



Media release

BirdLife welcomes Commission's Letter of Formal Notice against Malta for spring hunting

28 October 2010, Malta – BirdLife Malta and BirdLife International (1) today welcomed the European Commission's requests to the Maltese Government to comply with the European Court of Justice ruling on bird hunting, in particular over legislation permitting future spring hunting seasons for European Turtle-dove *Streptopelia turtur* and Common Quail *Coturnix coturnix* by issuing a Letter of Formal Notice.

Despite being found guilty by the European Court of Justice in September 2009 (2) of breaching the EU Birds Directive by permitting spring hunting between 2004 and 2007, Malta again opened a spring hunting season this year. Malta also adopted a framework legislation in 2010 (3) making it possible to open future spring hunting seasons of up to 3 weeks in duration with a bag limit of 25,000 birds.

Through the Letter of Formal Notice(4) the Commission is initiating infringement proceedings against Malta on three main issues related to the conservation status of the species being hunted and the principle of proportionality.

'In its Letter of Formal Notice, the European Commission is obliging Malta to take into consideration the conservation status of the two species, threatening Malta with legal action again", stated Joseph Mangion, BirdLife Malta President. 'As we have consistently pointed out, it is not the status of the species at an international level that is of importance in this case, but its European conservation status.'

The Commission's own guidance document on the Birds Directive states that no derogations may be applied for Species of Conservation Concern in Europe, a status applied to both Turtle Dove and Common Quail due to their continuing population declines at a European level (5). There are also a range of other conditions which need to be met before any member state can apply a derogation permitting spring hunting.

The Commission is obliging Malta to also take into consideration the autumn hunting season, during which both birds may be hunted for a five month period in Malta. Data from the Carnet de Chasse, recently released by MEPA, shows that following the ban on spring hunting in 2008 the number of Quail shot that autumn

equalled those shot the following spring, demonstrating that there are sufficient numbers of this species to shoot in autumn.

The maximum number of birds which Malta has permitted to be hunted in spring has also been objected to by the Commission on the grounds that it does not maintain the populations of the species at a satisfactory level.

If Malta ignores the latest legal action, the Commission may take Malta to the European Court of Justice under article 260 of the Lisbon Treaty. If the court then finds Malta guilty, fines will be applied.

The Commission's latest action shows that, as expected, Malta's continuing persistence in opening a spring hunting season is being addressed at the very highest levels of the European Commission, and again brings Malta one step closer to the European Court of Justice.

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Notes:

1) BirdLife International is a global Partnership of nature conservation organisations working in more than 100 countries and territories. BirdLife is the leading authority on the status of birds, their habitats and the problems affecting them, and is working on a wide range of environmental issues. BirdLife has 42 Partners in Europe, and is represented in all 27 Member States.

For more information about the work of BirdLife Europe:

<http://europe.birdlife.org>

2) JUDGMENT OF THE COURT (Second Chamber), 10 September 2009:

Having regard to the foregoing considerations, it must be held that, by having authorised the opening of a hunting season for quails (*Coturnix coturnix*) and turtle doves (*Streptopelia turtur*) during the spring of 2004 to 2007, without complying with the conditions laid down in Article 9(1) of the Directive, the Republic of Malta has failed to fulfil its obligations under that directive.

<http://eur->

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008J0076:EN:HTML

3) LN 221 of 2010 (Framework for Allowing a Derogation Opening a Spring Hunting Season for Turtle Dove and Quail) sets a quote of 13,000 Quail and 12,000 Turtle Doves with potential three week hunting season in April:

<http://doi.gov.mt/EN/legalnotices/2010/default2.asp>

4) The European Commission's Press Release announcing renewal of infringement proceedings through the issue of a Letter of Formal Notice may be seen here: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1409&format=HTML&aged=0&language=EN&guiLanguage=en>

5) It is specifically stated under Section 3.5.40 of the European Commission's 2008 publication 'Guide to Sustainable Hunting under the Birds Directive' that:

Derogations should not be granted for species or populations with an unfavourable conservation status, which are declining within the European Union (or in a Member State considering exercising such derogations), whose area of distribution (breeding or wintering) is contracting, or with very low population levels, unless it can be clearly demonstrated that use of such derogations are beneficial to the conservation status of the species/population concerned.

http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf