



GOVERNMENT OF MALTA

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Government response to the Consultation on  
Conservation of Wild Birds (Framework for Allowing a  
Research Derogation To Determine Malta's Reference  
Population of Seven Finch Species) Regulations, 2020

*28/09/2020*

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# Executive Summary

## Introduction and overview

On 18 August 2020, the Wild Birds Regulation Unit (WBRU) published the Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020 for public consultation. The purpose of the proposed regulations is to establish a framework for allowing a research derogation to determine Malta's reference population of the seven finch species, enumerated in regulation 2 (defined as the "relevant species" for the purpose of these regulations), on the basis of Article 9(1)(b) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive) in particular read in conjunction with Article 10 and Annex V(c) of the Birds Directive, and in terms of sub-regulation 9(1)(e) of the Conservation of Wild Birds Regulations.

The proposed regulations specifically aim to gather sufficient scientific information in order for Malta to introduce a derogation regime in terms of Article 9(1)(c) of the Birds Directive that complies with the "small numbers"-criterion as interpreted by the Court of Justice in its C-557/15 judgment. The Court of Justice, in its C-557/15 judgment, held that "by adopting a derogation regime allowing the live capturing of seven species of wild finches (Chaffinch *Fringilla coelebs*, Linnet *Carduelis cannabina*, Goldfinch *Carduelis carduelis*, Greenfinch *Carduelis chloris*, Hawfinch *Coccothraustes coccothraustes*, Serin *Serinus serinus* and Siskin *Carduelis spinus*), the Republic of **Malta has failed to fulfil its obligations** under Article 5(a) and (e) and Article 8(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, read in conjunction with Article 9(1) of that directive" (Emphasis Added).

Based on legal advice sought, **the C-557/15 judgment does not preclude Malta under absolute terms from putting in place a live-capturing season and (subsequent) keeping with regard to the seven finch species.** The proposed Framework Regulations will help in acquiring the necessary scientific information on the reference population that needs to be taken into account when applying the 1%- rule (small numbers). The scope of the proposed Article 9(1)(b) Framework Regulations is solely for research purposes and does not include any reference to the "keeping" element.

The proposed regulations aim to create a new regulatory framework that allows research on the seven finch species by licensed bird-ringers as well as by licensed trappers using clap-nets and live-decoys. The trappers' involvement will be limited to the "control" of the seven finch species, which means the determination of which of the captured specimens are fitted with a scientific ring and to take note of the ring details on the ring recovery form issued on the licence holder and included with the special licence. The regulatory framework will also permit use of pre-recorded finch calls to make up for the shortfall in current stock of live-decoys.

The draft Legal Notice (Framework Regulations) was issued for public consultation between 18 August and 15 September 2020, inclusive of both dates. The objective of the consultation was to invite the public to submit representations on the draft Framework Regulations.

This consultation sought views on the new regulatory framework as outlined in this section.

## Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

The consultation closed on 15 September 2020 at noon. The consultation document (i.e. the draft Legal Notice) was available online and responses were accepted electronically. In total, there were 31 submissions. These were received from individuals and an organisation. A list of respondents, comments submitted *ad verbatim* and response to these comments is included as Annex A to this report.

## Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation.

### Statistics.

- Total feedback received: 31
- Total feedback received by individuals: 30
- Total feedback received by organisations: 1
- Total feedback received through email: 31
- Total feedback received through online form: X
- Total feedback received by post: X

The majority of respondents' concerns relate to the proper implementation of this research derogation and disagree with allowing licensed live-catchers to contribute to the collation of data on ring recoveries.

The Framework Regulations set in place a rigorous system to ensure that this research derogation is properly implemented in practice. Only eligible applicants who are well versed on the parameters of this research project and successfully pass a written exam will be eligible for a special licence and thus allowed to contribute in this research.

## Contact Details

If you have any questions regarding this response, please contact us on [wildbirds@gov.mt](mailto:wildbirds@gov.mt)

## Annex A: List of respondents

Ref No.	Date Received	Name and Surname / Name of Entity <sup>1</sup>	Comments Received	Response by WBRU
1	11/09/2020	Raphael Soler	<p>I am writing this email in relation to the public consultation for the "Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species."</p> <p>The proposed study is inadequate and a smokescreen for finch trapping to take place across the Maltese islands rampantly and unabated without any form of control. The reasons for such is as follows:</p> <p>1.) The enforcement to ensure that a trapper actually abides by the "catch and release" protocol is ineffective and leaves no controls in place to ensure that all birds trapped are actually released back into the wild and not into a cage.</p> <p>2.) The entire scope of the scientific study is flawed from a conservation perspective. The purpose of a CONSERVATION study is to ensure that the conservation status of the subject is improved and not the contrary.</p> <p>3.) Data collected from the study leaves dubious questions related to the authenticity of the data. The parties involved in</p>	<p>Although no reference is made to the strict supervision-requirement in Article 9(1)(b) of the Birds Directive, a strict enforcement framework is a prerequisite for an effective implementation of any derogation regime. The supervision-requirement therefore is relevant in light of the proportionality test. Regulation 8 of the Framework Regulations puts in place a rigorous statutory enforcement system that is higher than the enforcement requirements that have been in place to date. The Malta Police Force confirmed that the statutory enforcement deployment will be met at all times.</p> <p>The scope of the research programme is to obtain sufficient data on the reference population of the seven finch species. This Article 9(1)(b) research derogation will thus provide information on the origins of the seven finch species that migrate over the Maltese Islands during autumn migration, in line with the objectives of Article 10 and Annex V(c) of the Birds Directive. Derogations</p>

<sup>1</sup> Included unless a request for confidentiality has been made.

			<p>collecting the data have a natural interest in skewing the results to ensure that a derogation is more likely to be applied in their favour and again without any effective independent oversight.</p> <p>4.) The proposed methodology is not in line with the conservation of the subject species as the study will allow for circa 4000 non-scientifically trained individuals to catch birds using live decoys and electronic tape lures in a high density area and hence causing unnecessary stress on migrating finches which goes against the scope of conservation.</p>	<p>are exemptions from the general protection regime of the Birds Directive. If this reasoning is to be followed, then the possibility to derogate from Article 8 of the Birds Directive would become merely theoretical. The less than one percent total annual mortality of the main contingents passing through the region applying a derogation (the ‘small numbers’ criterion), as established by the <a href="#">European Commission’s Guide to Sustainable Hunting in the EU</a>, specifically refers to non-huntable species.</p> <p>Data collated by licensed bird-ringers (ringing) and licensed live-catchers (control) will be submitted to the Wild Birds Regulation Unit within the statutory deadline, which in turn will be forwarded to the national ringing scheme as a composite report. The allegation that the results will be skewed is totally unfounded.</p> <p>Live-catchers have ample experience in handling birds as do bird-ringers. It is assumed that the concern on high density is referring to the assumption that finches will be stressed by being recaptured repeatedly. The likelihood that a bird is recaptured by means of a clap-net system (<i>mansab</i>) in a successive manner is quite unlikely and there is a very obvious reason for this. The clap-net system is a much more visible contraption than the mist-net system. Birds released after being caught by means of the former method will shy away from approaching</p>
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				<p>another clap-net pair. By the time released specimens 'forget' the clap-nets they would, in all likelihood, already have arrived in their wintering grounds. There are also local sayings that corroborate this, such as "<i>jafu l-iskola</i>" or "<i>għandhom qelba</i>", which in essence sum up the shying away of birds from the clap-net system if they were previously caught. On the other hand, birds caught in a mist-net are very likely to be recaptured in another mist-net since they are purposely manufactured to be rendered practically invisible and hence undetected.</p>
2	11/09/2020	Noel Camilleri	<p>I do not agree, reason being how can trappers with non scientific background on conservation trap finches and release them back in the wild when they normally trap them for themselves!! This is clearly a loophole for them to practice their destructive habit.</p> <p>This will cause unnecessary stress on the birds mentioned without any real scientific results. And what about the natural habitat destroyed to accommodate the trapping sites!!</p> <p>This is my sincere opinion on the matter.</p>	<p>See reply to Comment 1.</p> <p>Before the trappers qualify for a special licence they are required to familiarise themselves with all the rules of the research programme and pass a written examination.</p> <p>Regarding natural habitats, the legal and enforcement system in place prohibits clap-nets within protected areas. See definition of 'protected area' in the Conservation of Wild Birds Regulations (<a href="#">SL 549.42</a>).</p> <p>Individuals making use of clap-nets not in line with SL 549.42, or not registered on their name, will be subject to Court proceedings.</p>

