

Traditional Finch-capturing in Malta

The official reasons for retaining this socio-cultural passion

and

the sustainable manner of how to keep this tradition



FKNK

A document for the Malta Ornis Committee consideration

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Schedule of official events:

11 July 2002 – INTERGOVERNMENTAL CONFERENCE ON THE ACCESSION OF MALTA TO THE EUROPEAN UNION Chapter 22 Environment: “...species of finches which are trapped by the use of traditional nets known as clap-nets within the Maltese islands for the purpose of keeping them in captivity, *Carduelis cannabina*, *Carduellis serinus*, *Carduelis chloris*, *Carduellis carduelis*, *Carduelis spinus*, *Fringilla coelebs* and *Coccothraustes coccothraustes*, until 31 December 2008. By that date, a captive breeding system will have been established so that the traditional patterns of keeping birds in captivity can be maintained and the number of birds that can be taken from the wild will be limited to the number required to ensure sufficient genetic diversity of the captive species. By 31 December 2007, the Malta Ornis Committee will have undertaken studies on the status and the mortality rates in captivity of these seven species in order to objectively establish the number of wild specimens per species that may be captured in line with Directive 79/409/EEC to ensure sufficient genetic diversity of the captive species. and ...A moratorium on new trapping licenses will be imposed from 1 August 2002.” – (Doc. A).

From the above highlighted:

The tradition that has to be maintained is the keeping of birds in captivity, as do trappers, not necessarily or solely for captive breeding.

The Malta Ornis Committee is responsible to achieve the set goals, including the establishment of the number of finches per species that may still be captured from the wild, that is by trappers, in line with the application of a Derogation from the “Birds” Directive.

On 1 August 2002, a moratorium was imposed on new trapping licenses, that is, a five-year freeze and not an outright ban forever. In fact no new trapping licenses should have been issued only up to 31 December 2007. – (Legal Notice 56 of 2003 - Doc. B).

31 July 2002 – MINISTRY FOR HOME AFFAIRS AND THE ENVIRONMENT
Meetings with FKNK*: “The Ornithology Committee would, among other things, be responsible for the application for the Article 9 derogations, and ... There will be a moratorium for a definite period ... and ... FKNK were assured that the moratorium period had to be used to come up with sound scientific studies and it was not the case that trapping would no longer be allowed after that date.” (Doc. C)

From the above highlighted: The Malta Ornithology Committee is responsible for the application of Derogations, in this case to permit finch-capturing.

Here it is emphasized that the moratorium is for a definite period.

Trapping will not be abolished.

3 September 2002 – MINISTRY FOR HOME AFFAIRS AND THE ENVIRONMENT
Meetings with FKNK*: “*Trapping Licences: No new licenses will be issued after 1 August 2002 for the duration of the moratorium. and The moratorium is not intended to bring the trapping hobby to an end. and Breeding will not replace trapping. The moratorium and nominative licence system will be retained until 2007. The Ornithology Committee will then establish how many birds may be captured.*” (Doc. E).

From the above highlighted:

The definitive period of the moratorium is once more being emphasized here, and the reason for its implementation is clearly not the abolition of finch-capturing.

It is also clear that the captive-breeding programme is not in place as an alternative to finch-capturing.

Again, the Malta Ornithology Committee is responsible to establish the number of birds that may be captured.

16 September 2002 – MINISTRY FOR HOME AFFAIRS AND THE ENVIRONMENT

Meetings with FKNK*: Richard Cachia Caruana explained that the transition period is not a delayed ban on trapping but a period that allows time to study the situation in depth and to explore the possibility of derogations within the terms of the Directive. (Doc. F).

From the above highlighted:

Here the government's intentions are clearly spelled out, in that it was never the case that finch-capturing would eventually be abolished, but that the transitional period was requested so that a correct Derogation would be applied to eventually permit limited capturing according to numbers to be established by the Malta Ornis Committee.

28 November 2002 - STATEMENT BY RICHARD CACHIA CARUANA, CHAIRMAN, CORE NEGOTIATING GROUP, AT THE EIGHTEENTH SESSION OF THE EU-MALTA JOINT PARLIAMENTARY COMMITTEE, MALTA 28 NOVEMBER 2002: "... traditional capture by means of traditional personally-operated nets of seven species of finches for the purpose of keeping them in captivity... and studies would be carried out to determine the numbers that could be captured from the wild in line with the Directive...and the establishment of the number of wild specimens that may be captured in line with the Directive..."

From the above highlighted:

The traditional aspect and the selective modes of capture are very much in evidence here.

The purpose is to keep the caught finches in captivity, but not necessarily for captive breeding.

The Malta Ornis Committee has to carry out studies to determine the number of wild specimens that can be captured through the application of a Derogation.

3 January 2003 – Letter by the Minister of Foreign Affairs, Dr. Joe Borg, in reply to a letter of the FKNK: “*Nikkonferma li l-insib mhux ser jispiċċa wara ħames snin.... and Minn dan l-istudju ikun stabbilit in-numru ta’ għasafar li jistgħu jibqgħu jinqabdu wara 2008 biex tkun tista tibqa tiġi sostnuta il-popolozzjoni tal-għasafar tal-għana fil-guvi,... and Dan l-impenn huwa wieħed ċar li jrid jinħadem u jiġi applikat mill-Ornis Committee.*”

From the above highlighted:

Free translation is enough: “I confirm that trapping will not end after five years. ...This study will establish the number of birds that can still be captured after 2008 so that the population of finches in aviaries can be sustained ... This task is very clear and it has to be worked out and applied by the Ornis Committee.”

