



28.9.2020

NOTICE TO MEMBERS

Subject: Petition No 0074/2020 by Josef Hechenberger (Austrian), on behalf of the Tyrol Chamber of Agriculture, on the protected status of the wolf

1. Summary of petition

According to the petitioner, the strict protection of the wolf under European law should not lead to the loss of public security or of the protection of people in settlements in our cultivated landscape. The petitioner maintains that Tyrol's very densely populated Alpine area, which is used for tourist, agricultural, forestry and hunting purposes and where traditional alpine farming plays a particularly important role, is no place for the wolf, which is a predator. In particular, the petitioner sees a serious risk to alpine pastures which constitute a valuable and essential element of the region's cultural heritage. The petitioner calls for a re-evaluation and scientific definition of the wolf population, for an amendment of the relevant provisions in the Habitats Directive and for sufficient financial compensation to be provided for the damage caused in terms of animals slain and for the extra effort needed to protect farm animals. The petitioner asks the European Commission what strategic action plans it has developed in the event of a growing wolf population.

2. Admissibility

Declared admissible on 30 April 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 28 September 2020

The wolf is a large carnivore species of Community interest protected under the Habitats Directive¹. Member States have committed to restore and maintain its populations to a

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, *OJL 206, 22.7.1992, p. 7–50.*

favourable conservation status. The wolf always belonged to the European native fauna and occurred throughout large parts of continental Europe until it was exterminated from many areas in the last centuries. As apex predator, the wolf plays an important ecological role, contributing to the health and functioning of ecosystems. In particular, the species helps restore and preserve ecosystem balance and food webs, regulating the populations of its prey species and improving their health, through selective predation. This particularly applies to prey such as the wild ungulates (deer and wild boars) which are often over-abundant.

The EU policy on large carnivores is based on the concept of coexistence between large carnivores and people, sharing the same multi-functional landscapes. The Commission is aware that the successful recovery of large carnivores may in some cases generate conflicts with activities such as farming and livestock breeding, in particular in mountain areas in those regions where the traditional knowledge on how to manage livestock in the presence of large carnivores has been lost since their historical extermination. For that reason, the Commission has been actively supporting Member States and stakeholders to design and implement suitable solutions to reconcile the conservation of these species with the legitimate interests of the affected economic sectors. Successful examples from many Member States²³ show that coexistence of large carnivores and livestock is indeed possible, provided that appropriate and tailored measures to protect livestock are effectively implemented. Where proper measures such as electric fences or livestock guarding dogs are used effectively, the incidence of damages by wolves is greatly reduced.

According to the “European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020”, as amended on 8 November 2018⁴, Member States can provide State aid to cover for up to 100% of the cost of any investment that is needed to prevent damage caused by protected animals such as wolves. The maximum aid to compensate for damages (both direct and indirect) by protected animals has also been increased to 100%.

Under the EU Common Agricultural Policy, rural development programmes can support, if Member States so choose, the costs for effective preventive measures⁵. Such measures can include financial support for e.g. the installation of electrified fences, training to shepherds on best practices in environments populated by wild native predators, purchase of guard dogs, construction of shelters for shepherds staying near to herds as well as studies to analyse and improve the methods of extensive animal rearing in the presence of carnivores. Support can also be directed to the maintenance of protective fences and/or guard dogs if such maintenance is done regularly and leads to recurring costs, as well as to compensate costs for surveillance work.

While fatal wolf attacks on humans have been reported in the remote past (often linked to rabid individuals), none has been recorded for many decades in Europe, and this despite significant and growing wolf populations in many countries. In any event, Article 16 of the Habitats

² http://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies.htm

³ [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/596844/IPOL_STU\(2018\)596844_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/596844/IPOL_STU(2018)596844_EN.pdf)

⁴ https://ec.europa.eu/info/news/amendments-state-aid-guidelines-agriculture-sector-better-address-damages-caused-wolves-and-other-protected-animals-2018-nov-08_en

⁵ https://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies_sub_rural_development_programmes.htm

Directive foresees the possibility for Member States to take any required measure including, if necessary, the aversive conditioning, capture or killing of any potentially dangerous individual wolf (e.g. habituated or food-conditioned individuals), provided there is no satisfactory alternative and the derogation is not detrimental to the maintenance or achievement of favourable conservation status of the species in its natural range. The list of reasons under Article 16 for such derogations is not limited to the need for ensuring public safety or any other imperative reasons of overriding public interest, but does also include the prevention of serious damage to livestock.

Appropriate measures in line with the current EU policy and legislation are therefore available for the concerned Member States, in relation to the issues mentioned by the petitioner. The Commission is willing to further help national authorities and relevant stakeholders with financial support, guidance, exchange of information and good practices; nonetheless, it is for the competent national authorities to decide on the specific measures or approach that are most appropriate in each regional and national context, including in relation to current population levels of the species. In this context, while Member States are encouraged to make use of the flexibility offered by the Habitats Directive, any measure adopted by Member State authorities need to be scientifically well-founded and in line with EU legislation.

A majority of European citizens consider that the recent comeback of large carnivores is a conservation success story. Furthermore, positive examples from other Member States with similar natural settings demonstrate that the recovery of a wolf population should also be feasible in mountain areas in Austria in a way that is compatible with the needs and aspiration of rural communities.

The EU policy that protects the wolf and other native large carnivores remains relevant to ensure its recovery, in particular in the Alpine regions of Austria where the species' conservation status is still unfavourable, even compared to neighbouring Member States with similar agricultural traditions. This conclusion of unfavourable conservation status is based on information related to range, population size and population viability, and therefore is not affected by considerations regarding a separation of European wolves into several discrete populations, or regarding the EU-level extinction risk of the species, which is very low at present.

It will be up to the Member States to decide, in the event of further increasing wolf populations, whether and how to adapt their management strategies of the species, in line with EU legal requirements, taking account of environmental, cultural and socio-economic requirements.

Conclusion

The Commission considers that the current legal framework under the Habitats Directive, which lists the wolf as a strictly protected species, but provides national authorities with the possibility to issue derogations in certain exceptional situations, remains fit for purpose. With regard to livestock farming, current State aid rules provide ample possibilities for Member States to cover fully the costs for investments into prevention or compensation of damages incurred. EU rural development programmes can also support various preventive measures leading to livestock protection.

Appropriate measures in line with current EU policy are therefore available in relation to all issues mentioned by the petitioner.