3	11/09/2020	Clive Muscat	<p>I am writing to voice my objection towards the proposed framework which is intended to allow non-scientifically trained people to trap birds on the grounds that the caught birds are then released. This is a smokescreen to eventually make trapping legal, a move which runs contrary to the global environmental crisis and in a time when species need to be protected and conserved. Everyone knows the deplorable state of Maltese law enforcement when it comes to safeguarding environmental laws and thus the guarantee that the trappers will be re-releasing the birds is more or less nil. Furthermore, the proposed number of trappers who will be allowed to conduct this so called research is very high when considering the small size of the Islands. Wildlife is there to be enjoyed by all and not just for the pleasure of a few whose intentions, to make it worse, are to prevent the birds from being free.</p>	<p>See reply to Comments 1 and 2.</p> <p>Regarding the objection of involving trappers in this research programme, suffice to note that BirdLife Malta voted in favour of a legal amendment that permits hunters and trappers to enrol in a ringing programme and apply for a bird ringing licence. The involvement of trappers in this Article 9(1)(b) research derogation is the control of finches that are already fitted with a scientific ring, whereas the involvement of bird-ringers will be the affixing of scientific rings issued by the national ringing scheme.</p> <p>The 'keeping' element, that is, the application of an Article 9(1)(c) derogation can only be considered for assessment by the Maltese authorities following collation of robust data on the reference population of the seven finch species as an outcome of this Article 9(1)(b) research project. In the absence of an Article 9(1)(c) framework regulations, and without prejudice to the findings of the research project itself, it is a criminal offence to keep any of the finches caught and such breach of the Framework Regulations and the Special Licence is subject to Court proceedings and to the penalties established in regulation 27 of SL 549.42.</p>
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4	11/09/2020	Silvio Scicluna	<p>I fully oppose to this research for the following reason:</p> <ul style="list-style-type: none"> <li>• Trappers are not licensed and cannot be trusted in handling this kind of research.</li> <li>• From past experience the majority of trappers abused their concessions.</li> <li>• Maltese trappers will surely keep what best for them if they are not controlled all the time.</li> <li>• Trappers have impacted negatively at their trapping sites.</li> <li>• If this is allowed, it will be as if Malta is beating around the bush to please local trappers.</li> <li>• A scientific study must be made to improve conservation and not finding ways of derogation.</li> <li>• This concession if passed stinks.</li> <li>• It will cause great pressure on the migrating birds.</li> <li>• It will be a step back in local conservation levels.</li> <li>• It should be conceded if there is not enough enforcement.</li> </ul>	See reply to Comments 1, 2 and 3.
5	11/09/2020	Manuel Mallia	This derogation should be rejected on the grounds that this will enable a huge number of finch trappers to trap finches with no physical control mechanism in place to ensure that the finches caught are all released.	See reply to Comments 1, 2 and 3.

			<p>Such widespread trapping is detrimental to the birds even if all are released. It would result in the same birds being trapped many times in a short time frame wherever they go by the 4000+ trappers. This would likely have a high mortality for the trapped birds.</p> <p>Scientists should be the only persons allowed to carry out scientific studies. Any such scientific studies should be aimed to protect birds and not to identify loopholes to allow flagrant and indiscriminate circumvention of the birds directive. Studies should have the wellbeing of the birds as the number 1 priority.</p> <p>Even contemplating such a derogation is unbelievable!</p>	
6	11/09/2020	Raymond Testa	<p>I refer to the above consultation and would like to give my opinion.</p> <p>1. I am against this new research setup, since there is already a more organized scientific research being done not only on the finches in discussion, but on all the birds on migration and birds resident in Malta. This is the Valletta Bird Ringing Scheme which is a legal entity and has been doing this research for the last 50 years. The Valletta Bird Ringing Scheme is and was always operated by trained and qualified bird ringers, which was set up under The British Ornithologist Union.</p> <p>2. The research derogation that is being proposed is a total misconception and abuse of how wildlife scientific research is to be treated. It is an insult to the intelligence and rights of Maltese population. The illegal trapping sites and devastation of the Maltese countryside is growing and cannot be denied anymore. Putting forward this abuse and incorporating these illegalities</p>	<p>In its C-557/15 judgment, the Court of Justice of the European Union concluded that Malta does not have robust data on the reference population of the seven finch species. It is clear from the Court judgment that the information collected by the national ringing scheme on finches from 1920s to date did not provide robust data on the seven finch species. This research programme seeks to address this scientific void.</p> <p>Regarding the comment related to abuse kindly refer to the reply to Comment 3.</p>

			<p>into an EU wildlife research derogation is a bluff. This is purely to appease a lobby that gives nothing to the country but takes a lot from the rest of its citizens.</p> <p>3. I am always against any form of wildlife legislation that is being proposed under or in conjunction with the Ministry of Gozo who the Minister is a hunter himself. The handing over of the conservation of wild birds to The Ministry of Gozo is outrageous when it should have been under the Minister for the Environment, Climate Change and Planning. Loop holes by these wildlife derogations are being continuously generated to accommodate a minority of hunters and bird trappers against a majority of the Maltese population who have wildlife and the environment at heart.</p> <p>I hope that my opinions and comments are put forward in this public consultation.</p>	
7	12/09/2020	Laura Coppini	<p>I am writing this email in relation to the public consultation for the "Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species."</p> <p>The proposed study is inaccurate and an excuse to allow for the trapping of finches to take place in Malta. The reasons for such is as follows:</p> <p>1.) The scientific study does not fit the description of a conservation study as it is resulting in the opposite and not ensuring that the subject in the study is conserved and protected. There is no enforcement to ensure that a trapper actually abides by the "catch and release" protocol. This leaves</p>	See replies to Comments 1, 2, 3 and 4.

			<p>trappers to their own devices and puts finches at risk of being kept in cages.</p> <p>2.) There is no enforcement to ensure that a trapper actually abides by the "catch and release" protocol. This leaves trappers to their own devices and puts finches at risk of being kept in cages.</p> <p>3.) The proposed methodology is not in line with the conservation of the subject species as the study will allow for circa 4000 non-scientifically trained individuals to catch birds using live decoys and electronic tape lures in a high density area and hence causing unnecessary stress on migrating finches which goes against the scope of conservation.</p> <p>4.) There are doubts about the authenticity of the data collected from the study. The parties involved in collecting the data are biased and ensured that a derogation is more likely to be applied in their favour and again without any effective independent oversight.</p>	
8	12/09/2020	Alex Casha	<p>I am sending my views, and objections, re the "research derogation" on 7 species of wild birds.</p> <p>1) This derogation is nothing more than a free for all to capture wild finches. It is not scientific research. Everyone knows this.</p> <p>2) How is this "scientific research" going to be enforced?</p> <p>3) Maltese trappers will not be releasing finches caught, so it can never be a research.</p>	See replies to Comments 1, 2, 3 and 4.

			<p>4) This "scientific research" will only be an excuse for trappers to trap and keep birds.</p> <p>5) There is not enough enforcement or control.</p> <p>6) Scientific studies, real ones, are done to HELP wild bird populations and conservation, not to find ways and means to trap them! The conservation of birds should be improved, not worsened.</p> <p>7) I am objecting to the use of bird lures. These are a nuisance to many people walking in the countryside, destroying the peacefulness. There are already enough callers in the countryside in the seasons, with no or little enforcement (Golden plover calls, wader calls, song thrush calls).</p> <p>8) The "scientific research" is not taking into account the conservation of the natural environment and the respect of public property. Many finch trapping sites are on Natura 200 or other "protected areas" such as garigue and coastal areas.</p> <p>9) Wild Birds, including finches, are not the property of some individuals. They belong to all, as a natural heritage, and many would like to see them alive and free in our countryside, some of them can even nest if given a proper chance. Let them free! Thank you for your attention.</p>	
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9	13/09/2020	Aron Tanti	<p>I have the following comments:</p> <ul style="list-style-type: none"> <li>- is this is really a conservation exercise or an excuse to gain a government's goal (to find a way to appease a strong lobby group).</li> <li>- it is impossible to guarantee that the caught birds will be actually released. Extremely difficult to control and monitor. With evident past (and present) problems related to wild birds, if not closely monitored, abuse will be almost certain. I can vouch for this point through multiple personal experiences.</li> <li>- what about the effect of the exercise on the birds with the so many trappers? Too many trappers in such a limited space.</li> <li>- will the trappers be obliged to follow compulsory training to qualify? To become a ringer there is a rigorous training process that takes a specific amount of time. Will this approach be followed?</li> </ul>	See replies to Comments 1, 2, 3 and 4.
10	14/09/2020	Raymond Galea	<p>This is a big loophole in the Law to give another chance to the Finch-Trapping fraternity in Malta to trap finches in Autumn. This is no study at all. Most, if not all finches trapped will be illegally kept and not released.</p> <p>Trappers do not want to do any studies of finches, what they really want is an open season when they can trap as many finches as they want. And this law is all about that. It is a smokescreen by the local authorities and also an abuse of EU laws to trap wild finches to be kept by the trappers themselves. The EU and Maltese Citizens in general will not be fooled with such laws. This is an insult to humanity.</p>	See replies to Comments 1, 2, 3 and 4.

			<p>A Scientific Study should be done to improve the conservation of wild birds and not the other way round. The purpose of this 'study' is to lead to the opening of an Autumn trapping season for trappers in future years.</p> <p>There is enough data on the origin of finches that pass/migrate through our country (Ref. Il-Merill - Ringing Reports 1970-2019). Also Euring has enough data on their databases if need be.</p> <p>If this derogation/Law will go as planned, hundred of thousands of finches will be trapped and kept in small cages and their life will be doomed for ever, most of them dying in a few days after being trapped. Trapping finches and kept in small cages for the rest of their lives is an inhumane and cruel way of how to destroy nature. The Government of Malta should always find ways how to protect nature, but here we are seeing a Government doing it the other way round. Thousands of bird-trappers will be out in the field from 20th of October to 20th of December decimating wild birds that should be flying free like in the rest of Europe.</p> <p>As I said this is no study at all but a smokescreen to let thousands of trappers enjoy their destructive hobby by capturing and keeping thousands of birds in very small cages that will die a few days after they are trapped.</p> <p>Fooling people by saying that birds will be trapped and released is the joke of the year.</p>	
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11	14/09/2020	James Mark Aquilina	<p>With reference to the public consultation published on 18th August 2020 I would like to draw the attention of the Ministry.</p> <p>A) First of all the methodology proposed will allow a huge number non-scientifically and non - trained trappers to catch birds simultaneously. They will be allowed to use live decoys and electronic lures as well.</p> <p>B) The Maltese trappers will not be releasing the birds. Instead the new methodology proposed will allow them to trap and keep them without for their own enjoyment.</p> <p>C) Given that there is no wild life enforcement unit I hardly believe that an effective enforcement will be implemented.</p> <p>D) In a in a very small country like Malta this will cause an immense on the finches migrating over Malta.</p> <p>D) I would like to suggest scientific study should be laid our on a national level that will allow the conservationist to improve the conservation of finches.</p>	See replies to Comments 1, 2, 3 and 4.
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12	14/09/2020	Marie Claire Gatt and Ben Metzger	<p>The aim of the Wild Birds’ Regulation Unit’s research derogation is to determine that the numbers of seven finch species captured in Malta are less than 1% of the bird populations’ annual mortality in order to use a legal loophole to continue taking finches from the wild in Malta. Finch trapping is illegal under the EU Birds’ Directive since finches are protected species, and it is unnecessary for the practice of bird breeding since finches can be successfully bred in captivity (one reason for Malta having been slammed by the EU for the 2014-2015 trapping season in the C-557/15 judgment). The WBRU are proposing to allow trappers to catch wild finches using clap-nets in order to attempt to control finches fitted with foreign rings.</p> <p>Apart from the objective of this derogation being farcical on the outset –one does not embark on a scientific investigation with the conclusions already set –the methods and sampling design proposed are not appropriate for the aim. It is unclear how ringing control data would address the WBRU’s research question –the “small numbers” rule they refer to requires an assessment of species annual survivability (Epstein et al., 2019). The percentage of ringing controls for small bird species is typically less than 0.1%; this means that for every 1000 wild birds caught, only 1 is likely to be carrying a ring. Hundreds of thousands of finches would therefore have to be caught in a 62-day study period in order to obtain a significant dataset of previously ringed birds. The intensive effort required would cause a disproportionate amount of disturbance, not only to the target species but to all other wildlife (and people) being exposed to deafening bird callers and whooshing clap nets across our countryside. The use of bird callers at a large scale is a great burden on migrating finch flocks which are grounded during active migration, impeded from foraging, and undergo</p>	<p>See replies to Comments 1, 2, 3 and 4.</p> <p>Only solar-powered satellite-tags will be used on specimens from the seven finch species, once they are available on the market. Reference to geo-locators has been removed from the Framework Regulations. Satellite-tags will provide real-time data on the migratory routes of finches without the need for recapture.</p>
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			<p>the stress of capture and handling. The wide-scale use of large clap-nets requires the chemical clearing of undeveloped land which pollutes and scars the landscape for years. information is given on how the purpose of the research derogation is to be fulfilled because that is clearly not the aim of this derogation. The proposal mentions remote tracking but refers to satellite tags and geolocators (GLS) as though they were the same thing, which they are definitely not. On the assumption that this is meant to refer to geolocators (satellite tags are currently by far too large and heavy to be deployed on any finch species) the GLS-tagging of birds on migration –in all likelihood autumn migration, no less –is ridiculous since the devices would need to be recaptured to obtain tracking data; the likeliness of that happening is incredibly low, and with each geolocator costing over €100 it would be the equivalent of chucking taxpayer money into the sea.</p> <p>A logical first step in such an endeavour would be to consult the wealth of systematically collected information available from scientific bird ringing stations and bird observatories to obtain the desired information and identify specific knowledge gaps. A relevant example, to name just one, is the second volume of <i>Atlante Migrazione</i> (Spina &amp; Volponi, 2008) which collates knowledge from scientific bird ringing of all bird species migrating through Italy. A striking feature reported there is that a massive proportion of ringed finches controlled are caught through intentional trapping not for scientific purposes (&gt;70% of all controls), suggesting the high efficiency bird trapping has at attracting and removing finches from wild populations. Data on Goldfinch populations in North Africa already underline the detrimental impact trapping has on wild populations: There, the species is in rapid decline where poaching for bird trade has</p>	
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			<p>been increasing rapidly since the 1990s (E. de Juana in litt. 2017, A. Ngari in litt. 2017). The species has since disappeared from over 50% of its range in North Africa (Khelifa et al. 2017), resulting in Goldfinches classified as being in decline by the IUCN (Birdlife International, 2020).</p> <p>It appears likely that the lack of significant wintering populations and, especially, the rarity of the occurrence of breeding finches in Malta is a direct result of decades of large scale finch trapping on the islands, which continues being “tolerated” (as a result of insufficient enforcement) despite being outlawed. One could argue that the 1% loophole is automatically inapplicable if it is considered that trappers are actively taking from finch populations that would otherwise establish themselves on the Maltese Islands as local breeding birds.</p> <p>Allowing trappers to capture birds for research constitutes a blatant conflict of interest –one which usually hinders licenced breeders of native birds from holding a bird ringing licence. In addition, trappers do not undergo the appropriate training for the capture and handling of wild birds destined for release. Moreover, this scenario creates a slapstick enforcement issue, with only 4 police officers for every 1000 trappers being proposed, another reason why Malta was chastised by the EU previously over finch trapping (C-557/15). Had the WBRU, or the FKNK, a genuine interest in research and in the origin of finches passing over Malta, they could have promoted the reporting of the probably hundreds (or even thousands) of foreign ringed specimens that have been caught by trappers over the last decades.</p> <p>In essence, it is clear that the point of this derogation is to allow</p>	
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			<p>an unsustainable activity –the trapping and caging of wild finches –which is otherwise illegal under the EU Birds Directive, to appease a group of hobbyists. The authenticity of this claim of research is comparable to that of Japan’s whaling fleets.</p> <p>Bibliography</p> <p>Adler, J. H. (2014, March 31) <i>ICJ rules against Japanese whaling</i>. The Washington Post. Retrieved from <a href="https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/31/icj-rules-against-japanese-whaling/">https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/31/icj-rules-against-japanese-whaling/</a></p> <p>BirdLife International (2020) Species factsheet: <i>Carduelis carduelis</i>. Retrieved from <a href="http://www.birdlife.org">http://www.birdlife.org</a></p> <p>Epstein, Y., Christiernsson, A., Lopez-Bao, J. V. and Chapron, G. (2019). <i>When is it legal to hunt strictly protected species in the European Union?</i> -Conserv. Sci. Pract. 1: e18.</p> <p>Sultana, J., Borg, J. J., Gauci, C. and Falzon, V. (2011). <i>The Breeding Birds of Malta</i>. -BirdLife Malta.</p>	
13	14/09/2020	Anonymous	<p>I do not agree with the opening of a Finch trapping season in Malta. Firstly there is not enough police and enforcement officers to control it. Secondly the trappers are not trained in collecting scientific data required for the catch and release program. Thirdly finch breeding is a perfectly adequate replacement hobby as opposed to trapping where chemicals and burning is used to clear land, and nets create bycatch of other species such as skinks and snakes. This supposedly scientific study is a clear breach of the birds directive and will lead Malta into another ecj sentencing.</p>	See replies to Comments 1, 2, 3 and 4.

