Ingliż

13th September 2009

ECJ recognizes the truth and delivers judgement accordingly

"A moral victory for Malta that sees the truth and identifies the correct criteria for the application of a Derogation under Art. 9 of the "Birds" Directive. This statement was expressed while the Federation for Hunting & Conservation – Malta (FKNK) Secretary, Lino Farrugia, and the Federation's PRO Joe Perici Calascione were in Brussels to participate at the FACE General Assembly last Friday at which hunting associations from 36 countries also participate.

Malta's Attorney General, Dr. Silvio Camilleri had been assisted by Dr. Jan Bouckaert, a Belgian lawyer, and an FKNK lawyer, Dr. Alex Perici Calascione, both of whom had been appointed by the Malta Government, in the defence of the Case before the European Court of Justice that the European Commission had instituted against Malta regarding spring hunting. Once again the FKNK wishes to thank the Attorney General for his personal involvement and professional approach in all aspects of Malta's defence.

This victory was not just for Malta but for all other EU Member States. The court has issued a cautious judgement based on an in-depth interpretation to the letter of the Directive that identifies individual and specific circumstances in the application of Art. 9, derogations, rather than a blanket or general outlook cover.

Dr. Gilbert de Turckheim, the FACE President who was re-elected for the next three year term during the Assembly, congratulated the Maltese delegates for their never surrendering determined persistence in transmitting the truth that has led to this milestone judgement. The Maltese delegates thanked FACE not just in this instance, however also for their continuous support in the last 22 years.

Thursday's judgement amongst other, established that in the particular case of Malta the hunting of the turtle dove and the quail in autumn does not provide the satisfactory solution alternative to the limited hunting of the same species in spring. It also makes it clear that any derogation has to cater for a proportionality measure.

The FKNK welcomes government's statement where it said that the government is studying the possibility of opening a limited hunting season for the turtle dove and the quail come spring of 2010. The FKNK therefore hopes that it will be involved from day one in the study just as it was involved from inception of the defence Case that led to the truth being accepted by the Court. When FKNK's expert advice was replaced by the likes of Saviour Balzan in the Malta/EU negotiations crucial stage, and Joe Sultana in the application of derogations and in the drafting of Legal Notice 79 of 2006, which legislation was supposed to bring local legislation in line with the "Birds" EU Directive, government had only obtained negative and damaging end results.

The FKNK encourages BirdLife Malta to respect the Court's verdict as stated a day prior to the judgement in a joint statement by FACE and BirdLife International. Furthermore, the FKNK sincerely hopes that Birdlife Malta will now revert to the original beliefs following Malta being accepted an EU Member State, as stated in their press conference of October 2003, wherein they aired their hope that local legislation would in fact limit the spring hunting to only two species. FKNK invites BirdLife Malta for the umpteenth time to collaborate in a serious and constructive manner rather than reverting to tactics that are misrepresentative of the truth and at times even completely untrue. This is the only manner by which conservation principles can be upheld in the best interest of the birds and nature.

Finally the FKNK firmly warns all hunters and trappers that, now more than ever, it will adopt zero tolerance measure with any of its members who might persist with illegal hunting acts. The FKNK will not put up with anything that might again ever jeopardise the traditional Maltese socio-cultural passion of spring hunting.

Lino Farrugia Secretary – FKNK

Maltese

13 ta' Settembru 2009

Il-Qorti tal-Ġustizzja tal-Ewropa tagħraf il-verita' u tiddeċidi skond tali verita'

"Rebħa morali għal Malta li turi l-verita' filwaqt li tidentifika l-kriterji għall-applikazzjoni ta' deroga b'mod korret taħt Art 9 tad-Direttiva ta' l-"Għasafar". Dawn kienu rimarki li intqalu meta l-Federazzjoni Kaċċaturi Nassaba Konservazzjonisti (FKNK), rappreżentata mis-segretarju, Lino Farrugia u mill-PRO, Joe Perici Calascione kienu Brussell biex jipparteċipaw għal-Assembleja Ġenerali tal-FACE nhar il-Ġimgħa ġo Brussell li fiha pparteċipaw 36 pajjiż.

L-Avukat Ġenerali ta' Malta, Dr. Silvio Camilleri kien assistit mill-avukat Belgian, Dr. Jan Bouckaert, u min avukat tal-FKNK, Dr. Alex Perici Calascione, liema żewġ avukati kienu appuntati mill-Gvern Malti, fid-difiża tal-Kawża quddiem il-Qorti tal-Ġustizzja tal-Kommunitajiet Ewropej li l-Kummissjoni Ewropeja kienet intavolat kontra Malta fir-rigward tal-kaċċa fir-rebbiegħa. Għal darb'oħra, l-FKNK tixtieq tirringrazzja lill-Avvukat Ġenerali għall-involviment tiegħu personali b'mod hekk professjonali fl-aspetti kollha tad-difiża ta' Malta.

