

L.N. 247 of 2023

**ENVIRONMENT PROTECTION ACT
(CAP. 549)****Conservation of Wild Birds (Declaration on a Derogation Allowing
Scientific Research on Seven Finch Species in Autumn 2023)
Regulations, 2023**

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, after consultation with the Environment and Resources Authority and after taking into consideration the recommendations of the Ornis Committee*, has made the following regulations:-

Citation and
scope.

S.L. 549.145.

1. (1) The title of these regulations is the Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2023) Regulations, 2023 and these regulations shall be read in conjunction with the Conservation of Wild Birds (Framework for Allowing a Derogation to Carry out Scientific Research on Seven Finch Species) Regulations, hereinafter referred to as "the Framework Regulations".

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

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

* The recommendations of the Ornis Committee on this derogation under Article 9(1)(b) of the Birds Directive for research on the seven finch species and associated parameters are available on the site: <https://ministryforgozo.gov.mt/en/Pages/WBRU/Ornis-Committee.aspx> (10 October 2023).

(b) the mist-net system used for capturing birds is not adequate to provide data** on bird ring recoveries pertaining to the relevant species to provide conclusive information on the regions of origin of the main bird contingents (reference population), as confirmed by the Court of Justice of the European Union in Case C-557/15; and since

(c) bird-ringers from the national ringing scheme cannot and are ethically against the use of live-decoys for the purpose of scientific ringing and control, which live-decoys are the key component of how a clap-net system operates***,

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*** 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.

S.L. 549.145.

2. The terms and expressions used in these regulations, unless the context otherwise requires, shall have the same meaning as assigned to them in the Conservation of Wild Birds Regulations, hereinafter referred to as "Wild Birds Regulations" and in the Framework Regulations.

Interpretation.

S.L. 549.42.

S.L. 549.145.

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

Research according to set framework and special research licence conditions.
S.L. 549.145.

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

S.L. 549.145.

** Data on ring recoveries of the relevant species controlled in Malta by means of the mist-net system from 1920s to 2018 is available on these sites: 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://ministryforgozo.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/ringRecov0818.pdf>.

*** A report on selectivity and mesh-size and how the clap-net system operates was presented by the Wild Birds Regulation Unit to the Ornis Committee on 31 July 2019 (included as Annex A to the Committee minutes of the same meeting) and is available at: <https://ministryforgozo.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/Selectivity%20and%20mesh%20size.pdf>.

(3) Special research 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), report all specimens captured in real-time after the immediate release back into the wild of all such 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 said Unit following closure of the research period, in accordance with the special research licence conditions and in accordance with the provisions of regulation 7 of the Framework Regulations.

S.L. 549.145.

(4) Licensed bird-ringers 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 in accordance with the provisions of regulation 7(5) of the Framework Regulations.

S.L. 549.145.

Establishment of the research period.
S.L. 549.145.

4. For the purpose of establishing the dates and duration of the research period in accordance with regulation 8 of the Framework Regulations, and for the purpose of these regulations, the research period for the relevant species for the year 2023 shall be sixty-two (62) days from 20th October 2023 to 20th December 2023, 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*):

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 research licence.

Special research licence fees.
S.L. 549.145.

5. Special research licences shall be issued upon the payment of a nominal fee of twenty-five euro (€25), provided the conditions stipulated in regulation 10(5) of the Framework Regulations are fulfilled.