14	14/09/2020	Anonymous	<p>I would like to express my opinion regarding the opening of the finch trapping season. I disagree with the opening of the trapping season for finches under the title of 'scientific research'.</p> <p>Firstly, I would like to point out that there are not enough police and enforcement officers to check on every trapping site and keep their normal workload.</p> <p>Secondly, trappers are not trained in conducting this type of scientific research. Bird ringing and placing of tags on birds requires years of training and practice, which can't be achieved in a short time. In the report, both geolocators and satellite tagging are being referred to as if they are the same thing, I would like to point out they are not. At the moment there are no adequate sized satellite tags for finches and using geocator tags will be useless because to get the data you need to recapture the bird, chances of recapturing a migratory birds is very low and this is just wasting tax payers money.</p> <p>This 'research' will also see hundreds of trapping sites cropping up around the countryside. This will also result in an increase use of chemicals and burning parts of our countryside to make way to clap nets. Having clap nets in the countryside will create by catch of other species which include skinks and snakes. The use of bird callers on a large scale, will have an impact on both the surrounding communities and also heavily interfere with migratory finches which are grounded during active migration, prevent them from feeding and undergo through unnecessary whilst capturing and handling.</p>	See replies to Comments 1, 2, 3 and 4.
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			<p>Lastly, finch breeding is a perfect adequate replacement hobby for trapping and this is just an excuse to allow finch trapping once again and it's a clear breach of the Birds Directive and this will lead Malta into another ECJ sentencing.</p>	
15	14/09/2020	Edward Bonavia	<p>Although theoretically this scientific derogation on finches looks good on paper, in reality the vast majority of trappers will not be releasing these finches especially the males. Apart from capturing finches, trappers want to keep such finches and not release them. I am also concerned that the proposed methodology is incorrect as I am totally against leaving a large number of finch trappers capturing hundreds of finches daily using both live decoys and electronic lures. Enforcing this is impossible to achieve too as the number of trappers in the Maltese Islands is too high to control.</p> <p>My understanding is that this derogation was planned to prolong the possibility of capturing wild finches in Malta within the EU legal framework by possibly finding a loophole (that of having a scientific derogation).</p> <p>Furthermore, the chance of capturing a foreign-ringed finch in Malta and a foreign country capturing a Maltese ringed finch is also highly unlikely. Control numbers will be low both ways as finches breed and migrate in diverse habitats in Europe and do not concentrate in European ringing sites unlike some other bird species.</p> <p>In view of the above, I sincerely hope that this scientific derogation will not go through. I suggest that finch trapping should be completely phased out. I am flabbergasted that in the</p>	See replies to Comments 1, 2, 3 and 4.

			year 2020 we are still discussing and derogating finch trapping in the Maltese Islands.	
16	14/09/2020	Anonymous	<p>I do not agree with the opening of a Finch trapping season in Malta.</p> <p>Firstly there is not enough police and enforcement officers to control it. Secondly the trappers are not trained in collecting scientific data required for the catch and release program. Thirdly finch breeding is a perfectly adequate replacement hobby as opposed to trapping where chemicals and burning is used to clear land, and nets create by-catch of other species such as skinks and snakes. This supposedly scientific study is a clear breach of the birds directive and will lead Malta into another European Court sentencing.</p>	<p>See replies to Comments 1, 2, 3 and 4.</p> <p>The Framework Regulations set a mandatory clause requiring licensees to cover or remove the nets before they leave the research station. This forms part of the selectivity component.</p>
17	14/09/2020	Anonymous	<p>I am writing an objection towards this proposed research proposal as it just offers a loophole for illegal finch trapping whereby finches are kept without offering any scientific benefits. Trappers will be given an excuse to continue without any supervision which will likely lead to illegalities. It also makes no sense as a proposal as research on bird populations including the seven mentioned species by trained and licensed bird ringers. Meanwhile trappers have no training on the study far from that equivalent to bird ringers so in the end this scheme adds nothing of scientific value and is just a loophole to allow further illegalities.</p>	<p>See replies to Comments 1, 2, 3 and 4.</p>

