



JOINT PRESS RELEASE

Malta convicted by European Court of Justice for illegal bird trapping – a key decision that also concerns Cyprus

Nicosia – Limassol, 22 June 2018

‘Trapping under derogation’ is an argument often heard in public discussions on the hot issue of illegal bird trapping (ambelopoulia) in Cyprus. The European Court of Justice has effectively closed the door on this pro-trapping argument with its conviction of Malta. The court decided that Malta was in breach of its European obligations for the protection of birds, by allowing the trapping of seven bird species under derogation. The Directive allows derogations only under specific and strict conditions, which do not include “tradition”.

In 2014 and 2015 Malta allowed trapping of seven species of finches under derogation, with traditional “clap-nets”. This derogation did not meet the criteria set out by the Birds Directive (Directive 2009/147/EC) and therefore the European Commission referred Malta to Court.

The European Court of Justice – with its decision announced on 21 June – ruled that Malta did not meet its obligations as a member state, for the following reasons:

1. The condition of the Birds Directive according to which any hunting derogation must involve “small numbers”, was not met as Malta did not provide sufficient evidence of this.
2. The method used (“clap-nets”) as the Maltese authorities themselves admitted, are non-selective and therefore there is “by-catch”, meaning many different species are caught. Any non-selective killing method is illegal under the Birds Directive.
3. Malta did not prove that the derogation is under “strictly controlled conditions” as foreseen by the Directive. It was deemed insufficient that checks were only carried out for 23% of trappers who used “clap-nets” following the derogation given by the Maltese authorities.

This verdict, which Malta cannot appeal, is binding and the authorities are obliged to abide by its conclusions.

These developments highlight once more that derogations cannot be accepted on the grounds of “tradition”, or allow the use of non-selective trapping methods. BirdLife Cyprus, Terra Cypria - The Cyprus Conservation Foundation, Friends of the Earth Cyprus, CABS (Committee Against Bird

Slaughter) and the Foundation Pro Biodiversity (SPA) welcome the decision of the European Court of Justice which is a particularly positive and hopeful development for the protection of birds. Moreover, they support BirdLife Malta in calling on the Maltese authorities to never again open the trapping season for finches and to comply with the decision of the European Court of Justice.

ENDS

For more information:

Martin Hellicar, Director, BirdLife Cyprus martin.hellicar@birdlifecyprus.org.cy 22455072, 99907893

Notes to the editors:

1. The relevant Press Release by BirdLife Malta is available here: <https://birdlifemalta.org/2018/06/trapping-season-for-finches-should-never-be-opened-again/>
2. Spain was sentenced in 2004 by the European Court of Justice in the case C-79-03 for trapping with parany, a method similar to limesticks. More information: https://birdlifecyprus.org/news-details/policy/Illegal_killing_of%20birds_a_widespread_problem_across_the_Mediterranean