April 2003 – Official letter by the Prime Minister, Dr. Eddie Fenech Adami, addressed and posted personally to all the thousands of hunters and trappers: “**Id-delizzji tal-kaċċa u l-insib huma minsuġin fil-kultura Maltija.** and **La l-kaċċa u lanqas l-insib m’huma projbiti fl-Unjoni Ewropea.** and **L-insib se jkompli. Anki wara l-2007,...**” – Doc. I

From the above highlighted:

*Again a free translation is enough: “**The hobbies of hunting and trapping are woven in Malta’s culture.... Neither hunting nor trapping are prohibited in the European Union. ... Trapping will continue. Even after 2007...**”*

2003 - MIC (Malta/EU Information Centre) Fact Sheet Hunting & Trapping Enthusiasts: “**Is it true that bird trapping in Malta will have to stop if we join the EU? No.** ... and During negotiations, the Maltese Government explained that **bird trapping in Malta is an old tradition** that has evolved according to the special circumstances of Malta. ... and **They are captured and kept alive in aviaries by bird trappers.** So what really takes place in Malta is bird capturing rather than bird trapping. **Keeping songbirds is itself a traditional hobby.** ... and **If trapping of songbirds was to be prohibited, that would mean the end of this long-time tradition.** ... and You will be allowed to capture the seven most frequent and popular songbirds ... These are: the greenfinch (verdun), the linnet (gōjjin), the serin (apparell), the hawfinch (taż-żebbuġ), the chaffinch (sponsun), the siskin (ekru) and the goldfinch (gardell)... you can practice trapping for turtle dove (gamiem), quail (summien), golden plover (pluviera) and song thrush (malvizz) ...and **I heard that trapping will stop after 2007. Is this true? No.** Bird capturing will continue after Malta’s membership and even after 2007.... and **Then why was the year 2007 mentioned? The year 2007 is the deadline by when Malta must conduct a study on trapping. This will ultimately indicate the number of songbirds that may continue to be captured from the wild after 2007** ... and a **moratorium** on new licences was imposed from August 2002. This means that those who never held a licence for trapping will have to wait until the study is completed. ... and an **Ornithology Committee was set up** which will include representatives of hunting and environmental organisations. **It will decide on issues such as the study on trapping.**” - Doc. J

From the above highlighted:

This authoritative document summed up all the foregoing official statements and documents. It confirmed that trapping would not terminate on EU Membership; that finch-trapping was a local tradition since time immemorial; that trapping was to continue after 2007; that a study was to be conducted to establish the number of finches that may be captured from the wild after 2007; that a moratorium was imposed on new trapping licenses and that the Ornithology Committee was responsible for the study determining the number of finches that may be caught from the wild.

The Treaty – Annex XI – Extract – D. NATURE PROTECTION: “...by traditional nets known as clap-nets within the Maltese islands exclusively for the purpose of keeping them in captivity... and ... the Maltese Ornithology Committee will have been established,... and ... the Malta Ornithology Committee will have established the number of wild specimens per species that may be captured in line with the Directive... “ – Doc. K

From the above highlighted:

The official Seal, not once but twice in the Treaty, regarding tradition; keeping in captivity and the Malta Ornithology Committee responsibility to establish the number of wild specimens that may be captured by the correct application of a Derogation under Article 9 of the “Birds” Directive.

2009 – 2010 – BirdLife Malta anti-trapping “massive” campaign, part of which includes door-to-door delivery of 2010 calendars to Maltese households, where one can read: “ ... *l-insib għall-għasafar tal-għana f'Malta ma jistax jibqa jsir, flief b'deroga.*” – Doc. L

From the above highlighted:

Freely translated this BirdLife Malta document states that “...finch-capturing in Malta cannot be practised any longer, except by application of a Derogation”.

Notwithstanding their current contradictory anti-trapping campaign, this clear declaration coming from BirdLife Malta confirms that even this local anti-hunting and trapping society is aware that the Maltese traditional socio-cultural passion of finch-capturing may still be permitted today and in the future through the application of a correct Derogation from the “Birds” Directive.

7 March 2009 – Letter in the local daily 'The Times' by Nicoletta Flessati, press officer, European Commission, Representation in Malta, Ta' Xbiex: "... the European Commission Representation in Malta wishes to clarify the position concerning bird trapping in Malta and in other member states of the European Union. and ...Malta can, along with all other member states, apply a derogation to permit trapping to continue." - Doc. M

From the above highlighted:

The European Commission Representative in Malta publicly clarifies the position concerning finch-capturing, by an authoritative and undisputed statement that unequivocally confirms Malta's right to apply a Derogation under Article 9 from the "Birds" Directive to permit finch-capturing to continue.

