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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

Standing Committee

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**Legal Report**  
**on the possible need to amend**  
**Appendix II of the Convention**  
**for the wolf**

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## SUMMARY

<b>Abbreviations</b> .....	3
<b>Objectives and methodology</b> .....	3
<b>I. Context for this report</b> .....	4
A. Wolves and the Standing Committee: a long history of engagement .....	4
B. Summary of the scientific report commissioned by the Standing Committee.....	5
C. Legal issues to be addressed .....	6
<b>II. The law as it stands: current protection for wolf populations in Europe</b> .....	7
A. Bern Convention .....	7
1. Strict protection as an Appendix II-listed species .....	7
2. Use of reservations under Article 22 .....	8
3. Use of derogations (exceptions) under Article 9.....	8
4. Scope for wolf management and control under a strict protection regime .....	10
B. European Union legislation : Habitats Directive .....	11
C. Convention on International Trade in Endangered Species of Wild Fauna and Flora.....	12
D. Sub-regional instruments: the Carpathians .....	12
<b>III. The issue under consideration: possible downlisting of wolf to Appendix III</b> .....	12
A. Criteria for amending the Appendices to the Convention .....	12
B. Analysis of the application submitted by the Swiss government .....	13
1. The need for a uniform protection status .....	14
2. The lack of legal instruments for wolf management in recolonised countries .....	15
3. Implications of the Wolf Action Plan for the wolf's legal classification .....	16
C. Principles and approaches to be taken into consideration .....	16
<b>IV. Conclusions and Recommendations</b> .....	17
<b>References</b> .....	17
<b>Appendix: Conservation status, threats and legal/management framework by country</b> .....	18

## ABBREVIATIONS

Committee	Standing Committee to the Bern Convention
Convention	Convention on the Conservation of European Wildlife and Natural Habitats (1979)
Explanatory Report	Explanatory Report to the Convention on the Conservation of European Wildlife and Natural Habitats (ETS No.104)
Habitats Directive	Council Directive (92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora
LCIE	Large Carnivore Initiative for Europe
Parties	Contracting Parties to the Convention on the Conservation of European Wildlife and Natural Habitats (1979)

## OBJECTIVES AND METHODOLOGY

This report was commissioned by the Secretariat, together with an expert scientific report, following discussion at the 24<sup>th</sup> meeting of the Standing Committee of the Swiss government's application for the wolf to be transferred from Appendix II to Appendix III of the Convention (T-PVS (2004) 9).

This report examines the need to amend Appendix II for wolf following its increase in numbers as well as the legal possibility of management of populations if included in Appendix II or Appendix III. It also analyses the legal status of wolf in other European legal instruments.

The report builds on:

- results of the questionnaire sent as part of the scientific study to all European countries in which the wolf is currently present, which covered *inter alia* the legal status of and potential threats to the wolf (see appended Table for a condensed summary of findings);
- the recommendations of the *Report on the conservation status and threats for wolf (Canis lupus) in Europe* (Salvatori, V. and Linnell, J. 2005. Council of Europe T-PVS / Inf (2005) 16);
- the Action Plan for the Conservation of Wolf (*Canis lupus*) in Europe (Boitani, L. 2000. Council of Europe Publishing, Nature and environment, No. 113);
- a desk review of other European legal instruments and relevant literature, as well as background information from e.g. the Large Carnivore Initiative for Europe;
- personal contacts, with particular thanks to Anja Finne at the European Commission.

## I. CONTEXT FOR THIS REPORT

### A. Wolves and the Standing Committee: a long history of engagement

The wolf has been strictly protected since the Convention's adoption in 1979 but challenges associated with its conservation have still kept the Committee busy over the years. Reasons include its vastly different situation in eastern and western European countries, from relative abundance to near- or total extermination by the mid-20<sup>th</sup> century; complexities of large carnivore management across national boundaries; and socio-economic and cultural factors linked to continuing fear and myth around the wolf.

