



Brussel, **25 AOUT 2016**
ENV.E.2/PK/er/ARES(2016)

Dear Petitioner,

Commissioner Vella has asked me to reply to your letter. The European Commission applies equality of treatment between Member States without exception. Finch trapping was regulated already under Malta's Act of Accession to the EU.

A transitional period was allowed until 31 December 2008, during which the live-capturing (trapping) of seven species of finches, exclusively for the purpose of keeping them in captivity, could continue in accordance with a number of intermediate targets. Following the expiry of this transitional period, the traditional finch trapping practices were banned in Malta between 2009-2013.

However, in 2014 the Government decided to re-legalise this activity under a derogation regime under Article 9 of the Birds Directive.

There is a fundamental disagreement between the Commission and the Maltese Government concerning the derogation. In September 2015, the College of Commissioners decided to refer this case to the Court of Justice of the EU. The matter will now be decided upon by the Court of Justice.



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