Conclusions -

- *Finch-capturing is not to be abolished.*
- *The tradition that has to be maintained is the keeping of birds in captivity, as trappers do, but not necessarily or solely for captive breeding.*
- *The captive-breeding programme is not in place as an alternative to traditional finch-capturing.*
- *On 1 August 2002, a moratorium was imposed on new trapping licenses, that is, a five-year freeze and not an outright permanent ban. In fact no new trapping licenses were to have been issued up to 31 December 2007 only. Therefore, the moratorium was for a definite and specified period, and it was definitely not intended to abolish traditional finch-capturing.*
- *The government's intentions are clearly spelled out, in that it was never the case that finch-capturing would eventually be abolished, but that the transitional period was requested so that a correct Derogation would eventually be applied to permit finch-capturing in limited numbers to be established by the **Malta Ornis Committee**.*
- *Even the local anti-hunting and trapping society, BirdLife Malta, admits that the Maltese traditional socio-cultural passion of finch-capturing may still be permitted today and in the future through the application of a correct Derogation from the "Birds" Directive.*
- *The European Commission Representative in Malta publicly clarified the position, concerning finch-capturing, by an authoritative and undisputed statement that declares Malta's right to apply a Derogation under Article 9 from the "Birds" Directive to permit finch-capturing to continue.*
- *By means of a Study, the **Malta Ornis Committee** is responsible to achieve the set goals, including the establishment of the*

*number of finches per species that may still be captured from the wild, that is, by trappers. "This study will establish the number of birds that can still be captured after 2008 so that the population of finches in aviaries can be sustained." **The Malta Ornis Committee** is also responsible for the application of Derogations, under Article 9, in line with the "Birds" Directive. Therefore, the onus to decide upon the number of finches that may be caught from the wild by application of a Derogation from EU Directive 79/409/EEC, known as the "Birds" rests with the **Malta Ornis Committee**.*

- *The Treaty and Seal regarding tradition; keeping in captivity and the Malta Ornis Committee's responsibility to establish the number of wild specimens that may be captured by the correct application of a Derogation under Article 9 from the "Birds" Directive.*

Finally, as regards the ban last autumn/winter 2009, for the first time in living memory, on the traditional socio-cultural passion of finch-capturing, I believe that anyone, even the Maltese Government, may lay the blame for this injustice on the shortcomings of the Malta Ornis Committee.

The FKNK has offered several solutions for the continuance of finch-capturing in line with the Birds Directive, which I believe can and should be put into practice immediately, and without further delay.

Therefore, for the sake of both the Malta Government's commitment to the trappers and the thousands of Maltese families and friends of trappers, I augur that, also this year, we will not refrain from doing our duties, as we are ethically and morally bound.

* The Minutes of the "Meetings with the FKNK" were kept by Mr. Godwin Grima, Permanent Secretary Ministry for Home Affairs and the Environment.

Lino Farrugia

January 2010

Doc. A

INTERGOVERNMENTAL CONFERENCE
ON THE ACCESSION OF MALTA
TO THE EUROPEAN UNION

Chapter 22
Environment
11 July 2002

species of finches which are trapped by the use of traditional nets known as clap-nets within the Maltese islands for the purpose of keeping them in captivity, *Carduelis canisabina*, *Carduelis serinus*, *Carduelis chloris*, *Carduelis carduelis*, *Carduelis spinus*, *Fringilla coelebs* and *Coccothraustes coccothraustes*, until 31 December 2008. By that date, a captive breeding system will have been established so that the traditional patterns of keeping birds in captivity can be maintained and the number of birds that can be taken from the wild will be limited to the number required to ensure sufficient genetic diversity of the captive species. By 31 December 2007, the Malta Ornis Committee will have undertaken studies on the status and the mortality rates in captivity of these seven species in order to objectively establish the number of wild specimens per species that may be captured in line with Directive 79/409/EEC to ensure sufficient genetic diversity of the captive species. As from 2003, projects will be in place to encourage and promote successful finch breeding as well as to provide breeders with the necessary information and training.

- With regard to Article 6 of Directive 79/409/EEC, the Protection of Birds and Wild Rabbit Regulations already prohibit the possession and trade of protected species, whether alive or dead, or parts thereof.
- Due to the particular biogeographical circumstances of the Maltese islands, spring is by far the main hunting period. Nevertheless, in order to comply fully with Article 7 of Directive 79/409/EEC by accession, the Protection of Birds and Wild Rabbit Regulations will be amended. Malta will limit the taking in spring to only two species, the *Streptopelia turtur* and the *Coturnix coturnix*, as an application of Article 9 of the Directive.
- With regard to Article 8 of Directive 79/409/EEC, the Protection of Birds and Wild Rabbit Regulations already prohibit the use of such non-selective methods of hunting and capture as poisonous or stupefying bait, hooks, birdlime, mirrors, gas, electric or electronic devices, the use of pre-recorded bird calls, mist nets, vertical nets, any kind of cage trap and blind live decoy birds; the use of artificial lights; and the hunting or capturing of birds from motor vehicles. The trapping of birds in the Maltese islands is only permitted if the traditional (personally-operated and selective) nets are used. The regulations will be amended prior to accession to provide both temporal and territorial controls. The Malta Ornis Committee will register all trapping sites and will also issue all currently licensed trappers with a nominative and non-transferable licence. A moratorium on new trapping licences will be imposed from 1 August 2002. Hunting at sea is only permitted if it is carried out at least three kilometres away from the Maltese shoreline and the regulations will be amended by accession to bring them fully in line with Annex IV of the Directive in this regard. As outlined in the Annex to this position paper, Malta will fully transpose Article 8 of the Directive by accession. Except as outlined above, Malta will fully comply with this Article by accession.

