

22<sup>nd</sup> October 2024



for nature and people

**Mr Maroš Šefčovič**  
**Executive Vice President &**  
**Commissioner in Charge Environment**  
**Rue de la Loi / Wetstraat 200,**  
**1049 Brussels, Belgium**

***Open letter to the media***

Dear Mr Šefčovič

BirdLife Malta is an environmental NGO partner of the BirdLife International Partnership under the directorate of BirdLife Europe and Central Asia. Founded in 1962 we have always strived to see better bird and nature protection laws and proper enforcement of such laws.

On joining the European Union, Malta had signed an agreement within the Accession Treaty, to phase out trapping and by 2009 this activity was not allowed anymore. In 2014 the Maltese Government had a change of heart and re-opened finch trapping seasons under article (9)1c of the Birds Directive by applying a derogation. The EU Commission challenged this decision by opening an infringement process, and in 2018, the European Court of Justice declared finch trapping as illegal.

Determined to appease the trapping lobby, the Government tried to smoke-screen finch trapping by declaring it a scientific derogation under Article (9)1a. The idea that trappers would catch finches and release them back immediately after checking if they were carrying any scientific rings on them was a farce that led the EU Commission to challenge this practice once again before the EU Court (case 23/23) – a process which ended with the clear sentence on 19<sup>th</sup> September 2024 finding Malta has failed to fulfil its obligations under Article 5 and Article 8(1) of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, read in conjunction with Article 9(1) of that directive.

Just a month later, the Maltese Government has disregarded the Accession Treaty, the ECJ ruling in 2018 and the recent ECJ ruling in case 23/23, and has once again opened a derogation for finch trapping disguised as scientific. The Maltese cabinet of Ministers led by Prime Minister Dr Robert Abela has decided to bulldoze over the rule of law and disregard the decision of the ECJ, The position of the European Commission on this matter and also complete disregard and respect for the majority of the Maltese citizens who do not support the illegal trapping of finches in Malta.

The situation is dire, and not only will tens of thousands of protected finches be trapped to die after months in captivity eventually, but the very fundamental principles of the rule of law have been severely breached.



We belong to BirdLife International,  
the global Partnership of nature  
conservation organisations.

The Maltese Government issued the relative legal notice less than 24 hours before the trapping season opened. It did not even allow a dialogue between the EU Commission and Malta to agree on the best way forward following the ECJ ruling in case 23/23. Malta's track record, in this case, is riddled with attempts to fool, undermine and delay the EU Commission from being efficient. May we remind you that, on one attempt, following the initiation of the infringement process in December 2020, the Maltese Government tried to derail the process by changing the Framework Law? This tactic failed as the changes were purely cosmetic, as one could read in the ECJ Judgement of the case - 23/23 under the 'Admissibility' section.

The legal notice issued this year by the Maltese government is essentially a photocopy (albeit with a few minor changes) of the previous ones that were deemed illegal by the ECJ. Nothing has changed in the essence of the law, except that more trappers are being allowed to trap illegally than in the previous derogation!

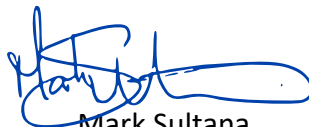
This is anti-democratic, unethical and illegal.

In view of all the above, BirdLife Malta has to insist on the EU Commission taking this matter seriously and urgently. Prime Minister Dr Robert Abela has no intention of doing what is right unless he faces the full determination of the EU Commission for his actions. With the utmost respect, we must insist that the EU Commission invests enough energy and resources to open a procedure under Article 260 of the Treaty without any delay and implement an interim measure to close this illegal trapping season immediately.

Kind regards



Darryl Grima  
President



Mark Sultana  
CEO



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