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ECJ does not consider autumn a satisfactory alternative to limited spring hunting in Malta...

In its decision delivered today in Luxembourg, the Court of Justice of the European Communities (ECJ) found against Malta in the manner by which the Maltese Government applied an open derogation for the hunting in spring of the turtle dove and the quail for the years 2004 to 2007. The ECJ however clarified one important factor that accepts that autumn hunting for these two species in particular, in the Maltese islands does not constitute a satisfactory alternative for Maltese limited hunting in spring for the same two species.

“The Court finds that, although the two species at issue are in fact present in autumn in Malta, during the years in question hunters were able to capture only a negligible number of birds. Moreover, during that season, only a restricted part of the territory of Malta is visited by those birds. Finally, the population of the two species of bird hunted is not below a satisfactory level. It is apparent, in particular, from the International Union for the Conservation Nature Red List of Threatened Species that the species in question are listed in the ‘least concern’ category. The Court considers that, in those very specific circumstances, autumnal hunting of those two species cannot be regarded as constituting, in Malta, another satisfactory solution to the opening of a spring hunting season.”

The Federation for Hunting and Conservation – Malta (FKNK) looks positively at this decision and considers the court ruling to be an eye-opener in order that any future action is contemplated in full cognizance of the provisions of article 9.1 of the “Birds” EU Directive.

The FKNK wishes to thank its legal team and in particular the Attorney General for their efforts in providing a strong legal defence of Malta’s case thus determining this fundamental principle.

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