Din ma kienitx rebħa biss għall-Malta iżda għall-Istati Membri l-oħra kollha. Il-Qorti ħarġet sentenza kawta bbażata fuq interprezzjoni legali fil-fond tad-Direttiva li tidentifika ċirkostanzi ndividwali u speċifiċi għall-applikazzjoni ta' Artiklu 9 għad-derogazzjonijiet minflok ħarsa ġenerali li tkopri lil kulħadd.

Dr. Gilbert de Turckhiem, il-President tal-FACE li reġa ġie elett għat-tlett snin li jmiss waqt l-Assembleja, feraħ lid-delegati Maltin talli qatt ma ċedew b'persistenza determinata milli jittrażmettu l-verita' li wasslet għal dan il-verdett storiku. Id-delegati Maltin irringrazzjaw lill-FACE mhux biss għal għajnuna f'din il-Kawża, iżda għal għajnuna kontinwa f'dawn l-aħħar 22 sena.

Il-verdett ta' nhar il-Ħamis, fost affarijiet oħrajn, jistabbilixxi li fil-każ partikolari ta' Malta, il-kaċċa għall-gamiema u għas-summiena fil-ħarifa ma tikkostitwix soluzzjoni sodisfaċenti alternattiva għall-kaċċa limitata għall-istess speċi fir-rebbiegħa. Il-Qorti tagħmilha ċara wkoll li kwalunkwa deroga trid ukoll tagħti każ għall-miżuri ta' proporzjonalita'.

L-FKNK tilqa' wkoll bħala pożittiva l-istqarrija tal-Gvern fejn intqal li l-istess Gvern qiegħed jistudja l-possibbilita' ta' ftuħ ta' staġjun limitat għall-kaċċa tal-gamiema u s-summiena għar-rebbiegħa tal-2010. L-FKNK għalhekk tispera li hi tkun involuta mill-bidu f'dan l-istudju hekk kif kienet ġiet involuta mill-bidu fid-difiża tal-Kawża li wassal biex l-verita' tiġi aċċettata mill Qorti. Meta l-pariri esperti ta' l-FKNK kienu ġew imwarba biex il-Gvern qagħad fuq il-pariri ta' nies bħal Saviour Balzan fl-istadju l-aktar kruċjali tan-negozjati ta' Malta ma l-UE, u fuq pariri oħra ta' Joe Sultana fl-applikazzjoni ta' derogi u fit-tfassil ta' l-Avviż Legali 79 ta' l-2006, liema leġislazzjoni suppost kellha tinkorpora d-Direttiva ta' "l-Għasafar" ta' l-UE fil-leġislazzjoni ta' Malta, dawn ġabu biss riżultati negattivi u ħsara għal Malta.

L-FKNK tapella lill-BirdLife Malta sabiex tirrispetta l-verdett, kif stqarrju u apellaw li ħaddieħor ukoll jagħmel, ġurnata qabel il-FACE u l-BirdLife International fi stqarrija konġunta. Oltre hekk l-FKNK sinċerament tispera li l-BirdLife Malta issa terġa lura għall-prinċipji li kienet tħaddan hekk kif Malta ġiet aċċetata Membru tal-UE, kif kienet stqarret waqt konferenza stampa f'Ottubru tal-2003, meta kienet ħeġġet lill-Gvern biex jillimita l-kaċċa fir-rebbiegħa għal biss żewġ speċi. L-FKNK terġa tistieden lill-BirdLife Malta biex tikkolabora b'mod serju u kostruttiv minflok li terġa tirrikori għal tattiċi ta' misrappreżentazzjoni tal-verita' jew saħansitra għal misinterpretazzjoni tal- verita'. Dan hu l-uniku mod sabiex l-prinċipji ta' konservazzjoni jistgħu jitwettqu fl-aħjar interess ta' l-għasafar u tan-natura.

Fl-aħħar, l-FKNK twissi mingħajr tlaqlieq lill-kaċċaturi u lin-nassaba li, issa aktar minn qatt qabel, hija ser taddotta miżuri ta' ebda tolleranza ma kwalunkwa membru tagħha li jista' jippersisti b'xi atti 'llegali ta' kaċċa. L-FKNK m'hi ser taċċetta xejn li jista' qatt jerġa ipoġġi f'xi periklu t-tradizzjoni Maltija tan-namra soċjo-kulturali tal-kaċċa fir-rebbiegħa.

Lino Farrugia Segretarju - FKNK