turtle Dove very rarely breed in Malta and are only present on the Maltese Islands in very limited numbers during a short period of migration. The Government also maintains that there are no scientific indications that the application by Malta of a spring hunting derogation could in any way threaten the global, European or EU populations of either Quail or Turtle Dove.

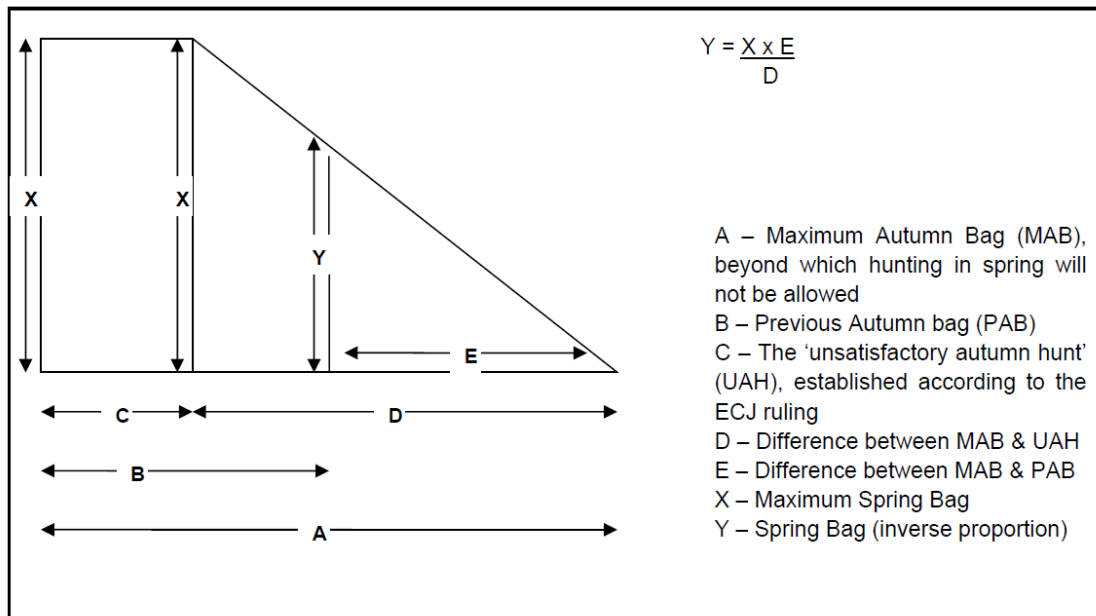
#### **4. Determination of 2012 spring hunting bag limit**

The Framework Regulations (LN221/2010) establish that, whilst considering each species separately, the spring hunting season for Turtle Dove or Quail would not be opened if during the previous autumn season the bagged individuals would have reached 20,000 with respect to Quail and 21,000 with respect to Turtle Dove. The Framework Regulations also establish that, should the spring hunting season be declared open, the national spring hunting limits would be set at not more than a ceiling limit of 5,000 for Quail and 11,000 for Turtle Dove, based on the principle of 1% of the overall annual mortality of each species.

The Framework Regulations provide that the bag limit set for any spring season is to be reduced by inverse proportion to the number of birds in excess of 10,000 bagged for each species in the previous (2011) autumn hunting season. This principle was included in the Framework Regulations on the suggestion of the Commission in order to ensure that any possible spring hunting derogation respects the requirements of the judgment delivered by the Court and the objectives of the Birds Directive, including but not limited to, the need to ensure a proportionate use of the derogation for spring hunting in Malta and to ensure the conservation status of the species concerned and the maintenance of their population at a satisfactory level.

These principles result in the following formula:

*Figure 1 - Formula for the calculation of inverse proportion, applicable in those cases when the previous autumn bag is between 10,000 and 21,000 for Turtle Dove, and 10,000 and 20,000 for Quail*



Therefore the national hunting bag limit for the 2012 season was established in line with the provisions of Annex I of Legal Notice 221 of 2010 (as amended), after taking into account to the bag counts for the autumn 2011 hunting season (during the period 1 September 2011 until 31 January 2012, a total of 4,302 Turtle Doves and 6,281 Quails were hunted). On this basis, the national hunting bag limit for the 2012 Spring hunting season was established at not more than 11,000 Turtle Dove and 5,000 Quail on condition that the season would be terminated immediately by means of a press release should this national bag limit be reached before the 30 April 2012. In addition, each hunting licence established daily limits (2 birds daily per licence) and seasonal limits (4 birds in total per licence)

## 5. Issuance of Special Spring Hunting Licenses

A press release was published to notify interested parties about the issuance of applications for a 2012 Special Spring Hunting License against payment of fifty Euros (€50). The Malta Environment and Planning Authority (MEPA) received a total of 6,117 formal applications for this licence. Out of these, 4 applications were considered to be invalid since the applicants did not hold a valid 2012 hunting license (licence to carry a firearm

for the purpose of bird hunting on land) upon the closing date of application period (5th April 2012). The Authority issued a total of 6,113 spring hunting licences for 2012, of which 3 licenses were not collected. A total of 6,110 Special Spring Hunting Licences were issued.

This licence set a number of conditions for the 2012 spring hunting season, as provided in Legal Notice 221 of 2010 (as amended) and Legal Notice 108 of 2012. In addition to these conditions, licensed hunters also had to abide with the provisions laid down in the Conservation of Wild Birds Regulations, 2006 (Legal Notice 79 of 2006, as amended). Details of these conditions were publicised through Government Press Release No 0780 of 3 April 2012 and in the national press.