18	14/09/2020	Claudia Borg	<p>The wide-scale capture of finches would not provide the data required to reach the aim of the research proposal. The scale of the disturbance undoubtedly produced by this activity is massive, and harmful not only to finches but to all wildlife (including the swathes of flora chemically destroyed to set up clap-nets). 4 police officers for every 1000 trappers is insufficient to monitor and enforce what <i>*should*</i> be catching and releasing finches by people with an interest in catching and keeping.</p>	See replies to Comments 1, 2, 3 and 4.
19	14/09/2020	Kummissjoni Interdjocesana Ambjent	<p>Dawn huma l-kummenti tal-Kummissjoni Interdjocesana Ambjent (KA) bhala parti mill-proċess ta' Konsultazzjoni Pubblika dwar il-qafas imsemmi hawn fuq.</p> <p><b>Il-kunċett wara l-proposta</b></p> <p>Il-KA taqbel mal-kunċett li n-nassaba jkunu direttament involuti fi proġetti xjentifiċi li jkabbru l-għarfien dwar l-għasafar u l-imġiba tagħhom. Jekk ippjanat u maħdum sew, dan jista' jkun pass fid-direzzjoni t-tajba sabiex tinstab soluzzjoni dejjiema u sostenibbli għall-kwistjoni tal-insib f'pajjiżna. Madanakollu, il-KA tinsab imħassba serjament dwar il-mod mgħaġġel li bih qed tinħadem din il-proposta. Tant qed issir bil-għaġġla li, mill-kummenti li deheru fil-midjasoċjali, jidher li hemm nuqqas kbir ta' għarfien dwar x'irid isir fl-istess komunità tan-nassaba—dawk li ser ikunu involuti f'dan l-istudju. Dan jagħti wieħed x'jifhem li nstab mezz kif possibbilment induru mal-liġi li tillimita l-insib u b'hekk noffru soluzzjoni ta' malajr biex tissolva l-kwistjoni (għal żmien qasir) tal-insib f'pajjiżna. Fi kliem ieħor, la ma nistgħux ngħaddu mill-bieb, tgħid se nippruvaw nidhlu mit-tieqa? Imma l-qattusa għaġġelija friegħ għomja tagħmel, u proġett li jista' jkollu riżultati tajbin ser jispiċċa sabiex jagħmel aktar ħsara milli għid kemm lill-ambjent naturali kif ukoll lin-nassaba nfushom. Dan il-proġett x'aktarx jgħbed l-attenzjoni tal-</p>	<p>See replies to Comments 1, 2, 3 and 4.</p> <p>Il-Qafas Legali tnejja wara perjodu ta' 'l fuq minn sentejn konsultazzjoni ma' avukati li għandhom esperjenza vasta fil-<i>case-law</i> tal-Qorti tal-Gustizzja tal-Unjoni Ewropea.</p> <p>Rigward iċ-ċrieket R16U, kemm dawn kif ukoll iċ-ċrieket kollha maħruġa mit-Taqsima tar-Regolamentazzjoni għall-Għasafar Selvaġġi (WBRU) huma manifatturati esklussivament minn kumpanija barranija b'kuntratt ta' esklussività. L-ebda persuna jew entità oħra hlief id-WBRU ma tista' tordna ċrieket bil-kodiċi assenjati biss għad-WBRU.</p> <p>Il-Qafas Legali jindirizza ukoll il-kummerċ illegali tal-għasafar tal-għana permezz ta' limitazzjonijiet fuq l-użu ta' għajet u taħrik, apparti li din il-limitazzjoni għandha ukoll rabta importanti fuq principji ta' natura legali.</p>

			<p>Kummissjoni Ewropea li digà wissiet lil Malta darbtejn dwar l-insib ta' speċi oħra. Il-ftuħ mill-gdid tal-insib għall-seba' speċi ta' għasafar tal-għana bil-mod propost, meta digà kien hemm każ deciż mill-Qrati Ewropej, mhux ġust fuq pajjiżna, għax ikompli jtappan ir-reputazzjoni ta' Malta.</p> <p>Minbarra hekk, huwa wkoll ingust fuq in-nassaba infushom li proġett maħdum nofs leħja jagħtihom tamiet foloz, u jwassalhom għal aktar frustrazzjoni. Minbarra l-aspett ambjentali li l-KA hi imħassba dwaru, hemm ukoll l-aspett uman u l-mod kif proposta għal proġett bħal dan qed tilgħab bl-emozzjonijiet tan-nassaba għax qed tittamahom b'soluzzjoni li mhix waħda dejjiema.</p> <p><b>Studju xjentifiku</b></p> <p>Biex proġett bħal dan ikun tassew xjentifiku, kredibbli u effettiv, għandu jkun organizzat taħt il-patroċinju ta' istituzzjoni kredibbli (eż. l-università) li toffri esperti li jkunu huma li jfasslu, jissorveljaw u jivvalutaw il-proġett. Wieħed mill-ikbar żvantaġġi ta' dan il-proġett huwa li m'għandux metodoloġija dikjarata – karatteristika essenzjali sabiex proġett ikun meqjus tabilhaqq xjentifiku. Jekk il-Gvern tassew irid li n-nassaba jipparteċipaw fi proġett xjentifiku, għandu jqabba lill-ornitoloġisti biex iħarrġu u jassistu lil dawg in-nassaba li huma lesti li jitharrġu biex isiru bird ringers. Il-KA tfakkar li f'rapport tal-Uffiċċju tal-Ombudsman fl-2017, ġie rrikmandat li jkun hemm pluraliżmu fir-riċerka tal-għasafar inkluż il-bird ringing. L-istudju tal-għasafar biċ-ċrieket għandu ċertu livell ta' awto kontroll għax l-irkupru (minn barra minn Malta) ta' għasafar li tlibbsu ċ-ċurkett f'Malta huwa l-prova attwali lil-għasafar qed jinqabdu u jinħelsu. Bis-sistema kif inhi proposta, m'hemm l-ebda garanzija li l-għasafar maqbuda sa</p>	
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			<p>jkunu mħollija jtiru mill-ġdid. U dan aktarx iwassal għal investigazzjoni mill-Kummissjoni Ewropeja.</p> <p><b>Il-Validità tar-riżultati</b></p> <p>Il-proġett kif imfassal iħalli lin-nassaba fil-libertà li jaqbd u kemm iridu mis-seba' speċi ta' għasafar tal-għana, jieħdu nota ta' criecket li jista' jkollhom u jeħsilhom immedjatement. Hawnhekk tajjeb li niċċaraw li studji disponibbli juru li għasafar tal-għana li jkollhom xi ċurkett huma rarità. Infatti mill-1910 sal-lum, l-għadd ta' għasafar irregistrati kien biss ta' ftit iktar minn 100. Il-qbid ta' għasafar tal-għana biċ-ċurkett jagħti biss informazzjoni limitata dwar il-pajjiżi minn fejn tlibbsu c-crieket u xejn iżjed. L-ammont ta' għasafar tal-għana li jinqabdu u li jkunu lebsin ċurkett jiddependi minn kemm saru sforzi minn pajjiżi diversi sabiex jitlibbsu criecket, u mhux relatat mad-daqs tal-popolazzjoni tal-għasfur. Jekk jirnexxilna mill-proġett propost nagħmlu wieħed tassew xjentifiku, fejn għasfur tal-għana, wara li jinqabad u jitlibbes iċ-ċurkett, jithalla jtir liberu, imbagħad inkunu nistgħu nibnu stampa ċara li turina fejn imorru l-għasafar tal-għana li jżuruna. Imma bil-mod kif qed jitfassal dan il-proġett, jidher li l-informazzjoni li se tingabar sa tkun waħda minima u x'aktarx irrelevanti - u dan ikompli jixhet dubji serji dwar l-intenzjoni vera wara din il-proposta.</p> <p><b>L-użu ta' għasafar tat-taħrik u t-tisfir tal-għasafar irrekordjat minn qabel.</b></p> <p>Hawnhekk ukoll jidher li l-proġett kif inhu ipprezentat jista' jagħti lok għal abbużi. Ir-regolamenti proposti jsemmu l-użu ta' għasafar li jkunu nqabdu fl-istaġuni 2016-2017 u li għandhom criecket bil-kodiċi R16U biex jattiraw l-għasafar tal-passa. In-nassaba qed jilmentaw li minn dawn l-għasafar ma fadal kważi xejn għax kienu laħqu mienu. Wieħed irid iżomm f' moħħu li dan</p>	
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			<p>jista' jwassal għal abbuż għax ċrieket simili jistgħu jinxtraw bl-irħis onlajn minn fuq siti popolari, u jidher li d-domanda għal għasafar importati illegalment diġà żdiedet. Il-fatt li l-gvern qed jippermetti wkoll l-użu ta' tisfir tal-għasafar irrekordjat minn qabel (li huwa llegali għall-kaċċa u l-insib) ikompli jsaħħaħ l-idea li dan il-proġett ser jiffaċilita l-abbuż. Diġà kien hemm xi nassaba li kkummentaw li se jkunu aħjar milli kienu qabel, għax issa jistgħu jużaw seba' għanjiet tal-għasafar irrekordjati minn qabel mingħajr irriskju ta' prosekuzzjoni.</p> <p>Appell II-KA itteni li filwaqt li taqbel mal-kunċett li n-nassaba jkunu involuti fi proġetti xjentifici dwar l-għasafar, bl-ebda mod ma tista' taċċetta dak li qed jissuġġerixxi dan il-qafas, li għandu l-potenzjal li ikompli jħammri lna wiċċna mal-Kummissjoni Ewropea, u li jkompli jitfa' dell ikrah fuq il-passatemp tal-insib. Il-KA tappella lill-awtoritajiet u lill-komunità tan-nassaba sabiex ma jhallux l-għaġġla u l-ħeġġa li tinstab soluzzjoni ta' malajr itellfu l-opportunità li jsir proġett serju u aktar dejjiemi li jiżgura (a) studju xjentifiku serju, (b) taħriġ adegwat lil min sa jkun involut fl-istudju, (ċ) garanzija serja li mhux sa jkun hemm abbużi u (d) li tali proġett ikun wieħed li, minħabba li jsir b'mod serju u kif suppost, ikun jista' jibqa' jsir għal żmien indefinit u mhux għal sena jew sentejn biss, - sakemm jitwaqqaf mill-Kummissjoni Ewropeja, u mbagħad inwaħħlu fiha li l-proġett ma rnexxiex.</p>	
20	14/09/2020	Anonymous	<p>I am writing to submit my objection to this proposal. The reasons for my objection (amongst others) are listed below:</p> <ul style="list-style-type: none"> <li>• The wide-scale capture of finches would not provide the data required to reach the aim of the research proposal.</li> </ul>	See replies to Comments 1, 2, 3 and 4.

