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DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate A – Legal Affairs and Cohesion  
The Director

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**Subject: Your letter of 15 April 2010**

Dear Mr. Coeckelberghs, dear Mr. Rodts,

Thank you for your letter addressed to Ms Vesna Valant, Member of Commissioner Potočnik's Cabinet concerning the issue of spring hunting in Malta in 2010.

As you know, on 10 September 2009 the Court of Justice of the European Union gave its judgment in this case (Case C-76/06). It found that the practice of hunting of quails and turtle doves during spring migration between 2004 and 2007 was contrary to the Birds Directive, specifically the requirements under Article 9.

While finding that spring hunting in Malta breached the Birds Directive, the Court confirmed that some spring hunting might be permitted on the basis that (1) hunting can be the subject of derogations and that (2) a crucial pre-condition for derogations - absence of alternative solutions - is met because, in the specific circumstances applying in Malta, the birds are not sufficiently available for hunting in the autumn. Although the judgment rejected the Commission's argument that autumn hunting represented a satisfactory alternative to spring hunting in the specific case of Malta, it found nonetheless that Malta had failed to comply with the conditions under Article 9(1) of the Directive, interpreted in light of the principle of proportionality. It should be noted however that the judgment did not exclude the future possibility of opening a limited and strictly supervised spring hunting season in Malta.

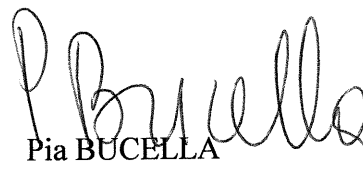
The Commission can confirm that there have been discussions with the Maltese Government on the execution of the Court's judgment in relation to a proposed spring hunting derogation in 2010. On 9 April 2010 the Maltese Government adopted legislation permitting spring hunting of some 7,500 birds in Malta for one week in the end of April 2010. The legislation imposes a number of restrictions in relation to spring hunting and envisages detailed measures for controlling spring hunting.

The Commission considers that, in principle, the new legislation permitting spring hunting in 2010 appears to comply with the requirements of the judgment of the Court of Justice of the European Union. It is nevertheless essential to effectively enforce all the conditions set out in the new legislation (duration of the hunting season, number of hunting licences and number of birds to be hunted). This will be monitored by the Commission.

The Commission also understands that the Maltese Government has adopted a framework legislation seeking to permit spring hunting in future years which sets out a higher figure for birds, some 25,000. The Commission is currently considering this framework legislation regarding its compliance with the provisions of the judgment with a view to taking additional steps in the future if necessary.

The Commission is closely monitoring the situation and is committed to ensuring compliance with the Birds Directive and the Court's judgment.

Yours faithfully,

  
Pia BUCELLA