In those cases where Malta deems it necessary to use Article 9 of Directive 79/409/EEC, Malta confirms that it will annually send a report to the Commission on its application of this Article as from accession.

Doc. B

L.N. 56 of 2003

ENVIRONMENT PROTECTION ACT, 2001

(ACT NO. XX OF 2001)

**Notice of coming into force of the Protection of
Birds and Wild Rabbit (Amendment) Regulations, 2003**

BY virtue of the powers conferred on him by article 9 of the Environment Protection Act, 2001 and by regulation 1 of the Protection of Birds and Wild Rabbit (Amendment) Regulations, 2003, hereinafter referred to as the "amending regulations", the Minister for Home Affairs and the Environment has established the 1st February, 2003, as the date when the Protection of Birds and Wild Rabbit (Amendment) Regulations, 2003, shall come into force other than paragraph (3) of new regulation 2B introduced by regulation 3 of the amending regulations except for the provision that no new licences to take, are to be issued before the 31st December, 2007, and other than paragraph (c) of regulation 9 of the amending regulations;

and furthermore by virtue of the powers conferred on him by the paragraph (d) of regulation 13 of the amending regulations, the said Minister has established the 31st May 2003, as the prescribed date for the registration of stuffed birds.

Doc. C

MINISTRY FOR HOME AFFAIRS
AND THE ENVIRONMENT

Meetings with FKNK
September 2002

31 July 2002

The following attended the meeting:

Joe Borg, Minister of Foreign Affairs
George Pullicino, Parliamentary Secretary, Ministry for Home Affairs and the Environment
Richard Cachia Caruana, Chairman, Core Negotiating Group
Godwin Grima, Permanent Secretary Ministry for Home Affairs and the Environment
Patrick Tabone, Personal Assistant, Minister of Foreign Affairs
Saviour Balzan, Advisor Minister for Home Affairs and the Environment
Joe Buttigieg, President FKNK
Lino Farrugia, Secretary FKNK
Joe Perici Calascione, Consultant FKNK
Twanny Mifsud, Committee Member FKNK

The Ornis Committee would, among other things, be responsible for the application for the Article 9 derogations.

As for trapping, this would be permitted in spring. There will be a moratorium for a definite period and licenses will be nominative. FKNK were assured that the moratorium period had to be used to come up with sound scientific studies and it was not the case that trapping would no longer be allowed after that date.

Doc. D

Extracts from the Commission's draft response
to Malta's Position Paper
20 August 2002

Extracts from the Commission's draft response to Malta's Position Paper

With regard to Directive 79/409/EEC on wild birds, the EU takes note of Malta's clarifications as regards transposition and implementation measures under the Directive, as contained in CONF-M 57/02.

The EU takes note of Malta's commitment that it will fully transpose the Directive by accession, and notes of Malta's transposition plan as contained in Annex of CONF-M 57/02. Furthermore, the EU takes note that Malta confirms that it will fully comply with the Directive by accession and that it requests transitional measures until 31 December 2008 regarding Articles 5(a), 5(e), 8 (1) and Annex IV(a) of the Directive, to allow the deliberate capture of seven species of finches (*Carduelis cannabina*, *Carduelis serinus*, *Carduelis chloris*, *Carduelis carduelis*, *Carduelis spinus*, *Fringilla Coelebs* and *Coccothraustes coccothraustes*) by the use of traditional nets known as clap-nets within the Maltese islands for the purpose of keeping them in captivity. The EU notes Malta's justification for this request, i.e. that time is needed to establish a captive breeding system, so that transitional patterns of keeping birds in captivity can be maintained.

As regards implementation of Article 6 on trade, the EU takes note of Malta's statement that full compliance with this Article is already reached.

As regards implementation of Article 7 on regulation of hunting and hunting periods, the EU takes note of that Malta indicates that spring is the main hunting period, and that in order to comply with Article 7 by accession, the protection of birds and wild rabbit Regulations will be amended by third quarter of 2003. The EU notes Malta's statement that it will limit the taking in spring to only two species (*Streptopelia turtur* and *Coturnix coturnix*), as an application of Article 9 derogation of the Directive. In this context, the EU points out that, according to the Directive, Certain species may be hunted because of their high population level geographical distribution and reproductive rate in the Community as a whole to the extent that the limits set by the Directive are respected and the population of these species is maintained at satisfactory level.

As regards implementation of Article 8 on methods of hunting and capturing, the EU takes note that Malta indicates that it will fully transpose the Article as well as comply with it by accession, with the exception of the above request as regards Article 8(1). The Malta Ornis Committee will register all trapping sites and will issue the currently licensed trappers with a nominative and non-transferable licence. A moratorium on new trapping licenses has been introduced as from 1 August 2002. As regards hunting at sea, the Regulations will be modified by accession to ensure compliance.