Each licensee was provided with a bright yellow identification armband bearing the Special Spring Hunting License number. This armband was to be worn at all times by hunters when in search or in pursuit of birds. In addition, hunters were required to carry their Special Spring Hunting License at all times, report their catches in real time through an SMS system and through their *Carnet de Chasse* before leaving the hunting zone, abide by time restrictions and respect the daily bag limit of 2 birds and a season bag limit of 4 birds. These conditions were strictly monitored, supervised and enforced.

## **6. The SMS System**

According to the Framework Regulations, licensed hunters are obliged to inform the Competent Authority (MEPA) via SMS of any birds hunted during a spring hunting season. A blank SMS was to be sent on 99180020 in real time as soon as a Turtle Dove was shot and on 99180021 as soon as a Quail was shot.

The MEPA set up a system which logged each SMS received on a daily basis. Throughout the season, MEPA closely monitored this system, keeping note of different variables, including the number of each bird species caught per day.

In order to avoid any abuse of the SMS system, all messages received were filtered to ensure that the originating mobile number corresponds to a list of pre-registered mobile numbers of registered licence holders. These numbers were verified by MEPA on a daily basis.

**On the basis of the collation and validation of the SMSs received, during the 2012 Spring Hunting Season a total of 805 Turtle Doves and 151 Quails were shot.**

The following table summarises daily counts:

*Table 1 – Daily counts of harvested birds reported via SMS system*

<b>Date</b>	<b>Turtle Dove</b>	<b>Quail</b>
Thursday, 12th April 2012	1	0
Friday, 13th April 2012	4	0
Saturday, 14th April 2012	2	1
Sunday, 15th April 2012 - Closed Season	/	/
Monday, 16th April 2012	18	17
Tuesday, 17th April 2012	10	7
Wednesday,, 18th April 2012	4	3
Thursday, 19th April 2012	3	6
Friday, 20th April 2012	22	10
Saturday, 21st April 2012	18	9
Sunday, 22nd April 2012 - Closed Season	/	/
Monday, 23rd April 2012	15	1
Tuesday, 24th April 2012	17	9

Date	Turtle Dove	Quail
Wednesday, 25th April 2012	29	14
Thursday, 26th April 2012	102	21
Friday, 27th April 2012	164	13
Saturday, 28th April 2012	213	18
Sunday, 29th April 2012 - Closed Season	/	/
Monday, 30th April 2012	183	22
TOTALS	805	151

The following charts present the above information in graphic form for each species:

Figure 2 – Number of Turtle Doves reported caught per day

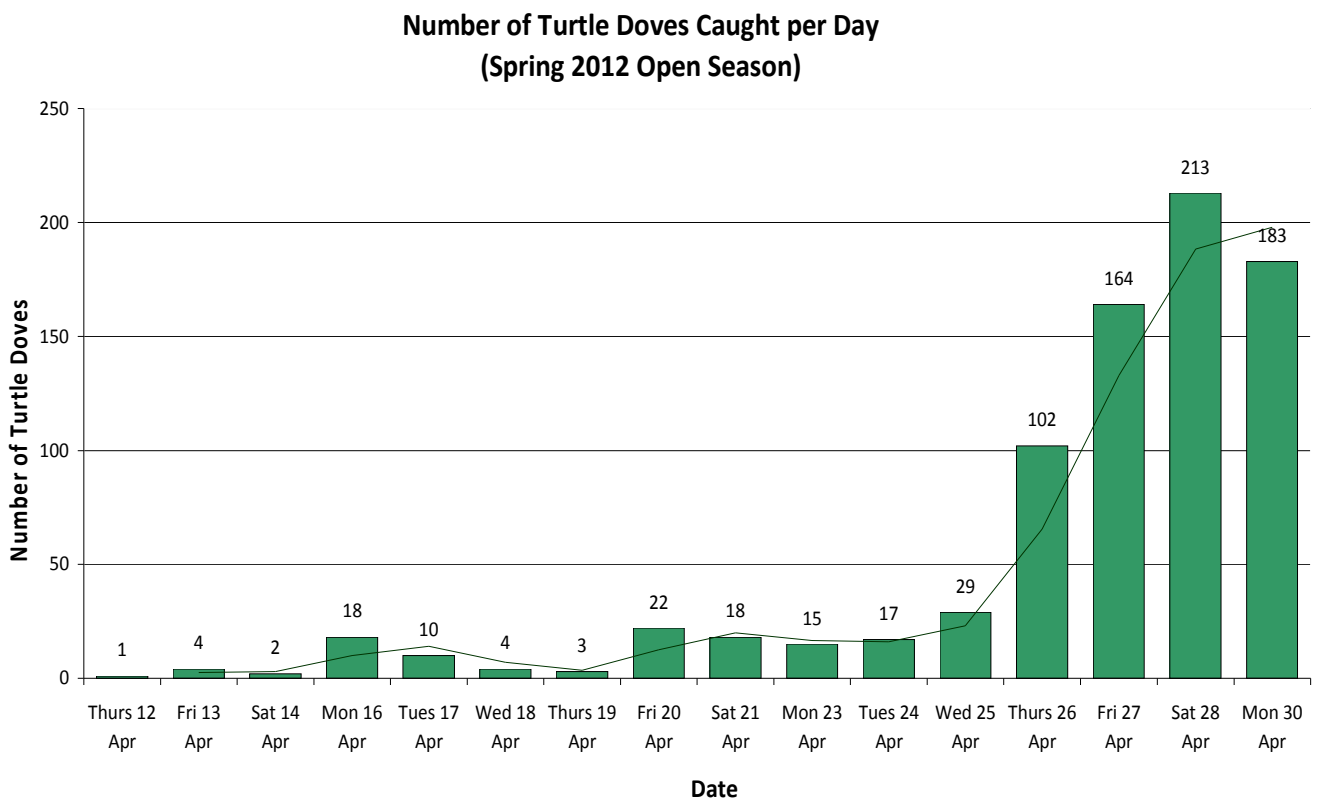
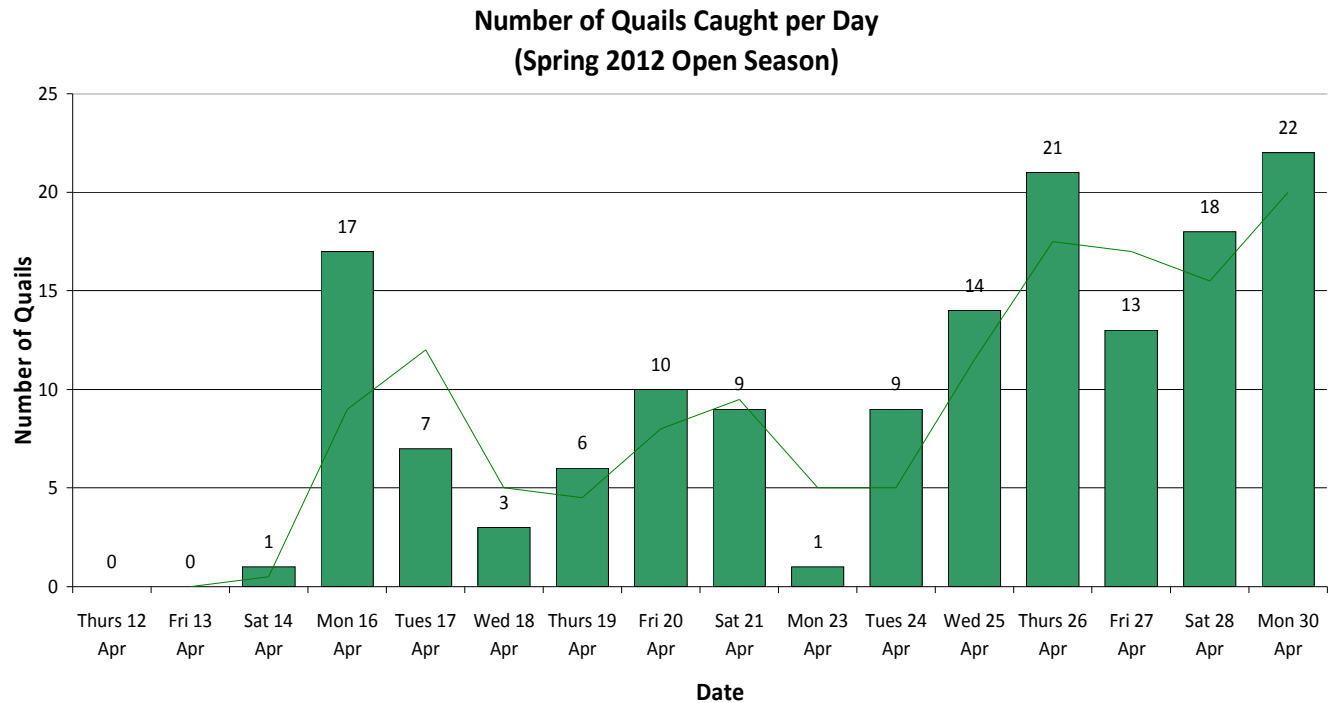




Figure 3 – Number of Quails reported caught per day



As evidenced by the data being quoted in this report, the overall bag limits of 5,000 for Quail and 11,000 for Turtle Dove were not reached by the end of the 2012 Spring Hunting Season.

### 7. The Spring Migration Study

The MEPA commissioned an independent scientific study aimed at assessing the influx of Turtle Dove and Quail over the Maltese Islands during the period of the 2012 spring hunting derogation.

For the purpose of this study a network of twenty-four monitoring stations were set up from where field observers collected data at three-day intervals. This means that each day migration counts were carried out at 8 different stations. Since the survey was aimed at quantifying the influx of migrating individuals, such counting stations were strategically

sited at locations which were most likely to serve as stopovers following a migratory flight.

The graphs and table below show the number of Turtle Dove and Quail recorded by the Migration Study between the 9 April and the 30 April 2012.

