

## Inventory

### Implementation of Articles III.4 and III.5 of the Convention

Malta			
Party since 1 June 2001			
National Reports submitted: COP12 (2017)			
Relevant Legislation			
	<ul style="list-style-type: none"><li>• Reptiles (Protection) Regulation, 1992 (Legal Notice 76 of 1992).</li><li>• Capture and Killing Methods (Prohibition) Regulations, 2002 (Legal Notice 167 of 2002).</li><li>• Marine Mammals Protection Regulations, 2003 (Legal Notice 203 of 2003).</li><li>• Trade in Species of Fauna and Flora Regulations, 2004 (Legal Notice 236 of 2004).</li><li>• Conservation of Wild Birds Regulations, 2006 (Legal Notice 79 of 2006), as amended [SL549.42 ].</li><li>• Flora, Fauna and Natural Habitats Protection Regulations, 2006 (Legal Notice 311 of 2006, as amended).</li><li>• Environment Protection Act [Cap.549].</li><li>• Filfla Nature Reserve Act [Cap.356].</li><li>• Fisheries Conservation and Management Act [Cap. 425].</li><li>• Malta Resources Authority Act [Cap.423].</li></ul>		
Article III.5			
	Laws that Implement the Take Prohibition		
	Aquatic Mammals	Taking of all Appendix I aquatic mammals is prohibited by local legislation and the <i>Flora, Fauna and Natural Habitats Protection Regulations, 2006</i> (Legal Notice 311 of 2006 as amended) and <i>Marine Mammals Protection Regulations, 2003</i> (Legal Notice 203 of 2003).	
	Terrestrial Mammals	Unknown	
	Birds	Taking of all Appendix I birds is prohibited.  Through the publication of LN 110/14 which amends these Regulations, any hunting or taking, or attempting to hunt and or take protected bird species listed in Schedules I and IX, even in the case of a first-time offence, will automatically incur a fine of €5,000 and / or imprisonment for one year, as well as permanent revocation or ban on obtaining a licence, and the confiscation of the corpus delicti. 163 bird species are included in Schedules I and IX, but insufficient information submitted to determine whether these species are included in CMS Appendix I.	

			Regulation 27(2) prohibits, with respect to birds, illegal possession, importation, transport, sale, taxidermy, as well as breaches of the parameters of hunting seasons and related temporal and spatial restrictions.
		Reptiles	With the exception of the <i>Lepidochelys olivacea</i> , which has never been recorded in the Maltese Islands and the Mediterranean, national legislation affords strict protection to all marine reptile species. Harvest of <i>Lepidochelys olivacea</i> is nonetheless prohibited.
		Fish	Taking of all Appendix I fish is prohibited, but relevant law is not identified.
	Exceptions to the Take Prohibition		
		Aquatic Mammals	<p>Exceptions have been granted. Exceptions may be granted when there is no satisfactory alternative and an authorization is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range.</p> <p>In 2016, one possible exception was granted for the taking and keeping of samples of dead stranded specimens of an unidentified cetacean species found in the wild.</p>
		Terrestrial Mammals	Unknown
		Birds	None granted, but no law is identified to determine the scope of permissible exceptions.
		Reptiles	<p>Exceptions have been granted. Exceptions may be granted when there is no satisfactory alternative and an authorization is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range.</p> <p>During the last three-year reporting period, the following exceptions were granted:</p> <ul style="list-style-type: none"> <li>• 24 exceptions for <i>Caretta caretta</i> to administer first aid to stranded specimens and research purposes.</li> <li>• 1 exception for <i>Dermochelys coriacea</i> to administer first aid and take measurements.</li> </ul> <p>All turtles were released into the wild.</p>
		Fish	None granted.

			<p>The capture and killing of <i>Cetorhinus maximus</i> and <i>Carcharodon carcharias</i> is also prohibited except in cases of defence and national security, public safety and health, salvage operations and the investigations of offences.</p> <p>Also, an exception may be granted only when there is no satisfactory alternative and an authorization is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range.</p>
Article III.4			
	Laws to conserve and, where feasible and appropriate, restore habitats of CMS Appendix I species		
		<p>Malta has designated various protected areas, including sites for Community Importance (SCIs), Special Areas of Concern, and eight Special Protection Areas (SPAs), as well as Rasmsar sites, and other protected areas. However, insufficient information is provided to identify the content of any obligations for these different classifications.</p> <p>Malta has set up a National Ecological Network. However, insufficient information is provided to determine whether any Appendix I species inhabit these areas, and insufficient information is provided to identify the content of any obligations.</p>	
	Laws that prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species		
	Windmills (birds and bats)	Proposals for the development of renewable energy facilities would be evaluated against obligations stemming from the EU Nature Directives, through appropriate assessments and Environmental Impact Assessments (EIAs). Through site planning, mitigation and monitoring in line with guidance issued by the EU and multilateral environmental agreements, any impacts on wildlife (such as bats, birds and marine mammals) would be minimised.	
	Cell towers (birds and bats)	Unknown	
	Dams (fish)	Unknown	
	Road construction (mammals)	Unknown	
	Train tracks (mammals)	Unknown	
	Fishing gear/bycatch (marine mammals, sea turtles, fish)	In accordance with national legislation, when loggerhead turtle ( <i>Caretta caretta</i> ) or marine mammals are accidentally caught during fishing activities, they are to be released back into the sea, should this be possible, and are only landed for rehabilitation purposes.	

		Shipping mammals)	(marine	Unknown
	Laws that prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of or controlling or eliminating, already introduced species.			
		<ul style="list-style-type: none"><li>• Officers have received specialised training during 8 training sessions (2 sessions in 2014, 2 sessions in 2015 and 4 sessions in 2016) on enforcement priorities and techniques, organised by the Wild Birds Regulation Unit.</li><li>• A list of 8 gravity factors for assessing penalties for violations, drawn up on the basis of the recommendations of the Tunis Action Plan on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds under the Bern Convention, has now been firmly embedded within Regulation 27(2) of the Conservation of Wild Birds Regulations.</li><li>• Malta has prepared management plans/conservation orders for all terrestrial Natura 2000 sites in the Maltese Islands and these are currently in the process of being formally adopted. These plans include a comprehensive assessment of the conservation status of habitats and species found within these sites; the development of conservation objectives; and the establishment of conservation measures. Habitat restoration and management which may indirectly be beneficial to the species are addressed in these plans. However, insufficient information is provided to determine whether any Appendix I species inhabit these areas, and insufficient information is provided to identify the content of any obligations.</li><li>• EIA is undertaken for developments/operations would also consider the effects of any underwater noise created by that particular activity.</li><li>• Malta has undertaken education and public awareness initiatives concerning a variety of CMS Appendix I species.</li><li>• Malta has trained on the identification of cetaceans the Armed Forces of Malta, NGOs (like BirdLife Malta) and other individuals who may encounter such marine species.</li></ul>		
Reservations, territorial inclusions, and territorial exclusions				
	Reservations	None		
	Territorial Scope	"Malta". Thus, the Convention is presumed to apply to all territory, including any overseas territories and semi-autonomous zones.		