Having carefully examined Malta's request, the EU considers it limited in scope as it relates to deliberate capturing of seven finch species, and only through the use of traditional nets known as clap-nets and for the purpose of keeping them in captivity. The EU also considers the measure as limited in time, when taking in account the time needed to establish a full captive breeding system so as to maintain the traditional keeping of birds in captivity. The EU can therefore grant a transitional period until 31 December 2008 for applying Articles 5(a), 5(e), 8(1) and Annex IV(a) in order to allow the deliberate capture of *Carduelis cannabina*, *Carduelis serinus*, *Carduelis chloris*, *Carduelis carduelis*, *Carduelis spinus*, *Fringilla coelebs* and *Coccothraustes coccothraustes* by the use of traditional nets known as clap-nets within the Maltese Islands for the purpose of keeping them in captivity. The EU furthermore notes that by 31 December 2007, the Malta Ornis Committee will have carried out studies on the status and the mortality rates in captivity of these species to establish the number of wild specimens per species that may be captured in line with Directive to ensure genetic diversity of the captive species.

As regards the possible use of Article 9 derogation, the EU notes, as is recognised by the directive, that because of the importance which may be attached to certain specific situations, the acquis makes provisions for the possibility of derogation on certain conditions of the Directive and subject to monitoring by the Commission. In this context, the EU draws Malta's attention to the requirements contained in Article 9 for its use. The EU also takes note of Malta's confirmation that it will report each year to the Commission on the possible application of this derogation.

Finally, the EU takes note of Malta's confirmation that it will designate special protection areas as defined in the Directive upon accession and that it will apply in these areas the protection measures provided for the Directive upon accession. All wetland areas will be declared areas of scientific importance and will be managed as areas undisturbed by hunting activities.

Doc. E

MINISTRY FOR HOME AFFAIRS
AND THE ENVIRONMENT

Meetings with FKNK
September 2002

3 September 2002

The following attended the meeting:

Tonio Borg, Minister for Home Affairs and the Environment
Joseph Borg, Minister of Foreign Affairs
Richard Cachia Caruana, Chairman, Core Negotiating Group
Godwin Grima, Permanent Secretary Ministry for Home Affairs and the Environment
Saviour Balzan, Advisor Minister for Home Affairs and the Environment
Joe Buttigieg, President FKNK
Lino Farrugia, Secretary FKNK
Joe Perici Calascione, Consultant FKNK
Twanny Mifsud, Committee Member FKNK
Richard Cilia, Committee Member FKNK

Trapping Licences: No new licenses will be issued after 1 August 2002 for the duration of the moratorium. It is important that the moratorium period be used to conclude scientific studies. The moratorium is not intended to bring the trapping hobby to an end. The breeding issue is tied up with the number of birds that die in captivity. Breeding will not replace trapping. The moratorium and nominative licence system will be retained until 2007. The Ornis Committee will then establish how many birds may be captured. Licenses will be based on this scientific study;

Ornis Committee: The Committee will be set up within the Environment Protection Directorate but have executive powers unlike the EMB. As for the composition, there would be representation from the hunting lobby and environmentalists. Government has every interest to ensure that the Chairman is acceptable to both sides. The Committee would be the vehicle and would have certain specific functions. It was agreed that this would be discussed at a later date.

Bag quotas: There will be a national (Maltese) quota and not individual bag quotas. In this regard the carnet de chasse has to be realistic. Again the Ornis Committee would be the forum. As for the trapping of the golden plover, quail and turtle-dove, one had to wait until the regulations are published by the end of the year. Technically, in Malta, we "hunt" the quail and turtle-dove which is why they have not been mentioned in the trapping aspect.

Malvizz: It was explained that one could not trace a traditional method whereby trapping on this species could be justified. A possible solution is a derogation. For example herons could be shot at in restricted areas, such as fish farms. This was technically a derogation, based on scientific studies, and likewise, one had to be creative in this issue.

Registration of sites: This does not imply that one would have a right to the land, if this land was Government owned, or that, on the other hand, action would be taken against the trapper, on the basis of this registration. Registration for these purposes would be "land-neutral".

Doc. F

MINISTRY FOR HOME AFFAIRS
AND THE ENVIRONMENT

Meetings with FKNK
September 2002

16 September 2002

The following attended the meeting:

Richard Cachia Caruana, Chairman, Core Negotiating Group
Godwin Grima, Permanent Secretary Ministry for Home Affairs and the Environment
Saviour Balzan, Advisor Minister for Home Affairs and the Environment
Colin Scicluna, Co-ordinator (Operations) EU Negotiations Secretariat
Joe Buttigieg, President FKNK
Lino Farrugia, Secretary FKNK
Joe Perici Calascione, Consultant FKNK

The Federation noted that since the finches are not listed in Annex II/2 of the Directive, the nature of the transition period will be difficult to sell to the FKNK membership and, in particular, the moratorium and the captive breeding programme. Richard Cachia Caruana explained that the transition period is not a delayed ban on trapping but a period that allows time to study the situation in depth and to explore the possibility of derogations within the terms of the Directive.

Doc. G

NO. 1672

**STATEMENT BY RICHARD CACHIA CARUANA, CHAIRMAN, CORE
NEGOTIATING GROUP, AT THE EIGHTEENTH SESSION OF THE EU-MALTA
JOINT PARLIAMENTARY COMMITTEE, MALTA 28 NOVEMBER 2002**

In the case of the Birds Directive, it was agreed that traditional capture by means of traditional personally-operated nets of seven species of finches for the purpose of keeping them in captivity may continue while studies would be carried out to determine the numbers that could be captured from the wild in line with the Directive at the end of the transitional period. This transitional period runs until 31 December 2008.

Key dates in this process include: a moratorium on the issuing of new trapping licences that has been effective since August 2002; the establishment of a Maltese *Ornis* Committee by 31 December 2002; the establishment of a captive breeding programme by 30 June 2005; the assessment of this programme by 31 December 2006; and, by the end of 2007, the establishment of the number of wild specimens that may be captured in line with the Directive to ensure sufficient genetic diversity of the captive species.

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the sustainable manner of how to keep this tradition
A document for the Malta Ornis Committee consideration

Doc. H

MINISTERU
TA' L-AFFARIJET BARRANIN



MINISTRY
OF FOREIGN AFFAIRS

Il-Ministru

The Minister

Is-Sur Lino Farrugia
Segretarju
Federazzjoni Kaccaturi Nussaba Konservazzjonisti
138E Triq l-Immakulata Kuncizzjoni
Msida, MSD 06

3 ta' Jannar, 2003

Ghaziz Sur Farrugia,

Naghmel riferenza għall-ittra tiegħek datafa 29 ta' Novembru, 2002.

Nikkonferma li l-insib mhux ser jispicca wara hames snin. Wara s-shubija ta' Malta fl-UE, in-naasaha Maltin se jkunu jistghu jibqghu jonabu f'Malta għal seba' speċi ta' ghasafar tal-ghana. Waqt il-perjodu ta' tranzizzjoni, jgigifieri sal-2008, jitwettaq proġett ta' trobbija tal-ghasafar tal-ghana biex min għandu dawn l-ghasafar ikun jista' jrabbihom u jkun imharreg apposta dwar dan. F'dan il-perjodu isir ukoll studju dwar dak kollu marbut mal-hajja u t-trobbija tal-ghasafar tal-ghana. Minn dan l-istudju ikun stabbilit in-nurru ta' ghasafar li jistghu jibqghu jinqabdu wara l-2008 biex thun tista tibqa tigi sostnuta il-popolazzjoni tal-ghasafar tal-ghana fil-guvi, li tkun irrizultat bis-sahha tal-proġett ta' trobbija li għadni kemm semmejt, u sabiex tkun tista' tibqa tinzamm genetikament f'sahhitha.

Dan l-impenn huwa wicċed car li jrid jinhadem u jigi applikat mill-Ornis Committee.

Rigward affarijiet oħra li jikkoncernaw il-kacca u l-insib, jien infurmat li qed ikollkom diskussjonijiet mas-Segretarju Parlamentari George Pullicino, liema diskussjonijiet qed jitrattaw il-punti l-oħra li semmejt fl-ittra tiegħek.

Inselli għalik,


Joe Borg

Doc. I

EDDIE FENECH ADAMI
PRIM MINISTRU

April, 2003

Id-delizzji tal-kaċċa u l-insib huma minsuġni fil-kultura Maltija. U hekk se jibqgħu.
Anki b'Malta fl-Unjoni Ewropea.

Dak li l-Gvern Nazzjonalista ftehem ma' l-Unjoni Ewropea hu miktub bl-iswed fuq l-abjad fit-Trattat ta' Shubija. Dan jassigura li l-kaċċaturi u n-nassaba bħalek se jkomplu jipprattikaw id-delizzju tagħhom fis-shih. Mhux hekk biss. Biex kulhadd ikun f'pożizzjoni li jara hu stess kif dawn id-delizzji se jiġu prattikati meta nkunu fl-Unjoni Ewropea, f'Jannar li għadda l-Gvern ha hsieb li johroġ ir-regolamenti li jirregolaw il-kaċċa u l-insib issa u fil-futur. Dan ifisser li r-regolamenti ta' l-hum se jibqgħu.

Kien hawn min ipprova jiżra' l-inċertezza biex forsi jisraq xi vot. Intqal hafna kliem fieragh minn nies li għandhom agenda politika imma hemm bżonn li nibqgħu biss fuq il-fatti:

- **La l-kaċċa u lanqas l-insib m'huma projbiti fl-Unjoni Ewropea.** Għall-kuntrarju jibqgħu delizzji prattikati b'ċertu akkanizmu.
- Minkejja dan, il-ftehim li għamel il-Gvern ma' l-Unjoni Ewropea jpoġġi l-kaċċaturi u n-nassaba Maltin f'pożizzjoni ahjar minn dak tal-pajjiżi l-oħra tal-UE għax hu bbażat fuq il-fatturi ġeografici ta' Malta, id-daqs tal-pajjiż u n-nuqqas ta' ghasafar residenti.
- Għalhekk, għalkemm fil-pajjiżi ta' l-Unjoni Ewropea hemm restrizzjonijiet fuq il-kaċċa fir-Rebbiegha, f'Malta dawn ir-restrizzjonijiet mhux se japplikaw għall-gamien u s-summien, iż-żewġ ghasafar għal qalb il-kaċċa f'Malta u Għawdex.
- **Il-kaċċa fil-harifa mhux se tintmaiss.**
- **Il-kaċċa fuq il-baħar se tkompli.**
- **L-insib se jkompli.** Anki wara l-2007, jgħidu x'jgħidu dawk bl-agenda politika.

