

15th May 2008

PRESS RELEASE

**FKNK PETITION REGISTERED WITH
EUROPEAN PARLIAMENT COMMITTEE ON PETITIONS**

On the 11th April 2008, the Federation for Hunting & Conservation – Malta (FKNK) electronically filed the Petition it had launched on 1st March 2008 with the European Parliament (EP).

The EP acknowledged receipt on the 21st April 2008, and informed the FKNK that the Petition had been forwarded to the Committee on Petitions.

Earlier this week the Petition's supporting documentation and the signatures' forms were also presented in Brussels.

The Committee on Petitions will in the first instance decide about the admissibility of the subject matter, and will in due time, emphasizing “..that the procedure for the examination of a petition may be fairly lengthy,..”, advise the FKNK with the Committee's decision.

The purpose of the Petition presentation is due to the injustice which in the FKNK's view Malta is being subjected to.

The issue relates to the interpretation of Malta's pre-accession agreements with the EU, and specifically concerns spring hunting.

Malta - the tiniest and most densely populated of all the EU Member States - is the only EU Member State in which *hunnable* species do not occur in their natural state all the year round. Because of this uniqueness and its particular biogeographical situation, Malta's socio-cultural hunting tradition has evolved since time immemorial around the spring-hunting of turtle doves (*Streptopelia turtur*) and quails (*Coturnix coturnix*). Both species are listed under the category **Least Concern** in the Red Data List compiled by the International Union for Conservation and Nature (IUCN), and as species that may be hunted as listed in Annex II/2 of EU Directive 79/409/EEC known as the “Birds Directive”. Since Malta's EU accession on 1st May 2004 (the Accession Treaty was in fact signed on the 16th April 2003) and up to the spring of 2007, the spring hunting of both species continued to take place annually under strictly supervised conditions, in small numbers, and during a very short period of the pre-nuptial migration.

The Maltese Government had insisted on spring hunting because “no other satisfactory solution is available”; and the EU negotiating team had “taken note” of, and never objected to, the expressed intention of the Maltese Government to allow its continuance. This can be evidenced in the Malta – EU Common Positions that were adopted by the EU Member States prior to Malta's EU

Membership, which signified their agreement to seventy-seven special arrangements affecting various sectors of the Maltese Society. One of the special arrangements regarded the Maltese traditional socio-cultural passion of spring hunting as practised within the framework of the “Birds” Directive, in particular by application of a derogation under article 9/1c of the Directive.

Maltese legislation has fully incorporated the restrictions of the “Birds” Directive, however if Malta is not allowed to benefit from the opportunities that the same Directive offers, the application of a derogation under article 9/1c of the Directive, as applied in multiple instances by most other EU Member States annually, then article 9/1c might just as well be removed from the Directive.

This Malta – EU agreement secured Malta’s legal expectations in this regard.

The contents from the Malta – EU Common Positions agreement were even guaranteed in letters, two in number, under the signature of the Maltese Prime Minister (now President of the Republic of Malta), sent to every individual of the over 17,000 Maltese hunting licence holders. This was done on the eve of the vote for Malta’s accession.

As if that were not enough, prior to Malta’s EU Membership vote, the said guarantees were additionally made public in a Fact Sheet issued by the Malta/EU Information Centre, the Maltese Authority of MIC.

These guarantees in turn protected the Maltese hunter citizens legal expectations.

All this notwithstanding, the EU Commission has now taken Malta to the European Court of Justice (ECJ) to nullify the Malta – EU agreement by attempting to obtain a verdict from the ECJ that would abolish spring hunting. To add insult to injury the Commission’s evidence is based on gross misinterpretation and misrepresentation of material facts, which was supplied to the EU Commission in the form of a complaint by BirdLife (Malta) and BirdLife International.

The Maltese Government is standing by its pre-accession agreement and is set to put up a strong defence for its case, at the same time stating it will abide by the ECJ ruling. However, the ECJ President was asked by the Commission for an immediate ruling pending the outcome of the case. This unjust ruling was handed down on 25th April 2008, resulting in the first ever suspension of the Maltese socio-cultural tradition of spring hunting for 2008. In its verdict the ECJ Judge also ruled that “...the interest in protecting...” the birds “...outweighs the possible adverse effects, for the Maltese authorities or any third parties, such as the hunting fraternity in Malta,.”

In the FKNK's opinion, should this injustice be allowed to continue to happen, there is not only a grave risk that as many as another 76 pre-accession arrangements be jeopardised, however also of wider repercussions that could affect all the other Member States.

The Petition:

The Petition supported by over 31,000 signatures was collected in the Maltese Islands on and between the 1st of March 2008 and the 10th of April 2008 (41 days).

No electronic signatures were requested nor collected and all signatures were collected manually.

5% of the signatures were collected from other EU Member States citizens, otherwise the rest are from Maltese citizens which account for over 10% of the adult Maltese population.

Representatives of Hunters' associations from the following countries also signed the Petition: Spain, Portugal, Serbia, Check Republic, Ireland, France, Italy, Greece, Austria, Slovakia, Cyprus, Belgium and Latvia, besides Malta. These represent as much as 4,760,000 European hunters out of the total 7,000,000 hunters in Europe.

The Council of the Federation for Hunting and Conservation - Malta (FKNK)

Attachment: Main Petition Document