

L.N. 396 of 2021**ENVIRONMENT PROTECTION ACT
(CAP. 549)****Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2021 Live-capturing Season for Song Thrush and Golden Plover) Regulations, 2021**

IN EXERCISE of the powers conferred by articles 54 and 55 of the Environment Protection Act, the Minister for the Environment, Climate Change and Planning in conjunction with the Minister for Gozo and 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.

1. (1) The title of these regulations is the Conservation of Wild Birds (Declaration on a Derogation for an Autumn 2021 Live-capturing Season for Song Thrush and Golden Plover) Regulations, 2021.

(2) For the purpose of these regulations and within the meaning of Article 9 of 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 of these two species other than by means of live-capturing using clap-nets, 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.

(3) For the purpose of these regulations and within the meaning of Article 9 of the Birds Directive, the Minister took into 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'***.

*The recommendations of the Malta Ornis Committee to open a live-capturing season for Golden Plover and Song Thrush, and associated parameters, are available at: <https://mgoz.gov.mt/en/Pages/WBRU/Ornis-Committee.aspx> (14 July 2021).

*** The May 2021 report on the conservation status of the Golden Plover (*Pluvialis apricaria altifrons*) and Song Thrush (*Turdus philomelos*), which was presented to the Malta Ornis Committee on 14 July 2021, is available at: <https://mgoz.gov.mt/en/Documents/WBRU/Reports%20and%20Statistics/consStaRepMay21GpSt.pdf>

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 Conservation of Wild Birds (Framework for Allowing a Derogation Opening an Autumn Live-Capturing Season for Song Thrush and Golden Plover) Regulations.

Interpretation.

S.L. 549. 42.

S.L. 549. 74.

3. For the purpose 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 purpose 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 for the Golden Plover (Wetlands International, 2009) and Romania, Bulgaria and Hungary for 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 Malta Ornithology Committee in July 2021**2.

Determination of reference population and small numbers.

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

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

Golden Plover (*Pluvialis apricaria altifrons*)

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

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

Mortality rate of adults: (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 (2,026,018 x 4) = 8,104,072

Mortality rate of first year birds: $(8,104,072 \times 56\%) = 4,538,280$

Mortality rate of adults: $(4,052,036 \times 43.3\%) = 1,754,532$

Total annual mortality: $(4,538,280 + 1,754,532) = 6,292,812$

1% of total annual mortality: $(6,292,812 \times 1\%) = \mathbf{62,928}$

Establishment
of the season.

5. For the purposes of establishing the season for the live-capturing of wild birds in Autumn under sub-paragraphs (ii) and (iii) of the fourth proviso to regulation 10(6) of the Wild Birds Regulations, and for the purpose of these regulations, the season for the live-capturing of Song Thrush and Golden Plover for the year 2021, hereinafter referred to as "the Autumn live-capturing season", shall be on the following dates:

(a) live-capturing of Song Thrush between 20th October 2021 and 31st December 2021, both dates included; and

(b) live-capturing of Golden Plover between 1st November 2021 and 10th January 2022, 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 or any other notice, 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.

6. 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.

7. 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 0.079% 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.