

**L.N. 395 of 2021****ENVIRONMENT PROTECTION ACT  
(CAP. 549)****Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species) Regulations, 2021**

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

Citation and scope.

L.N. 394 of 2021

**1.** (1) The title of these regulations is the Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species) Regulations, 2021 and these regulations shall be read and construed as one 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 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;

(b) the mist-net system used for capturing birds is not adequate to provide data\*\*\* on 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

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\*\* The recommendations of the Malta 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 at: <https://mgoz.gov.mt/en/Pages/WBRU/Ornis-Committee.aspx> (13 October 2021).

C-557/15; and since

(c) bird-ringers from the national ringing scheme cannot and are ethically against the use live-decoys for the purpose of ringing and control, which live-decoys are the key component of how a clap-net system operates\*<sup>3</sup>,

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\*<sup>3</sup> 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.

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 the "the Wild Birds Regulations", and in the Framework Regulations.

Interpretation.

S.L. 549.42.

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 research licence conditions.

Research according to set framework and special research licence conditions.

(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.

(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

\*\*\*<sup>2</sup> Data on ring recoveries of the relevant species controlled in Malta by means of the mist-net system 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/ringRe-cov0818.pdf>.

\*<sup>3</sup> A report on selectivity and mesh-size and how the clap-net system operates 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>

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 research licence conditions and in accordance with the provisions of regulation 7 of the Framework Regulations.

(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 sub-regulation (5) of regulation 7 of the Framework Regulations.

Establishment  
of the research  
period.

4. For the purpose of establishing the dates and duration of the research period under regulation 8 of the Framework Regulations, and for the purpose of these regulations, the research period for the relevant species for the year 2021 shall be sixty-two (62) days from 20<sup>th</sup> October 2021 to 20<sup>th</sup> December 2021, 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 short message service (SMS) to the number indicated by that person in the application for a special research licence.

Special research  
licence fees.

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