



BirdLife Malta's comments on the Updated Marine Monitoring Programme pursuant to the Marine Strategy Framework Directive 2008/56/EC (MSFD):
Seabirds
24th July 2023

BirdLife Malta has analysed the updated Marine Monitoring Programme (Descriptor D1 Biodiversity - Seabirds) prepared under the MSFD and would like to highlight the following points for consideration as part of the consultation process.

Whilst appreciating the effort put into the compilation of the updated Programme, we suggest revising the prepared document to ensure its tangibility and clarity. The monitoring should provide data which support suitable indicators in order to assess if Good Environmental Status (GES) has been achieved or is maintained, to measure progress towards environmental targets and evaluate the effectiveness of measures to achieve or maintain GES. Good indicators for MSFD should be statistically robust and have a quantitative threshold level or a range of values indicating GES. In this context, it should be mentioned that the consultation document does not contain comprehensive information in relation to establishing a baseline and threshold values for GES which is considered to be a significant omission.

Additionally, the Programme can be enhanced by including the methodology to be used for the assessment of pressures, threats and conservation measures which will greatly contribute to the monitoring, review of environmental targets, evaluation process, etc., since monitoring programmes also serve to assess the effectiveness of measures.

Comments

- It is important to retain the consistency of the text in terms of seabird bycatch monitoring as per MSFD requirements. Such as, the following sentence in the Monitoring Strategy Description part (page 1) should be complimented as per below: *“Seabirds’ breeding distribution, breeding population abundance, population dynamics and distribution/abundance at sea, **as well as mortality/injury rates from fisheries bycatch** will be monitored as part of this strategy.”*
- Reaching environmental targets, such as addressing the pressures on seabirds from bycatch, will benefit from setting a more tangible target, particularly apart from referring to a *“declining trend”*, a threshold for bycatch mortality should be applied (please refer to: *“MT_Target_2019_D1C1_C2: Number of incidentally*



caught specimens, as verified through official data collection processes and analysis of stranded specimens, shows a declining trend”, page 1). According to BirdLife International guidelines, such a threshold mortality rate should be 1% of natural annual adult mortality of the species¹. In this context, we would like to take an opportunity and call for enhancing existing monitoring efforts in relation to bycatch, since at the moment data on seabird bycatch is not representative. Specifically, we recommend increasing on-board observations, including seabird bycatch in paper logbooks (until they are fully substituted by electronic ones which contain seabird bycatch line to fill in) and make sure logging of such data is mandatory.

- The same comment is relevant to the following target: “MT_Target_2019_D1C2_C3_C4: The proportion of breeding seabird population and distribution, that is subject to disturbance as a result of light pollution, rat predation and other anthropogenic activities is reduced”, where a more quantitative target can be set. Smart indicators for all the mentioned pressures should be developed and applied accordingly.
- Furthermore, we have concerns with regards to the sentence: “Consideration of secondary criteria is not related to the risks for seabirds to fail Good Environmental Status, but rather the adoption of a holistic approach towards assessment of this species group” (page 2). We find this statement rather unclear. In long lived, burrow-nesting seabirds which are hard to count due to nocturnal nest attendance, population characteristics can be more informative to GES than abundance. Moreover, low adult mortality and/or low breeding success are more sensitive to anthropogenic pressures and can therefore give indications of GES within the reporting cycles. Changes in country wide abundance or range is coarser and less likely to inform on short term changes in GES. For this reason, Birdlife International states in their position paper on GES for threshold criteria under D1 that ‘Criterion D1C3 (population characteristics) should be adopted as primary criterion instead of D1C2 under certain circumstances’¹. We strongly encourage the adoption of D1C3 (population characteristics) as a primary criterion for determining GES.
- We suggest amending the below sentence accordingly, to once again ensure the consistency of the Programme: “Declining trends in the extent of the breeding range and abundance of the breeding population, **decline in adult survival and breeding success**, together with observations on pressures on the seabird

¹ [BirdLife position D1criteria_02092019_FINAL.pdf \(helcom.fi\)](#)



populations **will enable the identification of Good Environmental Status for these seabirds**". (page 3)

- In relation to the spatial scope of the monitoring, the consultation document states: *"Monitoring of distribution and abundance of seabirds at sea will be undertaken with a focus on the marine Natura 2000 sites designated for the conservation of seabirds. For this purpose, monitoring will enable assessment of abundance through counting of bird numbers in accordance with the guidance provided by the IMAP process. The spatial scope of such monitoring is linked to the Marine Protected Areas within the Fisheries Management Zone (EEZ or similar)."* Although monitoring in MPAs is important for determining reference conditions, assessing the effectiveness of measures, etc., the overall aim should be the monitoring of the whole range of species and habitats in order to take measures to protect the ecosystem as a whole. At the same time, in line with the Second Assessment report: Update of Articles 8, 9 and 10 of the Marine Strategy Framework Directive (2008/56/EC) in Malta's Marine Waters², **"the assessment of status for seabirds in Malta is undertaken at the level of Malta's Fisheries Management Zone MIC-MT-MS-01 (25 Nautical Miles)."** Consequently, given the spatial distribution of the monitored seabirds, we strongly encourage revising the text to ensure the monitoring goes beyond solely the Marine Protected Areas and covers the FMZ.
- To ensure the coherence of the document, we strongly suggest incorporating the Monitoring subprogramme 2: Mobile species – seabirds – population characteristics (MICMT-D0104.1-02) in Table 2.
- Regarding the suggested methodology (1.1. Seabirds - Distribution and Abundance), the Programme states: *"A thermal imaging camera is either handheld or fitted on a tripod. The camera will be set on video with landing birds, per set time interval, per cliff section, counted either in the field or from footage"* (page 5). This method description is specific to abundance estimation per subsite but for range/distribution counts of birds flying around colonies is also useful.
- It follows from the previous point that the updated Programme does not seem to have a distinction in range certainty, whereas in the previous assessment³ it was distinguished between complete possible range and certain range, accounting for inevitable uncertainty when monitoring inaccessible cliff areas. Such a distinction would be useful to retain.

² [MSFD-Art.-17-Update-Malta_FINAL.pdf\(era.org.mt\)](#)

³ [Seabird-Fieldwork-Report-2021-public.pdf\(era.org.mt\)](#)

- Among the monitoring locations for *Puffinus yelkouan* (1.1. Seabirds – Distribution and Abundance, page 6), some of the listed colonies are within SACs and not SPAs. These include the Yelkouan shearwater colonies in St Paul’s Islands and Majjistral Nature & History Park which are at the moment within SACs. We take the opportunity to remind the Authority to designate these sites as SPAs as well as SACs to ensure the importance of these sites for species under the Bird’s Directive is fully recognised and addressed, while in the meantime the monitoring strategy should acknowledge that monitoring locations are in SPAs and SACs.

- In this context, we also suggest including St Paul’s Islands MT0000022 onto the list of monitoring locations for *Puffinus yelkouan* (CMR method) under section 1.2. Seabirds – Population Characteristics (page 14) as per the Long-term Monitoring Strategy, 2020⁴. This colony is subject to ongoing works under the LIFE PanPuffinus! Project (LIFE19 NAT/MT/982), owing to the fact that it is a colony subject to rat predation and disturbance, for which GES should be aimed.

- Section 1.2. Seabirds – Population Characteristics does not include such a useful indicator as breeding success or reproductive success per monitored active nest. This is a relatively inexpensive yet informative indicator with a very clear threshold set for species such as *Puffinus yelkouan* under the species’ Action Plan (Gaudard et al. 2018). Amongst others, it can demonstrate the predation impact by invasive rodents and indirectly the condition of foraging areas on a season by season basis.

- Section 1.4. Seabirds – Mortality/injury rates from fisheries (incidental) will benefit from mentioning the LIFE PanPuffinus! Project under which BirdLife Malta and the Department for Fisheries and Aquaculture are working together to develop a monitoring protocol for bycatch, which includes working directly with fishers.

- The same section explains the methodology to be used for the onboard observations. However, the programme does not elaborate on the subject, such as in “Data on seabird by-catch from fisheries will be collected from quarterly trips during the respective fishing seasons, following Malta’s yearly National Programme for Fisheries Data Collection, based on the EU’s Data Collection – Multi Annual Programme” (page 21) neither reference is given regarding the number of vessels to be covered (% of fishing fleet), nor it is stated explicitly what is meant by

⁴ [GF-Admin-48-2020-Long-term_MonStratReport_Seabirds_final.pdf\(era.org.mt\)](#)



“quarterly trips”. Based on fisher questionnaires and previous data collection, the number of onboard observations can be increased in months where bycatch is more likely.

- Page 4 of the document contains the statement: “Pressures encountered while carrying out the monitoring activities will be documented”. This statement should be clarified, explaining the nature of such pressures and suggesting the information which should be collected if those are encountered.
- We suggest slightly amending the statement on page 14 and throughout the document accordingly in order to make the message clearer and more coherent: “This programme outlines the monitoring processes for the provision of data on incidental by-catch of seabirds by fisheries. Within this context, the purpose of this programme is to enable assessment of impacts on seabirds from fisheries activity (environmental state and impacts) and ~~risks for seabirds to fail Good Environmental Status as a result of such impacts~~ **risks to Good Environmental Status of the seabirds due to such impacts.**” Monitoring programmes should be able to provide the data needed to assess whether GES has been achieved or maintained.
- In line with the European Environment Agency, bycatch is defined as incidental take⁵, therefore we suggest substituting the collocation “incidental bycatch” with “bycatch” throughout the document to avoid tautology.
- The document shall benefit from taking into account the synergetic relations between relevant pieces of EU legislation, since the monitoring programme shall integrate and complement the monitoring requirements imposed by other Community legislation, such as the Water Framework Directive, Common Fisheries Policy, Habitats Directive and Birds Directive, as well as Barcelona Convention being a reference regional sea convention for the Mediterranean region. Such approach helps to minimise additional costs, since Member States will define the MSFD monitoring requirements relevant for their marine areas and check them against existing monitoring efforts (such as Article 12 Birds Directive). The link between MSFD and the requirements of other Directives is important, especially in relation to the pressures which originate on land.
- The Monitoring Programme should remain a living document, since the frequency, intensity and the whole rationale of it may need adjustment to better

⁵ [bycatch – European Environment Agency \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/infographic/infographic-bycatch-2018.pdf)



respond to a changing situation and emerging pressures (e.g. risk of plastic ingestion).

- Where there is reasonable ground for concern that achieving or maintaining GES is at risk, but where scientific evidence is not sufficient to establish the causes and/or the risk, the precautionary principle should apply and monitoring and research should be carried out with a view to revising/adjusting the monitoring programmes.