

SUBSIDIARY LEGISLATION 549.138

**CONSERVATION OF WILD BIRDS (DECLARATION
ON A DEROGATION ALLOWING A RESEARCH
PERIOD TO DETERMINE MALTA'S REFERENCE
POPULATION OF SEVEN FINCH SPECIES)
REGULATIONS**

19th October, 2020

LEGAL NOTICE 400 of 2020.

1. (1) The title of these regulations is the Conservation of Wild Birds (Declaration on a Derogation Allowing a Research Period to determine Malta's Reference Population of Seven Finch Species) Regulations and these regulations shall be read and construed as one with the Conservation of Wild Birds (Framework for Allowing a Research Derogation to determine Malta's Reference Population of Seven Finch Species) Regulations, hereinafter referred to as the "Framework Regulations".

Citation and scope.

S.L. 549.138.

(2) For the purpose of these regulations and within the meaning of Articles 9(1)(b) and 9(2) of the Birds Directive, in particular read in conjunction with Article 10 and Annex V(c) of the said Birds Directive, given that within the territory of the Republic of Malta:

(a) European Greenfinch (*Chloris chloris*), Hawfinch (*Coccothraustes coccothraustes*), Common Chaffinch (*Fringilla coelebs*), Common Linnet (*Linaria cannabina*), Eurasian Siskin (*Spinus spinus*), European Goldfinch (*Carduelis carduelis*) and European Serin (*Serinus serinus*), hereinafter referred to as "the relevant species", are non-resident, passage migrants; and

(b) very limited data on ring recoveries pertaining to the relevant species have been collected to date^{**} to provide conclusive information on the regions of origin of the main bird

^{**2} Data on ring recoveries of the relevant species controlled in Malta from 1920s to 2018 is available at: https://birdlifemalta.org/wp-content/uploads/2016/08/BLM-Report_The-international-impact-of-hunting-and-trapping-in-the-Maltese-Islands.pdf [Sections 3.4 and 3.5.3] and <https://mgoz.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/ringRecov0818.pdf>.

^{*3} A report on selectivity and mesh-size was presented by the Wild Birds Regulation Unit to the Mata Ornis Committee on 31 July 2019 (included as Annex A to the Committee minutes of the same meeting) and is available at: <https://mgoz.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/selMesSizMetUseLiCa.pdf>

*CONSERVATION OF WILD BIRDS (DECLARATION ON A
DEROGATION ALLOWING A RESEARCH PERIOD TO
DETERMINE MALTA'S REFERENCE POPULATION OF
SEVEN FINCH SPECIES)*

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contingents (reference population), as confirmed by the Court of Justice of the European Union in case reference C-557/15;

the Minister is hereby ascertaining the absence of another satisfactory solution to carry out a comprehensive research study by licensed individuals using registered clap-nets as the most selective method*³ for capturing specimens from the relevant species, in order to record data on ring recoveries (control) and affix scientific rings, followed by their immediate release back into the wild and insofar as it is absolutely necessary to obtain data to determine Malta's reference population of the relevant species, in accordance with the provisions of the Birds Directive and the Framework Regulations.

Interpretation.

2. The terms and expressions used in these regulations,

S.L. 549.42.

unless the context otherwise requires, shall have the same meaning as that given to them in the Conservation of Wild Birds Regulations, hereinafter referred to as the "the Wild Birds Regulations", and in the Framework Regulations.

S.L. 549.137.

Research
according to set
framework and
special licence
conditions.
S.L. 549.137.

3. (1) The research period and its associated parameters shall be in accordance with the provisions of these regulations, with the provisions of the Framework Regulations and the special licence conditions.

S.L. 549.137.

(2) For the purpose of these regulations, specimens from the relevant species shall only be captured by nets known as clap-nets in accordance with the Framework Regulations and the special licence conditions.

S.L. 549.137.

(3) Special licence holders may capture and handle birds from the relevant species to determine which specimens are fitted with a scientific ring, to record the scientific ring identification numbers (control), followed by the immediate release back into the wild of all specimens from the same research site, and submit the ring recovery form supplied for this purpose by the Wild Birds Regulation Unit within the period established by the Unit following closure of the research period, in accordance with the special licence conditions and the Framework Regulations.

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(4) Licensed bird-ringers in possession of a special licence issued under the Framework Regulations may affix a scientific ring on specimens pertaining to the relevant species, followed by their immediate release back into the wild from the same research site. The relevant data shall be recorded and submitted to the Wild Birds Regulation Unit within the timeframe set out in sub-regulation (3) and in accordance with the conditions of the special licences and the Framework Regulations.

4. For the purpose of establishing the dates and duration of the research period under regulation 4 of the Framework Regulations, and for the purpose of these regulations, the research period for the relevant species for the year 2020 shall be sixty-two (62) days from 20th October 2020 to 20th December 2020, both dates included, for European Greenfinch (*Chloris chloris*), Hawfinch (*Coccothraustes coccothraustes*), Common Chaffinch (*Fringilla coelebs*), Common Linnet (*Linaria cannabina*), Eurasian Siskin (*Spinus spinus*), European Goldfinch (*Carduelis carduelis*) and European Serin (*Serinus serinus*):

Establishment of
the research
period.
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Provided that the provisions of these regulations shall cease to have effect and no research activity shall be permitted in the event that the Minister orders, by notice in the Gazette or any other notice, that the research period is to terminate immediately or at a date as specified by the Minister. All licensees shall be informed immediately of such termination by means of a text message service (SMS) to the number indicated by that person in the application for a special licence.

5. Special licences shall be issued upon the payment of a nominal fee of twenty-five euro (€25), provided the conditions set out in sub-regulation 5(3) of the Framework Regulations are met.

Special licence
fees.

S.L. 549.137.