*Table 2: Migration Bird Counts recorded at the Observation Stations*

<b>Date</b>	<b>Turtle Dove</b>	<b>Quail</b>
Monday, 09th April 2012	4	3
Tuesday, 10th April 2012	3	2
Wednesday, 11th April 2012	6	9
Thursday, 12th April 2012	2	2
Friday, 13th April 2012	10	5
Saturday, 14th April 2012	7	2
Sunday, 15th April 2012	11	1
Monday, 16th April 2012	62	24
Tuesday, 17th April 2012	28	3
Wednesday, 18th April 2012	7	5
Thursday, 19th April 2012	4	25
Friday, 20th April 2012	11	5
Saturday, 21st April 2012	18	4
Sunday, 22nd April 2012	74	1
Monday, 23rd April 2012	4	0
Tuesday, 24th April 2012	14	2
Wednesday, 25th April 2012	10	2
Thursday, 26th April 2012	27	3
Friday, 27th April 2012	94	1
Saturday, 28th April 2012	59	3
Sunday, 29th April 2012	48	6
Monday, 30th April 2012	37	2

*Figure 4 – Number of Turtle Dove observed during migration study*

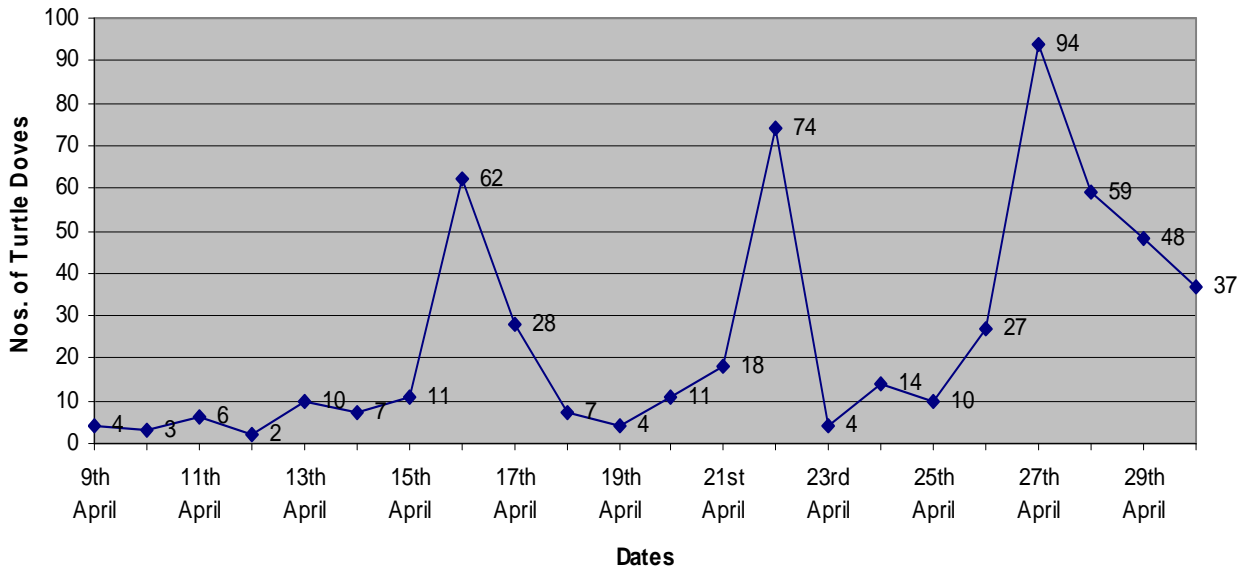
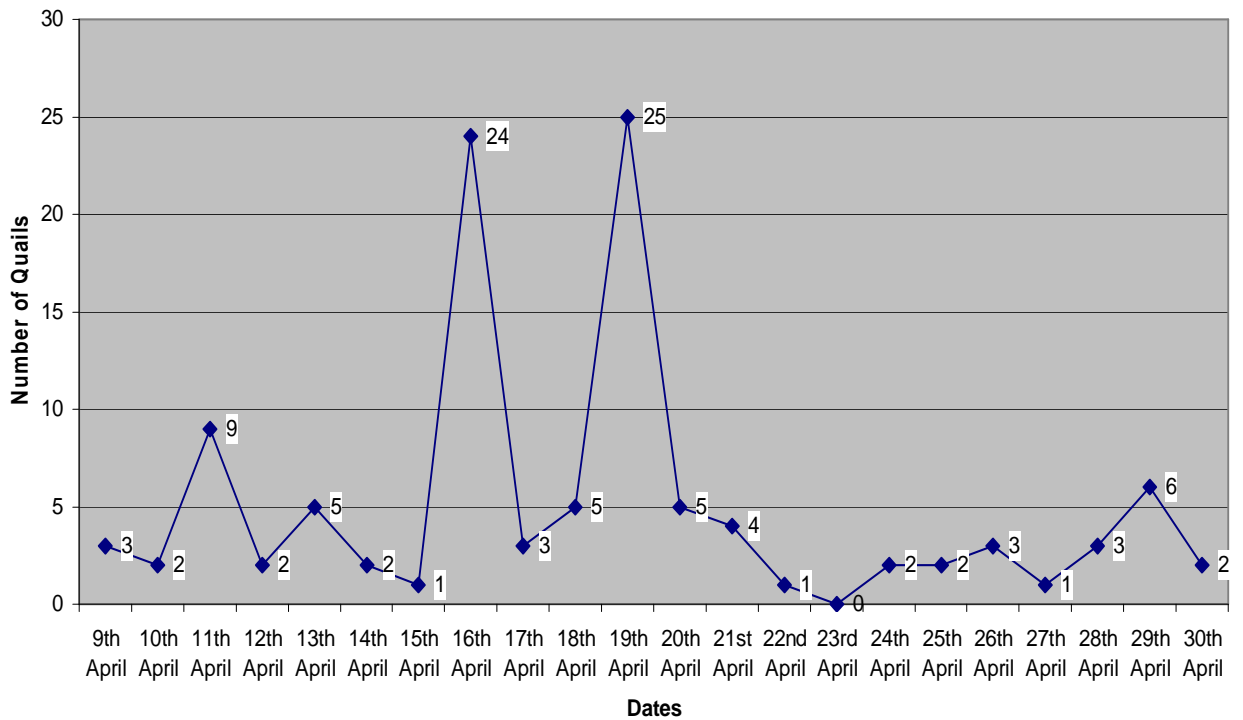