Gvern Nazzjonalista jhares l-interessi tiegħek, inkluż id-delizzju tiegħek. M'hux hekk biss. Jahdem biex il-pajjiż jimxi 'l quddiem u inti u l-familja tiegħek tgawdu mill-gid li jinholoq. Jiena ċert li fit-12 ta' April inti tagħraf tagħmel l-ahjar għażla għalik u għall-familja tiegħek, għażla bażata fuq il-fatti u mhux il-kliem fieragh ta' dawk bil-kilba għali-poter.

Dejjem tiegħek



BERGA TA' KASTILJA, PUZZA KASTILJA, VALLETTA

Doc. J

MIC (Malta/EU Information Centre) Fact Sheet

Hunting & Trapping Enthusiasts

I was told that the derogation applies for just one year and then we have to apply again. Is this true?

No. The agreement on hunting between Malta and the EU can continue until the Maltese Government wants to use the derogation. A derogation means that Malta would not apply a law or part of it. The possibility to derogate from parts of EU law on birds is available in the law itself and EU countries have a right to use it. The derogation applies for as long as the EU country - in this case Malta - wants to use it. Although it is within Malta's right to use the derogation, Malta now has the added comfort that the EU has acknowledged this position in its negotiating position. This also gives certainty to hunters that they know from now what their position will be after membership.

The agreement will not be reviewed every year. What will happen is that the Maltese Government will report annually to the European Commission on how the Maltese authorities are enforcing the regulations on hunting. On its part, the EU will monitor that the derogation is not abused by, for instance, allowing the shooting of species other than turtledoves and quail in Spring.

In the meantime the Maltese Government has issued a new set of regulations on hunting reflecting the agreement with the EU.

What about hunting at sea?

Hunting at sea will continue to be allowed, although Malta committed itself to more enforcement to curb illegal practices. A maximum speed limit of 18km/hr will be imposed. At sea, the hunting for the red-breasted merganser (serra) will also be allowed.

Is there any limit on the number of new licences for hunters?

No. Hunting licences will still be issued both for those who would like to renew their licence and also for those who would like to start the hobby. There is no limit imposed by the EU on the number of licences for hunters.

Trappers

Is it true that bird trapping in Malta will have to stop if we join the EU?

No.

How is it that the EU accepted bird trapping in Malta when EU law forbids it?

During negotiations, the Maltese Government explained that bird trapping in Malta is an old tradition that has evolved according to the special circumstances of Malta. It was explained that contrary to what happens in other countries, in Malta birds that are trapped are not killed or eaten. They are captured and kept alive in aviaries by bird trappers. So what really takes place in Malta is bird capturing rather than bird trapping. Keeping songbirds is itself a traditional hobby. Furthermore,

it was argued that living on a small island, Maltese trappers depend only on migratory birds to keep their hobby. If trapping of songbirds was to be prohibited, that would mean the end of this long-time tradition. The EU accepted this argument and as a result, bird trapping will continue in Malta after EU accession. However, this was accepted subject to certain conditions that are explained below.

Which birds may be captured if we join?

You will be allowed to capture the seven most frequent and popular songbirds between 1, October and 10, April every year. These are: the greenfinch (verdun), the linnet (gojjin), the serin (apparell), the hawfinch (taz-zebbug), the chaffinch (sponsun), the siskin (ekru) and the goldfinch (gardell). Between 1, September and 31, January you can practice trapping for turtle dove (gamiem), quail (summien), golden plover (pluviera) and song thrush (malvizz) whereas between 25, March and 22, May trapping will be allowed for turtle dove and quail.

This means that trapping for songbirds in February will now also be allowed.

I heard that trapping will stop after 2007. Is this true?

No. Bird capturing will continue after Malta's membership and even after 2007. This will be necessary to sustain the genetic diversity of birds in captivity.

Then why was the year 2007 mentioned?

The year 2007 is the deadline by when Malta must conduct a study on trapping. This will ultimately indicate the number of songbirds that may continue to be captured from the wild after 2007 to sustain the genetic diversity of the birds that are held in captivity. By 2007, Malta will also set up a full captive breeding system and will train trappers to be able to breed birds in captivity.

However, after this time, songbirds can no longer be captured indiscriminately but only on the basis of the results of this study.

Is it true that I will have to register the land I use for bird trapping?

No. It is not land registration. Trappers will be asked to indicate in their carnet de chasse the place where they practise their hobby, for example Fomm ir-rih, Wied Ghammieg or Bidnija.

Will new licences for bird trappers be issued?

Those trappers who already have a valid licence, will continue to have their licence renewed every year. Trappers who already hold a licence will, therefore, not be affected. However, a moratorium on new licences was imposed from August 2002. This means that those who never held a licence for trapping will have to wait until the study is completed.

I have a friend who applied for a trapping licence in February 2002 and has not yet received it. Will he get his licence?

Yes. All those trappers who applied for a new licence (or for a renewal of an existing licence) before the end of July 2002, will get their licence.

Enforcement

What will change in enforcement?

During negotiations, Malta committed itself to enforcing hunting rules and curbing illegal practices more effectively. It also committed itself to put in place the necessary administrative structures and personnel to be able to do so. Under the new hunting regulations penalties have been increased and a difference has been made between a normal contravention and a serious contravention.

What is the Ornis Committee?