			<ul style="list-style-type: none"> <li>• The scale of the disturbance undoubtedly produced by this activity is massive, and harmful not only to finches but to all wildlife (including the swathes of flora chemically destroyed to set up clap-nets).</li> <li>• The people who are being proposed to undertake this study are not qualified in any way to undertake such scientific studies. The study, if it goes forward, should be led and carried out by qualified biologists with experience in carrying out avifauna studies.</li> <li>• 4 police officers for every 1000 trappers is insufficient to monitor and enforce the project.</li> <li>• There is a major conflict of interest in proposing to catch and release finches by people with an interest in catching and keeping.</li> </ul>	
21	14/09/2020	Etienne Grech	<p>a) Applicants for such licence shall not have any pending cases or prior convictions related to hunting and trapping.</p> <p>b) Section 5(3e). "that he shall read, understand and abide" shall instead read that upon signature, he/she has read, understood and will abide. The statement is more committal with that wording.</p> <p>c ) Applicants applying for this license should not be able and/or not be issued with a licence for capturing golden plovers and song thrush. Their focus of the "research assistant" should be entirely on the study.</p>	<p>The eligibility criteria follows all applicable legal prerequisites and protocols.</p> <p>The submission of applications for all derogations, including this Article 9(1)(b) research project, is without prejudice to Government's final decision on whether or not the research period should open. Given that the final Framework Regulations and Notice of Derogation are published after Ornis Committee recommendation, public consultation and Cabinet approval, it is not possible for the applicant to have access to the final legislative framework at application stage. There is a lengthy administrative process post-application stage</p>

