



EUROPEAN COMMISSION

DIRECTORATE-GENERAL  
ENVIRONMENT

Directorate E – Compliance, Governance & Support to Member States  
ENV.E.2 – Environmental Compliance – Implementation

Brussels  
ENV.E.2

Mark Sultana  
CEO of BirdLife Malta  
[Mark.Sultana@birdlifemalta.org](mailto:Mark.Sultana@birdlifemalta.org)

**Subject: Your email of 16 October seeking clarification on the EU Birds Directive**  
**Ref.: Ares(2025)8980114**

Dear Mr Sultana,

Thank you for your above captioned email addressed to Commissioner Roswall's Cabinet in which you draw attention to the 'research derogation' for finch trapping in Malta and the press reports covering the meeting between Commissioner Roswall and the Maltese Minister for Gozo and Planning held on 15 October 2025. I am replying at the Cabinet's request.

In that meeting, Commissioner Roswall did not endorse the Maltese derogation framework in question and its implementation but asked for more information on how the national authorities plan to ensure the full implementation of the ruling of the Court of Justice of the EU (CJEU) in case C-23/23.

Meanwhile, we have learned from the press that a new 'research derogation' has been adopted on 17 October by the Maltese authorities.

Following the adoption of the 2024 'research derogation' - which seems similar to the one adopted on 17 October 2025 - the Commission sent a letter of formal notice to Malta in February 2025 asking the Maltese authorities to fully implement the Court's ruling in case C-23/23. That request still stands.

Any derogation from the protection regime established by the Birds Directive needs to be strictly applied and enforced in accordance with the conditions laid out in Article 9 of that Directive. The Commission services are currently assessing the new 'research derogation' adopted on 17 October 2025. If EU law is not complied with, the Commission may decide to take additional enforcement steps such as referring Malta back to the Court of Justice of the European Union.

Yours sincerely,

Electronically signed

Nicola Notaro  
Head of Unit