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## The Finch Trap: European Commission vs. Malta

**The European Court of Justice (ECJ) will on Wednesday 15th February hear the [case](#) initiated by the European Commission against Malta regarding finch trapping in the Maltese Islands. It is probable that the verdict in this case will be delivered by the third or fourth quarter of this year.**

The European Commission officially referred Malta to the ECJ in September 2015, after the Maltese Government ignored its formal warnings as part of an Infringement Procedure started in 2014. According to [an article](#) published in MaltaToday today, the Maltese government had also ignored legal warnings by the Attorney General when it reintroduced finch trapping in 2014.

When Malta joined the EU in 2004, a ban on finch trapping was one of the conditions of the accession treaty. The Government agreed to gradually phase out trapping for finches over a five year period till 2009 in line with the treaty. However, in 2014 the practice was reintroduced with the Government going backwards on the phasing out period negotiated with the EU and applied a derogation. Despite a series of warnings the Maltese Government opened yet another finch trapping season in 2015 and this led the European Commission to announce in September 2015 that it will be taking Malta to the European Court of Justice for allowing finch trapping against EU law. The Government of Malta once again ignored this legal challenge and persisted in opening even last year's finch trapping season.

The Maltese Government in 2014 reintroduced the trapping of seven species of wild finches on the assumption that it can justly derogate from EU law in a similar fashion to spring hunting. This is because an article in the EU Birds' Directive allows EU member states to make an exception from the ban "where there is no other satisfactory solution...to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers".

However, the European Commission has argued that the traditional Maltese use of clap nets is "non-selective", and that trapping birds for leisure does not constitute a "judicious" reason to derogate, and there are suitable alternatives.

BirdLife Europe and Central Asia remains concerned about the validity of both derogations being currently applied in Malta – one for the trapping of seven species of finch (Linnet, Goldfinch, Greenfinch, Hawfinch, Serin, Chaffinch and Siskin) and the other for the trapping of Golden Plover and Song Thrush.

**Ariel Brunner, Senior Head of EU Policy, BirdLife Europe & Central Asia said:** *"We are very concerned about the reinstatement of finch trapping in Malta. Finch trapping season is*