			<p>d) section 7i- pre recorded bird calls should be prohibited. Live decoys are already being used. These can disturb birds and people living in the area . If you insist on allowing the use of the latter the maximum noise level in dB should be stated in the regulations. Loads of citizens have to suffer calls of Golden Plover during the season, let's think about the citizens who are not interested please.</p> <p>e)Section 8(3) A very good idea. I seriously hope that enforcement does happen, especially in Gozo.</p> <p>f) Marshalls I am assuming that these marshalls will be members of the hunting associations. However, in view of the track record of their members, it would be wise to allow non hunters to act as marshals. This will create a less lax environment.</p> <p>g) It is rather baffling, that the aim of the research study is NOT to protect the species under study, but to allow a derogation for local trappers. Should not the conservation of the wild bird be the priority here?</p>	<p>which includes <i>inter alia</i> vetting of all site plans to ensure that all clap-nets conform to SL 549.42 and digitisation of these clap-nets on portable tablets for enforcement purposes. Notwithstanding, eligible applicants who successfully pass a written examination will receive their special licence containing all the legal obligations set out in both the Framework Regulations and the Notice of Derogation.</p> <p>All Article 9(1)(b) research derogations allow the use of pre-recorded bird-calls. The use of other pre-recorded calls, such as Golden Plovers, is illegal and subject to the penalty system enshrined in SL 549.42.</p> <p>Marshals include the Armed Forces of Malta and District Police who will assist the Environmental Protection Unit of the Malta Police Force and Gozo Police. All officers from EPU, Gozo Police marshals will receive thorough training on all aspects of the research project by officers of the Wild Birds Regulation Unit.</p> <p>See reply to Comment 1 in relation to 21(g).</p>
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22	14/09/2020	Miriam Cremona	<p>Attached please find my objection to the proposed application for a derogation which would allow trapping of Finches for "research purposes"!</p> <p>Since my submissions are being made within the stipulated time-frame, kindly keep me informed regarding its progress and any developments.</p> <p>Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020</p> <p>One does not need to have the brain of Einstein to realise that this is merely an attempt by the Ministry for Gozo, to try to bypass, or in some way obtain a derogatory regime in terms of Article 9(1)(c) of the Birds Directive that complies with the "small numbers"-criterion as interpreted by the Court of Justice in its C-557/15 judgment.</p> <p>My proposal put quite simply is to allow the few birds (whether seven species of Finches or any other breed), ALONE. Put in simpler words, no derogation at all should be applied for, or more importantly be allowed by the EU if it is applied for. "Derogatory regime" intrinsically means that the present regulation regarding wild birds will be "belittled, denigrated, depreciated, detracted, disparaged and minimised". It aims to attack the regulation and to try by devious means to allow the hunting of wild birds under a different guise.</p> <p>If this derogatory regime is allowed by the EU, it will mean that a substantial number (c.4000) of scientifically untrained individuals and hunters will be set loose on these poor</p>	<p>See replies to Comments 1, 2, 3, and 4.</p> <p>See also <a href="https://www.merriam-webster.com/dictionary/derogate">https://www.merriam-webster.com/dictionary/derogate</a>.</p>
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			<p>creatures. They will be catching these poor birds simultaneously thus endangering the lives of migrating birds – finches as well as other species. Untrained as they are, one can only imagine the harm these poor birds will be suffering at the hands of these scientifically untrained people, untrained people especially when one looks at the methodology being proposed as with the use of live decoys and electronic lures and live decoys. The very vocabulary pertaining to this proposal is absolutely unacceptable – reminiscent of a war – all meaning quite simply the betrayal of these poor birds – and this in a country where the bird population is diminishing at a fast rate as admitted by their own statement “pre-recorded finch calls to make up for the shortfall in current stock of live-decoys”!! And we are supposed to swallow the claim that this is all for scientific research!!</p> <p>The current draft was updated on 27 August 2020 to include the recommendations of the Malta Ornis Committee during the meeting held on 26 August 2020, namely:</p> <ul style="list-style-type: none"> <li>• Permitted maximum area of nets 38m<sup>2</sup>/net instead of 20m<sup>2</sup>, as per SL 549.74.</li> <li>• Permitted use of pre-recorded finch calls to make up for the shortfall in current stock of live-decoys.</li> </ul> <p>Is it a mere co-incidence that the names of the members of the Ornis Committee are not available online? Does not the general public have the right to know the names of the committee which made these recommendations?</p> <p>One important element has been totally excluded from this</p>	
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			<p>“Conservation of Wild Birds (Framework for Allowing a Research Derogation to Determine Malta’s Reference Population of Seven Finch Species) Regulations, 2020. Whilst the permitted maximum area of nets was included and increased from 20m<sup>2</sup> to 38m<sup>2</sup> as well as the permitted use of pre-recorded finch calls to make up for the shortfall in current stock of live-decoys, there is absolutely no mention whatsoever of how and who will be monitoring and controlling these hunters and trappers! Who will ensure that these birds will not be harmed and once ringed will be set free again even though the stress they would have gone through would have caused them an enormous amount of damage and stress.</p> <p>In conclusion, the proposal is unacceptable and objectionable whichever way one looks at it. Primal instincts should be educated and controlled.</p>	
23	14/09/2020	Charles Galea Bonavia	<p>I object to the implementation of these proposed Regulations for the following reasons:</p> <p>1) Maltese trappers will not be realising the birds but these regulations will allow them to trap and keep them without any form of enforcement or control.</p> <p>2) A scientific study should be to improve the conservation of finches not contribute to the impoverishment of their populations.</p> <p>3) The “methodology” proposed will allow a large number of (c. 4000) of non-scientifically trained persons to catch birds simultaneously, using both live decoys and electronic lures in a</p>	See replies to Comments 1, 2, 3, and 4.

			<p>very small country and hence exerting a very high pressure on the populations of migrating finches</p> <p>4) These regulations have no scientific basis or aim but are a very thinly disguised attempt at another derogation to continue the taking of wild finches from the wild.</p>	
24	14/09/2020	Frances Galea Bonavia	<p>I object to the implementation of these proposed Regulations for the following reasons:</p> <p>1) Maltese trappers will not be releasing the birds but these regulations will allow them to trap and keep them without any form of enforcement or control</p> <p>2) A scientific study should be to improve the conservation of finches not contribute to the impoverishment of their populations.</p> <p>3) The “methodology” proposed will allow a large number of (c. 4000) of non-scientifically trained persons to catch birds simultaneously, using both live decoys and electronic lures in a very small country and hence exerting a very high pressure on the populations of migrating finches</p> <p>4) These regulations have no scientific basis or aim but are a very thinly disguised attempt at another derogation to continue the taking of wild finches from the wild.</p>	See replies to Comments 1, 2, 3, and 4.

25	14/09/2020	Nicholas Galea	<p>I am writing with respect to the public consultation on the "Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020".</p> <p>I am against this derogation for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The aim of this proposed study is not to conserve birds but is to justify the egoistic keeping of such birds.</li> <li>2. This study will be purely a smokescreen for trappers to catch and keep these birds, just like they have done throughout their lives in the past.</li> <li>3. The pressure put on these migrant birds by 4K+ hunters will be extensive and will cause harm to them.</li> <li>4. Any possible results obtained in 3 years will surely not be enough to determine a reference population. This can be easily seen when looking at control numbers available already. It is therefore obvious that this is nothing else than a way to allow trapping until the next general election in a bid to earn the trappers' votes.</li> </ol>	<p>See replies to Comments 1, 2, 3, and 4.</p> <p>Derogations under Article 9(1)(b) of the Birds Directive are only allowed to the extent they are strictly necessary to pursue the identified objectives. This principle of proportionality applies both to the duration of the derogation, as well as to the means allowed under the derogation, the amount of captured birds and the type of birds that are subject to the derogation. The objective of this derogation is to obtain conclusive information on the regions of origin of the main bird contingents of finches migrating through Malta and Gozo. As soon as this conclusive evidence is obtained, the research programme will stop.</p>
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26	14/09/2020	David Attard	<p>Reference is made to the Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020. Please note I am objecting to the proposed legislation for the following reasons:</p> <p>The aim of bird ringing is strictly and for the sole purpose of scientific study. It should never be used an opportunity for people to enjoy themselves trapping birds. Birds caught during ringing sessions are measured and all data is recorded. The aim is to study bird migration as well as to monitor local breeding or wintering populations. Maltese trappers have historically trapped finches for the sole aim to keep them as lure birds for coming seasons; as a source of income; and for a few serious aviculturists as a source of breeding birds.</p> <p>The derogation as proposed can only give rise to abuse. Maltese trappers are not scientifically trained persons and will not be releasing the birds caught. This can only give rise to sales of finches in black market which cannot be controlled.</p> <p>Training of a bird ringer takes years in company of senior ringers who mentor the methodology used in bird ringing. Techniques ranging from how to release birds from mist nets to the way birds are ringed, ring sizes, bird aging etc. are strictly supervised. All this is in the least interest for persons whose sole aim is to trap finches. There is no interest whatsoever in the conservation status of the species populations which migrate through the Maltese islands. Finch trappers argue that since these birds do not breed in the Maltese islands they won't be breeding here and they see no point in protecting them. Compared to other Mediterranean islands the Maltese islands have a very unique</p>	See replies to Comments 1, 2, 3, and 4.
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			<p>situation in that finches do not breed here and this is solely because of the continuous persecution of finches to be trapped. Islands throughout the Mediterranean have healthy populations of various finch species as they encounter no persecution whatsoever compared to what happens here in Malta.</p> <p>The Maltese islands despite being small are an important staging post for various migratory birds not least the finches. Finches can thrive the whole winter in our islands if left unharassed. Some may even attempt to breed in suitable areas. However, having 4000 people permitted to trap migrating finches and using electronic bird callers and live decoys can only increase pressure on the migratory birds.</p> <p>As the regulations are, I see no need for new regulations to be brought into force in order to cater for persons whose sole aim is to 'enjoy' catching birds, rather than to protect and study them.</p>	
27	14/09/2020	André Vella	<p>The following is my feedback on the Wild Birds' Regulation proposed derogation:</p> <ul style="list-style-type: none"> <li>• Despite trapping being non-conformant to the Birds Directive, as it is considered an unsustainable method of killing wild birds, Malta still allows a trapping season each and every autumn, by means of a derogation.</li> <li>• The European Court of Justice's judgement already found Malta guilty of infringing the European Birds Directive in June 2018 when it allowed finch trapping to reopen between 2014 - 2017.</li> </ul>	<p>See replies to Comments 1, 2, 3, and 4.</p> <p>Contrary to what is alleged, birds caught by means of clap-nets are not killed. <a href="#">SL 549.74</a> allows live-capturing of Golden Plovers and Song Thrushes for use as live-decoys through application of an Article 9(1)(c) derogation.</p> <p>The C-557/15 judgment does not preclude Malta under absolute terms from putting in place a live-capturing season and (subsequent) keeping with regard to the seven finch species.</p>