Figure 5 – Number of Quail observed during migration study



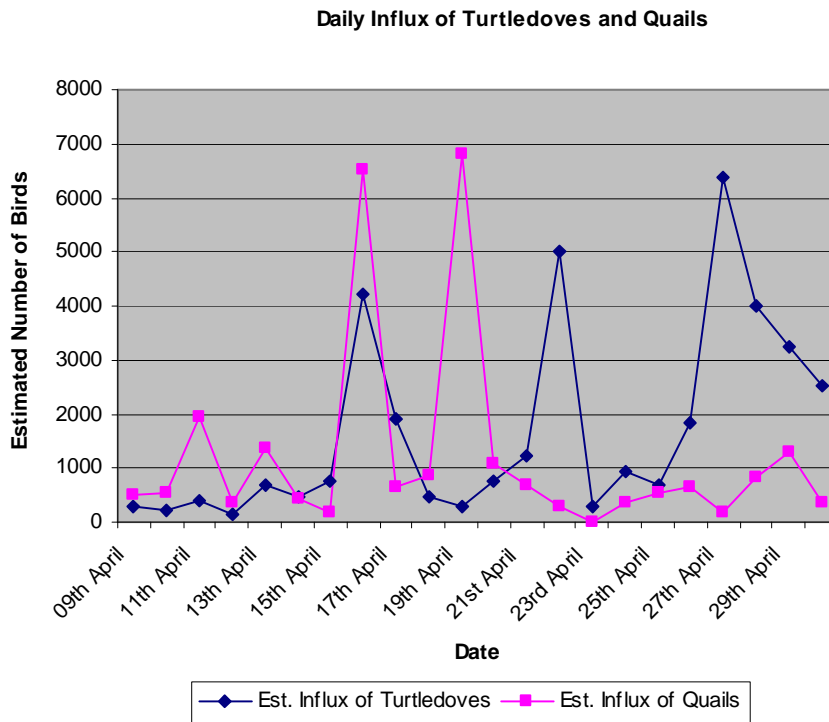
On the basis of the number of birds observed, the Migration Study used appropriate analytical procedures and methodologies in order to extrapolate the estimated *total* number of birds migrating over the Maltese Islands during this period. The findings of

the study are presented in a report enclosed as **Annex 2** and are summarised by the table and graphs below.

*Table 3: Estimated total influx of migratory individuals (Extracted from the Report on a survey of migratory birds, Streptopelia turtur and Coturnix coturnix, Spring 2012)*

<b>Date</b>	<b>Estimated Daily Influx for Turtle Dove</b>	<b>Estimated Daily Influx for Quail</b>
Monday, 09th April 2012	271	519
Tuesday, 10th April 2012	203	544
Wednesday, 11th April 2012	407	1933
Thursday, 12th April 2012	136	346
Friday, 13th April 2012	678	1359
Saturday, 14th April 2012	475	430
Sunday, 15th April 2012	746	173
Monday, 16th April 2012	4204	6524
Tuesday, 17th April 2012	1899	644
Wednesday, 18th April 2012	475	864
Thursday, 19th April 2012	271	6796
Friday, 20th April 2012	746	1074
Saturday, 21st April 2012	1220	691
Sunday, 22nd April 2012	5018	272
Monday, 23rd April 2012	271	0
Tuesday, 24th April 2012	949	346
Wednesday, 25th April 2012	678	544
Thursday, 26th April 2012	1831	644
Friday, 27th April 2012	6374	173
Saturday, 28th April 2012	4000	816
Sunday, 29th April 2012	3255	1289
Monday, 30th April 2012	2509	346

Figure 6 – Daily influx of Turtle Dove and Quail



**8. Comparison between the migratory influx of Turtle Dove and Quail and the number of birds reported through the SMS system**

As an additional validation measure to assess the overall efficacy of the SMS reporting system and in order to ensure strict supervision of the derogation, the Migration Study compares the migratory influx of Turtle Dove and Quail against the SMS reports.

The Migration Study indicates that a peak migration of Turtle Dove occurred on the 16 April, 21-22 April, 24 April and 27-30 April. The peak migration of Quail occurred on 16-19 April, with other significant passages on 11, 20 and 29 April.

With regards to Turtle Dove, it is clear that both the Migration Study observations and the SMS reports mirror the same pattern. It should be noted that the bird count peak of the 22 April coincides with a Sunday when no hunting was allowed.

With regards to Quail, the Migration Study observations and the SMS reports also mirror the same pattern with minor discrepancies which may be attributed to the different hunting method used for Quail since these birds are usually hunted when the birds are on land.

It should also be noted that some discrepancies between the observed migration flux and the SMS reports could also be attributed to the methodology of the study since observations were limited to selected eight locations, whilst hunting was spread throughout the territory of the Maltese Islands. It should also be borne in mind that this exercise can only be utilized for the broad comparison of the overall migration trends of the two species and not for the absolute values or counts of birds.

The trends described above are summarised in the graphs below.

Figure 7 – Comparison of the number of Turtle Dove reported shot via SMS system with the number of Turtle Dove observed through migration study

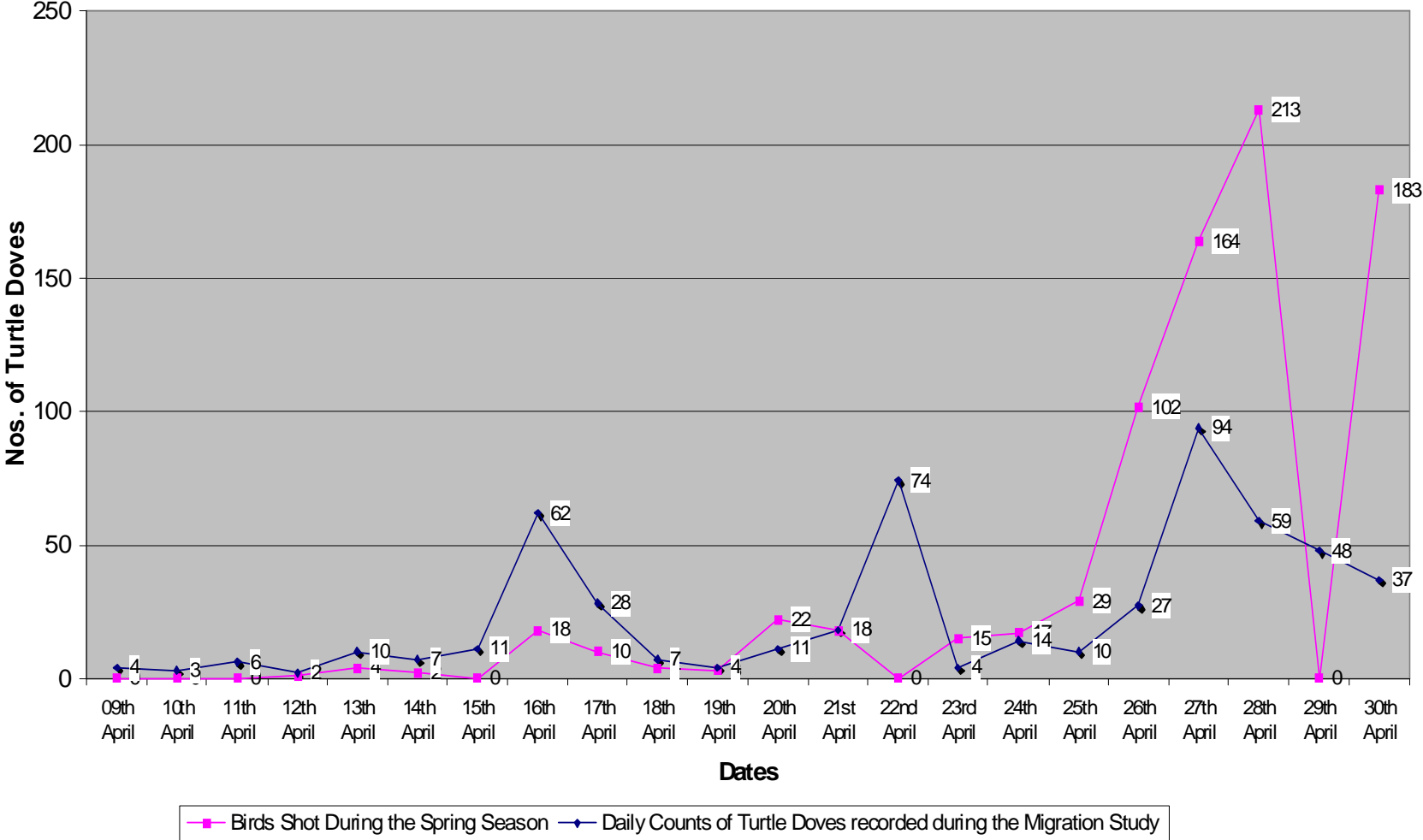
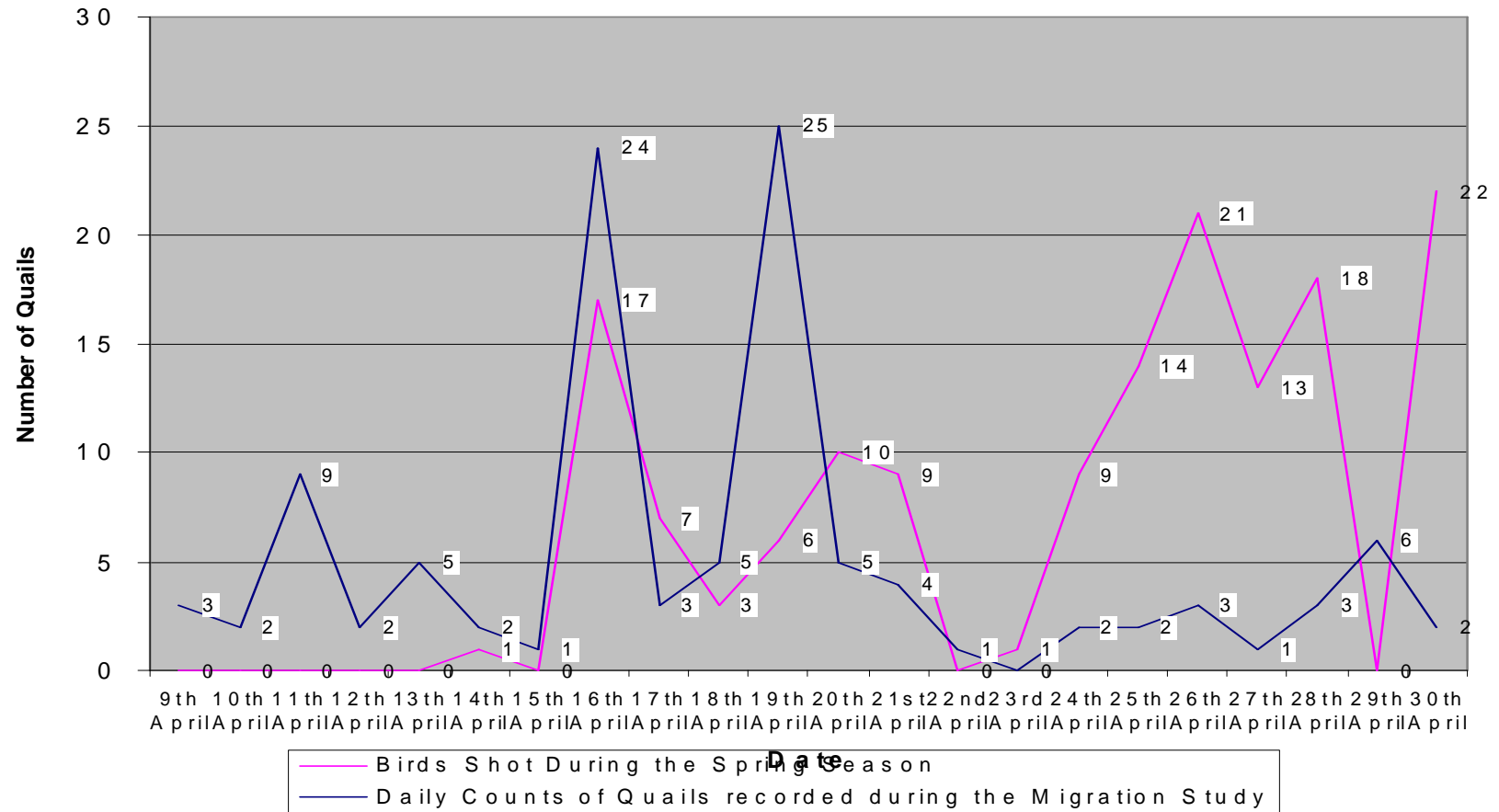