As part of the enforcement effort, an Ornis Committee was set up which will include representatives of hunting and environmental organisations. It will decide on issues such as the study on trapping, on licensing and on registration. It will also co-ordinate the collation of the carnet de chasse (which is a note of the birds caught by each hunter) and it will be able to introduce any necessary controls on hunting and trapping in case of a serious decline in certain species. The Committee may also decide on new species which may be hunted.

Will the Commission send its inspectors to check Maltese hunters?

No. Enforcement is in the hands of the local authorities, namely the administrative law enforcement unit of the police and the Ornis Committee made up of representatives from the hunting and environmentalist lobbies. Hunters themselves have an interest in ensuring that their colleagues do not abuse the hobby.

If the Commission finds that regulations are not being enforced, what happens?

Malta has committed itself to enforce hunting regulations and to curb illegal hunting. If the Maltese authorities do not live up to this commitment, they would be in breach of the obligations of membership. The Commission has to ensure that Member States ...

Doc. K

D. NATURE PROTECTION

31979 L 0409: Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103, 25.4.1979, p. 1), as last amended by:

- 31997 L 0049 : Commission Directive 97/49/EC of 29.7.1997 (OJ L 223, 13.8.1997, p. 9).

By way of derogation from Articles 5(a), 5(e), 8(1) and Annex IV(a) of Directive 79/409/EEC, *Carduelis cannabina*, *Carduelis serinus*, *Carduelis chloris*, *Carduelis carduelis*, *Carduelis spinus*, *Fringilla coelebs* and *Coccothraustes coccothraustes* may be deliberately captured until 31 December 2008 by traditional nets known as clap-nets within the Maltese islands exclusively for the purpose of keeping them in captivity in accordance with the following intermediate targets:

- by the date of accession at the latest, the Maltese Ornithology Committee will have been established, all trapping sites will have been registered, a pilot study for a captive breeding project and a study on mortality of finches in captivity will have been presented, the number and types of species held and bred in aviaries will have been assessed, as well as an information programme for implementation of a captive breeding system will have been presented to the Commission;
- by 30 June 2005 a captive breeding programme will have been introduced;
- by 31 December 2006 the success of the captive breeding system as well as the mortality rate of birds within the established captive breeding system will have been assessed;
- by June 2007 the number of captured wild birds required to sustain genetic diversity will have been assessed;
- by 31 December 2007, the Malta Ornithology Committee will have established the number of wild specimens per species that may be captured in line with the Directive to ensure sufficient genetic diversity of the captive species.

The measures taken during the transitional measure shall be in full accordance with the principles governing the timing of hunting of migratory bird species as outlined in Directive 79/409/EEC. The number of captured birds is expected to be significantly reduced during the transitional measure. Malta will report annually to the Commission on the application of this transitional measure and on progress achieved.

Doc. L



KALENDARJU
2010

It-Transit tal-Adozzjoni ta' Malta

L-**insib** mhux permess fl-Unjoni Ewropea taht id-Direttiva tal-Ghasafar. Meta Malta dahlet fl-UE, il-Gvern innegozja perjodu ta' hames snin fejn l-**insib** ghas-seba' speċi ta' ghasafar tal-ghana kellu jkwaqqaf fit- fit. Dan il-perjodu ta' hames snin spiċċa f'Diċembru 2006, u b'hekk l-**insib** għall-ghasafar tal-ghana f'Malta ma jistax jibqa' jair, hief b'deroga.

il- tnesji	7 14 21 28
il- tilleta	1 8 15 22 29
il- erbgha	2 9 16 23 30
il- hamis	3 10 17 24
il- gimgħa	4 11 18 25
il- sitt	5 12 19 26
il- iedd	6 13 20 27

Verżun (mhux permess jipqas): Guido Serratt

Doc. M

**TIMESOF
MALTA.COM**

Saturday, 7th March 2009

Severe conditions for continuance of trapping

Nicoletta Flessati, press officer, European Commission, Representation in Malta, Ta' Xbiex

With reference to the reports of February 24 (timesofmalta.com) and February 25 in The Times about a poster campaign by the Federation of Hunters, Trappers and Conservationists and the subsequent appearance of the posters on billboards in Malta, the European Commission Representation in Malta wishes to clarify the position concerning bird trapping in Malta and in other member states of the European Union.

Under the Accession Treaty, trapping of certain bird species (seven species of finches) was permitted until the end of December 2008.

The Accession Treaty also set out a number of "milestones" for the Maltese authorities to undertake, including the registration of trapping sites, the establishment of a breeding programme and an assessment of its effectiveness.

Following the expiry of this period under the Treaty, Malta can, along with all other member states, apply a derogation to permit trapping to continue.

Trapping of birds is permitted only in exceptional circumstances, where it complies with the strict conditions set out in the Birds Directive.

Trapping of only a small number of certain birds is allowed under strictly supervised conditions and on a selective basis, as set out under article 9(1)(c) of the directive.

The member states referred to on the posters have all sought to permit trapping in accordance with those requirements.

Under the Birds Directive, member states permitting trapping under article 9(1)(c) are obliged to provide evidence to the Commission on an annual basis to show that all the conditions are being met.

In cases where the evidence shows that a breach has occurred, the Commission has taken, and will continue to take, legal action to address this breach.