



Press and Information

Court of Justice of the European Union

**PRESS RELEASE No 144/20**

Luxembourg, 19 November 2020

Advocate General's Opinion in Case C-900/19  
Association One Voice, Ligue pour la protection des oiseaux v Ministre de la  
Transition écologique et solidaire

**In the opinion of Advocate General Juliane Kokott, the hunting of thrushes and blackbirds using limes, which is authorised in southern France, may be compatible with the EU Birds Directive if it is of significant cultural importance and if all other conditions placed on a derogation from the general prohibition are fulfilled**

*It must be ensured, inter alia, that the by-catch of other bird species and its consequences are acceptable in relation to the cultural importance of hunting using limes*

In the European Union, the hunting of birds using limes,<sup>1</sup> which used to be very widespread, is generally prohibited. According to French media reports, birds may now only be hunted using that method in the European Union in five departments in southern France,<sup>2</sup> although the authorisation for 2020 has been suspended on account of the present proceedings. The specimens captured in that way are to be used as decoys, presumably in connection with other hunting methods.

The associations Association One Voice and Ligue pour la protection des oiseaux are challenging the French legislation authorising the use of limes for the capture of thrushes and blackbirds before the Conseil d'État (Council of State, France).<sup>3</sup> According to those associations, limes are not only cruel, but also lead to the unacceptable by-catch of other birds.

In those circumstances, the Conseil d'État (Council of State) has asked the Court of Justice whether hunting using limes, under the conditions laid down in French law, still<sup>4</sup> satisfies the requirements of the EU Birds Directive.<sup>5</sup> According to that directive, Member States may derogate from the general prohibition, where there is no other satisfactory solution, to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

**In her Opinion delivered today, the Advocate General takes the view that hunting using limes may be recognised as a judicious use of the bird species concerned if the competent French bodies plausibly conclude that the preservation of that regionally widespread traditional hunting method for recreational purposes is of significant cultural importance.**

**Notwithstanding the foregoing, hunting using limes may, however, only be permitted if the other conditions placed on a derogation from the general prohibition are also satisfied.**

<sup>1</sup> A lime or lime-twig is a branch or stick which a hunter coats with a sticky material and installs in a tree or bush. As soon as a bird comes into contact with a lime-twig, the lime sticks to its feathers. The bird falls to the ground and is there captured by the user of the device.

<sup>2</sup> Alpes-de-Haute-Provence, Alpes-Maritimes, Bouches-du-Rhône, Var and Vaucluse.

<sup>3</sup> The Fédération nationale des chasseurs has intervened and claims that the action should be dismissed.

<sup>4</sup> The Commission objected to the provisions of French law on hunting using limes a few decades ago without success. At the time, the Court found that they were covered by a derogation under the Birds Directive; see judgment of 27 April 1988, *Commission v France* (252/85).

<sup>5</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ 2010 L 20, p. 7), as amended by Council Directive 2013/17/EU of 13 May 2013 adapting certain directives in the field of environment, by reason of the accession of the Republic of Croatia (OJ 2013 L 158, p. 193).

Thus, hunting must be limited to small numbers<sup>6</sup> of the species concerned, strict supervision and controls are necessary and the criterion of selectivity must be respected.

As regards the criterion of selectivity, the Advocate General takes the view that a hunting method may be recognised as sufficiently selective within the meaning of the derogation in question if it is ensured, based on rigorous and up-to-date scientific knowledge and adequate practical controls, that the by-catch of bird species and its consequences are acceptable in relation to the cultural importance of the method of capture.

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**NOTE:** The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the Opinion is published on the CURIA website on the day of delivery.

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<sup>6</sup> The Court has already ruled that, based on current scientific knowledge, hunting should be limited to less than 1% of the total annual mortality rate of the population in question (average value) for those species which are not to be hunted and to 1% for those species which may be hunted (judgments of 15 December 2005, *Commission v Finland* (C-344/03); of 21 June 2018, *Commission v Malta (wild finches)* (C-557/15; see also press release [No 90/18](#)); and of 23 April 2020, *Commission v Finland (spring hunting of male common eiders)* (C-217/19).