Figure 8 – Comparison of the number of Quail reported shot via SMS system with the number of Quails observed through migration study





## 9. Deployment of enforcement personnel

In accordance with the Framework Regulations, a minimum of seven enforcement officers for every 1,000 licensed hunters were to be appointed. Since 6,110 Special Spring Hunting Licences had been issued, a total of 43 enforcement officers were legally required. However, in order to enhance the strict supervision, the authorities nominated 50 police officials as enforcement officers for the 2012 spring hunting season. These officers carried out daily spot checks to ensure that all the licence conditions and the provisions of the relevant regulations were being observed. Their duties included, *inter alia*, the following:

- Verifying the *Carnet de Chasse* in accordance with regulations;
- Ensuring that hunters wore their identification armband and were in possession of their spring hunting licence while in search or pursuit of birds during the season;
- Ensuring compliance with bag limits and time restrictions;
- Ensuring that no species other than Turtle Dove and Quail are hunted.

Over and above the appointed enforcement officers, district officers were also actively involved in curbing possible hunting abuses. These district police officers were instructed to monitor the countryside, particularly during the early hours of the morning and later in the evening. It is estimated that each of the eleven police districts deployed two or three additional officers to assist in combating illegal hunting.

It should be noted that the actual number of officers involved in the supervision of the hunting season approximately amounted to 10% of the total on-duty police force complement, a clear sign of Malta's commitment to ensure strict supervision to an extent which no other EU Member State is likely to have attempted.

The 50 enforcement officers had 11 vehicles at their disposal for patrolling Malta and Gozo, each vehicle being equipped with radio communication. Additionally, all police officers had their own portable radios enabling them to communicate with their

colleagues from other police districts while maintaining continuous contact with the Police Control Room and enabling them to be called to any site within short notice. Police officers were also equipped with binoculars to facilitate their investigations on the ground. Lists of licensed hunters were also distributed to field officers to enable them to verify whether any hunters were on the field without a Special Spring Hunting Licence. The patrolling efforts continued during the weeks that followed the closure of the Spring Hunting Season until the end of May 2012 in order to protect the raptor migration and that of other species.

## **10. Preparatory arrangements**

Prior to the opening of the 2012 Spring Hunting Season, the MEPA organised a specialised training programme for the enforcement officers. The training course covered topics such as general information regarding local hunting and trapping practices, the substance of the relevant provisions in the regulations, recent trends in the type of offences encountered in the field, as well as general identification techniques of protected *vs* non-protected "look-alike" species.

As was the case in the previous year, police officers held meetings with the FKNK as well as environmental NGOs, namely Birdlife Malta and the Committee Against Slaughter of Birds (CABS), with a view to making all stakeholders aware of the action intended to be taken by the police. All organisations and persons involved were asked to cooperate with the police and to inform the police of any illegalities taking place, with a view to enabling law enforcement officers to proceed to site immediately and thereby curb any abuses. To this end, contact telephone numbers were also made available to the entities concerned and to the general public.

