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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
Strasbourg, 3-6 December 2013

Complaint in stand-by

PRESUMED ILLEGAL KILLING OF BIRDS IN MALTA

REPORT BY THE EUROPEAN UNION

*Directorate B – Nature, Biodiversity and Land Use, ENV.B.2 – Biodiversity
European Commission*

**FOLLOW UP OF CASE FILE CONCERNING THE
PRESUMED ILLEGAL KILLING OF BIRDS IN MALTA**

On illegal killing and hunting issues in general, it is important to recall that enforcement is primarily the responsibility of national law enforcement authorities, including in courts of law, who must ensure that the relevant wildlife regulations, including regulations related to hunting, are adequately enforced, and that violations of these regulations are properly investigated to lead to prosecutions and convictions. Having said that, the Commission is fully aware of the situation in Malta and it has, on a number of occasions, raised the issue of enforcement effectiveness with the competent national authorities and called them to take all the necessary and appropriate measures to improve enforcement of the relevant bird protection laws.

In this regard the Commission understands that measures have been taken by the Maltese authorities to improve law enforcement over the past few years. For example, the magnitude of penalties possible under Maltese legislation has doubled and a substantial record of prosecutions can be also noted, according to information provided by the authorities. Moreover, the Commission has been recently informed that the Maltese Government is now also envisaging the setting up of a specialised Wildlife Crime Unit, which will be fully and exclusively dedicated to enforcement of wildlife regulations, including regulations related to hunting.

The Commission is committed to continue its exchange of information with the Maltese authorities with a view to identifying further steps that might be available to further improve enforcement effectiveness and compliance with applicable EU legislation on the protection of wild birds.

With regard to the spring hunting derogation, it should be noted that the judgment of the Court of Justice of the European Union left open the possibility of a limited spring hunting derogation of Turtle Dove and Quail, under strictly supervised conditions, in view of the specific circumstances prevalent in Malta. The measures related to a spring hunting season are provided for in the relevant national regulations which appear to comply with the parameters of the Court's judgment. In particular, the national regulations state that, if during any particular autumn hunting season, the number of caught birds reaches a specific limit, then Malta would not apply a derogation to allow hunting during the following spring season. Moreover, the national regulations introduce a number of requirements in relation to a spring hunting season, including bag limits and quotas, restrictions pertaining to time and places and a range of reporting requirements.

As for the spring hunting derogation this year, the Maltese Government informed the Commission that following the assessment of the information made available by the Malta Ornithological Committee and the autumn bag data for the previous autumn hunting season, it was considered that the conditions for applying a spring hunting derogation from 10 April to 30 April 2013 were met. The Commission received in early June 2013 a detailed derogation report from the Maltese Government which will be carefully assessed, together with other reports from relevant stakeholders, with a view to see whether the spring 2013 hunting derogation has been applied in line with the strict conditions of the EU's Birds Directive.

It is to be noted that the Commission should have received the Reports on derogations under Art. 9 of the Birds Directive: on September 2010 (for year 2009), on September 2011 (for year 2010) and on September 2012 (for year 2011). None of these reports has so far been sent by the Maltese authorities. The Commission intends, therefore to formally request these reports and will formally contact the Maltese authorities in the following weeks.