

## History of finch trapping in Malta

- Following accession into EU, Malta negotiated a 5-year phasing out period for the trapping of 7 species of finches.
- The phase-out period was not implemented effectively however the deal to phase out the practice was binding.
- In 2009 finch trapping was made illegal, bringing to an end a practice allowed legally. Government however sought a derogation to allow the trapping of Song Thrush and Golden Plover (two huntable species).
- Initially enforcement was very poor, with trappers using the excuse of Song Thrush and Golden Plover trapping to trap finches.
- Over subsequent years, enforcement pressure was stepped up bringing more in control illegal finch trapping, including an increase in applicable fines.
- In 2013, a new government was elected with the promise to re-introduce finch trapping. A specialised unit called the Wild Birds Regulations Unit (WBRU) was set up to look into managing hunting and trapping, and especially seek a way to apply a derogation to re-introduce finch trapping
- WBRU, under the remit of Hon. Roderick Galdes, worked on applying such a derogation and in 2014:
  - Enacted a law which would allow the opening of finch trapping seasons
  - Removed a moratorium on trapping licences, allowing persons who never practiced trapping to start the practice
  - Created a trapping sites registration system – which allowed over 4,000 trappers to register two sites each across Malta and Gozo
- On 16 June 2014, the Commission sent an EU Pilot request to Malta summarising its position.
- On 15 July 2014, Malta issued framework legislation authorising the capture of finches.
- On 25 August 2014, Malta replied to the EU Pilot request claiming that the derogation was justified under Article 9(1)(c).
- On 17 October 2014, the Commission sent Malta a Letter of Formal Notice.
- Despite so, on the 20th October 2014, Malta opened its first finch trapping season.
- On 14 November 2014, Malta replied maintaining its position.
- On 15 May 2015, Malta sent a report to the Commission on the outcome of the 2014 trapping season.
- On 28 May 2015, the Commission issued a Reasoned Opinion. On 28 July 2015, Malta replied and reiterated the position set out in its reply to the Letter of Formal Notice.
- On the 20 October 2015, Malta opened its second season allowing the trapping of finches.
- On the 30 October 2015, the Commission referred Malta to the European Court of Justice.
- Despite the ECJ referral, Malta still continued to persist with opening a third finch trapping season in October 2016.
- A hearing at the ECJ was held on 15 February 2017 at which the Commission and Malta presented their oral arguments.
- On the 10 May 2017, the Ornis Committee formulated its recommendation to government to open a fourth finch trapping season in October 2017.
- On the 26 July 2017, the Advocate General of the European Court of Justice issued its Opinion on the case.
- The final judgement by the ECJ was delivered on 21 June 2018 and Malta was found guilty that **by adopting a derogation allowing the live-capturing of seven species of wild finches, it failed to fulfil its obligations under EU law.** Malta was also ordered to pay the legal costs.