## **11. Additional measures**

Environmental NGOs, namely Birdlife Malta and the CABS, who were monitoring the situation in the countryside, were also afforded police protection. Police officers were

also detailed to escort members of these groups with a view to collaborating in the field and avoiding any possible problems. Similar arrangements were made with hunting associations (in particular FKNK), particularly in the Mizieb area.

## 12. Enforcement action taken in case of contraventions

Between Thursday 12 April and Monday 30 April 2012, the enforcement officers carried out 1072 spot checks, of which 333 inspections were carried out by the district police. All spot checks have been logged. During these spot checks 64 infringements were detected, of which 60 infringements were detected in Malta and 4 in Gozo. Court action is being taken against the offenders (see Tables 4 and 5).

Table 6 relates to all objects seized during these inspections.

*Table 4 – List of hunting offences detected by the police during 2012 spring hunting season*

<b>Dates of open season</b>	<b>Observed illegalities</b>	<b>Action taken</b>
12th April	3 abandoned f'arm	Charged
	2 hunting for protected species	Charged
	1 f'arm not registered with COP	Charged
	1 ammunition more than 3.3mm	Charged
	2 possession of illegal trapping	Charged
	1 special licence given to third parties	Charged
	1 selling of birds	Charged
	1 hunting w/o licence	Charged
	1 illegal trapping	Charged
13th April	Nil	Nil
14th April	1 hunting w/o licence	Charged
	1 abandoned f'arm	Charged
15th April	2 abandoned f'arm	Charged
	1 less than 50 metres from a main road	Charged
16th April	Nil	Nil
17th April	1 f'arm more than 2 cartridges	Charged
	2 abandoned of a f'arm	Charged
	1 hunting in less than 200 metres	Charged
	from residential area	

<b>Dates of open season</b>	<b>Observed illegalities</b>	<b>Action taken</b>
	1 hunting w/o licence	Charged
18th April	Nil	Nil
19th April	Nil	Nil
20th April	Nil	Nil
21st April	4 abandoned f'arm	Charged
	2 farms not in a registered place	Charged
	1 hunting in closed season	Charged
	3 not wearing armband	Charged
	1 farm more than 2 cartridges	Charged
	1 in possession of VHF	Charged
	1 hunting w/o licence	Charged
22 <sup>nd</sup> April	2 abandoned f'arm	Charged
	3 illegal trapping	Charged
	2 possession of illegal trapping	Charged
	2 hunting in closed season	Charged
23rd April	Nil	Nil
24th April	1 hunting w/o licence	Charged
	1 abandoned f'arm	Charged
	1 illegal trapping	Charged
	1 possession of illegal trapping	Charged
	2 possession of protected species	Charged
	1 hunting in closed season	Charged
25th April	2 possession of protected species	Charged
	1 in possession of a VHF	Charged
	1 illegal trapping	Charged
26th April	2 hunting w/o licence	Charged
	1 abandoned f'arm	Charged
	1 hunting in closed season and	Charged
	possession of protected species	
27th April	1 not wearing armband	Charged
28th April	Nil	Nil
29th April	1 hunting in closed season	Charged
30th April	2 hunting w/o licence	Charged

*Table 5 – Itemised list of charges for hunting-related offences made during 2012 spring hunting season (12<sup>th</sup> April – 30<sup>th</sup> April)*

<b>Charges</b>	<b>Total</b>
Abandoned ammunition or shotgun	16
Firearm not registered with Commissioner of Police	1
Possession of protected species	4
Shotgun compartment takes more than 2 cartridges	2
Possession of illegal trap	4
Hunting without license	9
Possession of VHF	2
Hunting within less than 50 metres from main road	1
Hunting within less than 200 metres from residential area	1
Shotgun not in registered place	2
Hunting during closed season	5
Hunting for protected species	2
Hunting in closed season + possession of protected species	1
Illegal trapping	7
Special license given to third parties	1
Not wearing arm band	4
Selling of birds	1
Ammunition more than 3.3mm	1
<b>Total</b>	<b>64</b>

*Table 6 – List of seizures during 2012 Spring Hunting Season*

<b>Seizures</b>	<b>Total</b>
Shotguns	23
Cartridges	245
Dead Quails	1
Carcasses Seagulls	14
Stuffed Honey Buzzards	1
Stuffed Bea Eater	1
Stuffed Night Heron	1

<b>Seizures</b>	<b>Total</b>
Stuffed Merlin	1
Stuffed Marsh Harriers	1
Stuffed Kestrel	2
Stuffed Short-eared Owl	2
Stuffed Tajra Safra	1
Armband	17
<i>Carnet de Chasse</i>	19
Special License	14
Mist Nets	6
Waiders	2
Plastic decoys	6
Speakers	1
Radios	1
Amplifier	1
<b>Total</b>	<b>360</b>

### **13. Legal deterrent**

An assessment of the evolution of the charges brought and penalties imposed by the Maltese judiciary for hunting-related offences and relevant statistics on hunting-related charges and convictions over the past few years show that over the past 6 years, the Maltese legal framework has developed a stronger and more credible deterrent against hunting-related offences (**Annex 3**). In this context, it should also be noted that the magnitude of penalties envisaged by the Maltese legislation has more than doubled over the past few years: penalties now range from fines and confiscation of *corpus delicti* to suspension of license for life and imprisonment. In particular, Regulation 27 of Legal Notice 79 of 2006 (as amended) provides a comprehensive legal deterrent against hunting-related offences.