			<ul style="list-style-type: none"> <li>• Rather than halt trapping, and creating programs for trappers to mitigate their destructive addiction, the Government is doing the opposite, enabling and empowering trappers.</li> <li>• The proposal is a travesty to conservation and an obvious ploy to allow trapping.</li> </ul>	
28	15/09/2020	Maria Grazia Cassar	<p>I am writing to you with regards to the new Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020.</p> <p>Research of this type should be carried out in close collaboration with a scientific institute, and specially trained Marshalls should be assigned to every trapper who is participating in this research.</p> <p>Furthermore, I am not in agreement with allowing bird callers to be used constantly and their use should be restricted to specific times and on specific days.</p>	<p>The Framework Regulations provide the necessary tools for joint research between bird-ringers and live-capturers.</p> <p>See reply to Comment 21 on bird callers.</p>

29	15/09/2020	Anonymous	<p>I request to remain anonymous for the publication of my concerns.</p> <p>I am writing to you in regards to the new Conservation of Wild Birds (Framework for Allowing a Research Derogation To Determine Malta's Reference Population of Seven Finch Species) Regulations, 2020.</p> <p>I would like to voice my main concerns regards this new regulation which involves the allowance of bird callers and the regulation of the public to capture and handle finches for research purposes.</p> <p>For the people who live in rural areas, it is very distressing to constantly hear bird callers, especially since they are played during the early hours of the morning. Especially annoying on weekends, when most people would want to sleep in. Maybe it should be regulated that only on certain days during the week they would be allowed to play their bird callers.</p> <p>I understand and acknowledge that there will be a license in order to capture, place the satellite tags on the birds, and record the data, but my main concern is the mishandling of these birds. There should be more scientific supervision, as well as marshal and police supervision. I also think that a Marshal should always be assigned to an individual by the Wild Birds Regulation Unit to accompany the person who wants to take part in this research, to supervise that everything is being done safely and legally.</p>	See reply to Comment 21 on bird callers and marshals.
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30	15/09/2020	Caldon Mercieca	<p>Thank you for the opportunity to provide feedback on the proposed new legislation in caption. Please find my contribution to the proposed regulations:</p> <p>The background section of your public consultation brief states "The scope of the proposed Framework for live-capturing of the seven finch species is solely allowed for research purposes and does not include any reference to the "keeping" element." While this statement is correct, the consultation brief provides no information on the following:</p> <ul style="list-style-type: none"> <li>- any details on the track record by public authorities to ensure that the enforcement of legal limits, legal practices, and legal species of birds have been and are being safeguarded and implemented;</li> <li>- any details on the resources allocated in the past years to enforce and to show political and administrative will and capabilities to ensure that hunting and trapping is practiced within legal limits;</li> <li>- any details on how the proposed new legislation will be enforced, how monitoring of its implementation shall be secured through dedicated human and technical resources, and prevention of abuse is being addressed.</li> </ul> <p>In the light of the lack of the above, which also reflects the difficulty (and lack of will?) to address enforcement of existing legislation during the past few years, how can a new legal framework for the taking of finches "for research purposes only" be not understood as a cover for the keeping of the same trapped finches, in evident and legally proven contravention of the relevant EU Directive?</p> <p>While the Maltese authorities seem to be keen to interpret the relevant EU Directive in terms of the letter of the law, it is</p>	See replies to Comments 1, 2, 3, 4 and 21.
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			<p>obvious and explicitly declared in the Brief that the scope of this new legislation is to "specifically aim to gather sufficient scientific information in order for Malta to introduce a derogatory regime" This means that the Maltese government is trying to find a loophole in the legislation, to which it is bound by European law, and in evident contradiction to the scope of the Birds Directive, which is to ensure a comprehensive protective framework for bird protection in Europe.</p> <p>Finally, how does the Maltese government intend to transform a large section of the trapper population in Malta into fully trained and qualified scientific researchers in the few weeks between the passing of this law and it's coming into force? This again begs the question of the not-so-hidden scope of the legislation, which is to provide a smokescreen for illegal practice under the thinly-veiled banner of scientific research, carried out by persons whose only interest in this practice is in the "keeping" element ostentatiously excluded from the proposal.</p> <p>I sincerely hope these matters are taken into consideration when compiling the feedback on these proposals.</p>	
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31	15/09/2020	Dr Michael Briguglio	<p>With reference to this public consultation, I am submitting the following points for your consideration.</p> <ol style="list-style-type: none"> <li>1. The policy proposal will allow trappers to keep the birds they trap without any form of enforcement or accountability. This goes against the spirit of the policy framework in question.</li> <li>2. The scope of the scientific study should be to improve the conservation of finches rather than to be used as a political excuse to derogate from the directive in question. The methodology requires scientific accreditation and independent peer review.</li> <li>3. The methodology being proposed will allow around 4,000 non-scientifically trained people to trap birds simultaneously using live decoys and electronic lures in a small island state. This looks like a case of over-pressure on migrating finches. The methodology requires scientific accreditation and independent peer review.</li> <li>4. The proposal and consultation exercise requires a social impact assessment process, even more so since the policy proposal looks tailor made to accomodate one lobby amid a much broader field of stakeholders. An SIA could produce valuable evidence for policy formation and implementation. Various methods, both quantitative and qualitative could be used within social impact assessments. The former refers to generalisable data especially through numbers, while the latter produce in-depth data on matters. Research methods in SIAs may therefore include, for example, quantitative perception surveys and qualitative methods which involve a deeper look into social realities. Besides, elite interviews may verify the advice, concerns and interpretations of persons who are experts or who have experience in the respective field under analysis. SIAs should involve the participation of different stakeholders, ideally through mixed</li> </ol>	<p>See replies to Comments 1, 2, 3, 4 and 21.</p> <p>The procedure adopted follows the statutory criteria set out in Article 55 of the <a href="#">Environment Protection Act</a>.</p>
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			<p>research methods. Analytic indicators should be provided and the entire process should be subject to peer review by independent experts in the field.</p> <p>This means that if a study is being carried out by a team of social scientists, this should be scrutinised by other independent social scientists. This could help identify shortcomings and possible improvements to the same SIA.</p> <p>Social impact assessments should not be one-off exercises: To the contrary, they should be ongoing processes which engage with various stakeholders and which report back so as to ensure effective policy processes. They should also use complementary research methods so as to ensure reliable and valid data.</p>	
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