L.N. 268 of 2024

ENVIRONMENT PROTECTION ACT (CAP. 549)

Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2024 Live-capturing Season for Song Thrush and Golden Plover) Regulations, 2024

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister responsible for the environment in conjunction with the Minister for Gozo and Planning and after consultation with the Environment and Resources Authority, and after taking into account the recommendations of the Ornis Committee*, has made the following regulations:-

Citation.

1. The title of these regulations is the Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2024 Live-capturing Season for Song Thrush and Golden Plover) Regulations, 2024 and these regulations shall be read in conjunction with the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations.

S.L. 549.74.

Scope, statement of reasons and evidence that there is no other satisfactory solution.

2. (1) For the purpose of these regulations and within the meaning of Article 9 of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, hereinafter referred to as the "Birds Directive", given that in Malta, Golden Plovers and Song Thrushes neither breed in the wild nor in captivity, the Minister is hereby ascertaining the absence of another satisfactory solution for the acquisition of live specimens from these two (2) species other than by means of live-capturing using clap-nets as the most selective method of capture**** in small numbers, and insofar as it is absolutely necessary to replenish the limited stock of live-birds in captivity for use as live-decoys during open hunting seasons.

(2) For the purpose of these regulations and within the meaning of Article 9 of the Birds Directive, the Minister took into

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* The recommendations of the Malta Ornis Committee to open a live-capturing season for Golden Plover and Song Thrush and associated parameters are available on the site: https://wbru.gov.mt/en/the-department/ornis-committee/.

** A report on selectivity and mesh-size and how the clap-net system operates was presented by the Wild Birds Regulation Unit to the Malta Ornis Committee on 31 July 2019 (included as Annex A to the Committee minutes of the same meeting) and is available on the site: https://wbru.gov.mt/wp-content/uploads/2024/03/oMinThirtstJul19.pdf.

consideration the favourable conservation status of the Golden Plover and Song Thrush at both the European ("Stable" and "Moderate Increase" respectively) and EU levels ("Secure"), and also took into consideration their IUCN classification as "Least Concern"**.

Interpretation.

S.L. 549.42.

S.L. 549.74.

3. The terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning assigned to them in the Conservation of Wild Birds Regulations, hereinafter referred to as the "Wild Birds Regulations" and in the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations.

Determination of reference population and small numbers.

4. For the purposes of these regulations, the Golden Plover and Song Thrush are classified as non-breeding passage migrants in Malta that qualify as huntable species under the Birds Directive (MT: Annex IIB). In this context, the "small numbers" requirement within the meaning of Article 9(1)(c) of the Birds Directive shall be understood as "a sample in the order of 1% of the total annual mortality of the population in question". For the purposes of these regulations, "population in question" shall be understood, with regard to these migratory species, as the population of those regions within the territory of the European Union from which come the main contingents passing through the region to which the derogation applies during its period of application, namely Finland and Sweden in the case of the Golden Plover (Wetlands International, 2009) and Romania, Bulgaria and Hungary in the case of the Song Thrush (Cramp *et al*, 1988; Spina & Volponi, 2008), as detailed in the report on the conservation status of the these two species which was presented to, and endorsed by the Ornis Committee***.

Calculation of 1% of the total annual mortality of the reference population.

5. The 1% of the total annual mortality of Malta's reference population of Golden Plover and Song Thrush shall be calculated as follows:

Golden Plover (*Pluvialis apricaria altifrons*)

Minimum breeding success: 3.64 birds per pair (172,089 x 3.64) = 626,404

** The August 2024 report on the conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) was presented to the Ornis Committee on 5 September 2024 and is available on the site: https://wbru.gov.mt/en/resources/reports-and-statistics/other-reports/.

*** The August 2024 report on the conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*) was presented to the Ornis Committee on 5 September 2024, and is available on the site: https://wbru.gov.mt/en/resources/reports-and-statistics/other-reports/.

Mortality rate of first year birds: (626,404 x 53.33%) = 334,061

Mortality rate of adult birds: (344,178 x 27%) = 92,928

Total annual mortality: (334,061 + 92,928) = 426,989

1% of total annual mortality: (426,989 x 1%) = **4,270**

Song Thrush (*Turdus philomelos*)

Minimum breeding success: 4 birds per pair (664,306 x 4) = 2,657,225

Mortality rate of first year birds: (2,657,225 x 56%) = 1,488,046

Mortality rate of adult birds: (1,328,612 x 43.3%) = 575,289

Total annual mortality: (1,488,046 + 575,289) = 2,063,335

1% of total annual mortality: (2,063,335 x 1%) = **20,633**

Establishment of the season. S.L. 549.42.

6. For the purposes of establishing the season for the live-capturing of wild birds in Autumn in accordance with sub-paragraphs (ii) and (iii) of the fourth proviso to regulation 10(6) of the Wild Birds Regulations, and for the purposes of these regulations, the season for the live-capturing of Song Thrush and Golden Plover for the year 2024, hereinafter referred to as "the Autumn live-capturing season", shall be on the following dates:

(a) live-capturing of Song Thrush between 20th October 2024 and 31st December 2024, both dates included; and

(b) live-capturing of Golden Plover between 1st November 2024 and 10th January 2025, both dates included:

Provided that the provisions of these regulations shall cease to have effect and no live-capturing activity shall be permitted in the event that the Minister orders, by notice in the Gazette, that the Autumn live-capturing season is to terminate immediately or at a date as specified by the Minister.

Live-capturing according to set framework. S.L. 549.74.

7. For the purposes of these regulations, the Autumn live-capturing season shall be in accordance with the provisions of the Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations.

Seasonal quotas and special licence fee.

8. The Autumn live-capturing licence, which shall be issued upon the payment of a nominal fee of fifty-five euro (€55), shall set the

overall seasonal bag limit for the Autumn live-capturing season at five thousand (5,000) for Song Thrush, equivalent to 0.242% of the total annual mortality of the reference population, and seven hundred (700) for Golden Plover, equivalent to 0.164% of the total annual mortality of the reference population, as the total number of birds which may be captured by means of live-capturing under the authority of all issued licences taken together.

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