The Committee's activities show growing recognition of human-wolf conflicts, particularly in areas from which it had disappeared in the past, and increased emphasis on practical action planning, better cooperation between neighbouring countries, prevention and education:

- *Recommendation no.17 (1989) on the Protection of the Wolf Canis lupus in Europe* (general recommendations plus specific recommendations to certain Parties);
- *Recommendation No.43 (1995) on the conservation of threatened mammals in Europe* (recommends development of recovery plans for certain subregional wolf populations);
- *Recommendation No.59 (1997) on the Drafting and Implementation of Action Plans of Wild Fauna Species*;
- *Recommendation No.74 (1999) on the conservation of large carnivores* (follows Seminar on LCIE Action Plans for large carnivores (Tale, Slovakia, 5-7 October 1998));
- Meeting of Group of Experts on Large Carnivores in Europe (Oslo, 22-24 June 2000)
- *Action Plan for the Conservation of Wolf (Canis lupus) in Europe* published (Boitani, L. 2000. Council of Europe Publishing, Nature and environment, No. 113);
- *Recommendation No.82 (2000) on urgent measures concerning the implementation of action plans for large carnivores in Europe* (recommendations for sub-regional cooperation in south Fennoscandia, Western Alps, Baltic Region, Carpathian and for action in southern Spain);
- *Recommendation No.100 (2003) on conservation of large carnivores in the Carpathians* (follows Carpathian Workshop on Large Carnivore Conservation (Brasov, Romania, 12-14 June 2003);
- Seminar on Transboundary Management of Large Carnivore Populations (Osilnica, Slovenia, 15-17 April 2005).

The Committee has also considered two possible case files since 1999 concerning alleged breaches of the Convention's requirements regarding wolf. These are summarised below to indicate the kind of legal uncertainties that this report seeks to address.

#### - **Wolf management in Norway<sup>1</sup>**

The case concerned the issue of an official permit to kill one wolf pair on the basis of expected sheep loss. The Norwegian Carnivore & Raptor Society claimed this breached Article 9 of the Convention because no proof had been supplied to show that the wolves had actually killed sheep. The Convention Secretariat considered information on wolf management policy provided by the Government of Norway and prepared its own report. It informed the Committee that even if wolf populations in South Norway and Sweden were still very small compared with areas of similar conservation condition in other parts of Europe, the Convention did not establish any minimal population levels. Wolf numbers had increased in Norway since the Convention entered into force and no breach to its obligations had been found. The Committee decided not to open a file.

Sweden subsequently raised the issue as a point of information. It indicated that the Scandinavian wolf population shared between Norway and Sweden consisted of at most 100 animals (April 2001), this small size making future development very uncertain. Although the competent authorities in the two countries had agreed on management of the common population, Sweden considered that subsequent Norwegian decisions (to accommodate wolf hunting all over the country; not to give

<sup>1</sup> See e.g. SC19 T-PVS (99) 30 and SC21- T-PVS (2001) 89.

family groups and established pairs special protection; to designate a wolf management zone covering only about 15% of Norwegian territory) were inconsistent with this agreement. Sweden harboured about 80% of the common wolf population and accepted that wolves might have to be killed in certain circumstances. However, it had only issued one lethal control permit in the previous decade, whereas ten wolves had been legally killed in Norway the previous winter. Sweden considered that by doing so, Norway had unilaterally monopolised the whole potential margin available for management.

Sweden expressed willingness to discuss a new agreement with Norwegian authorities aimed at achieving a viable wolf population in both countries.

- **Wolf control and legal status of the species in Switzerland<sup>2</sup>**

The case brought by *Legambiente* concerned a permit issued by the Swiss authorities to kill a wolf that had entered Swiss territory from Italy as part of natural recolonisation. The Swiss delegate considered that the authorisation, based on the Federal Office for Environment, Forests and Landscapes' 'wolf strategy', was not contrary to Article 9 since the wolf had attacked 50 sheep (above the limit set by the management plan). As the matter was linked to the proposal to amend Appendix II (see below), the Committee decided not to open a file.

When the Committee first considered this matter (2002), the Swiss lower chamber was contemplating withdrawal of the wolf from the national list of protected species. This proposal was rejected but with an invitation to the Federal Council to adapt the Swiss Wolf Concept to the social and economic requirements of mountain regions. The duly revised Wolf Concept entered into force in July 2004 and was submitted to the Convention Bureau for information.

In 2004, the Swiss government submitted a formal application (T-PVS (2004)9) to have the wolf transferred to Appendix III on the basis of Article 17 of the Convention. The main grounds relate to the improved conservation status of the wolf, whose population and distribution area in Europe had increased since the Bern Convention had been opened for signature. The Committee decided to postpone its decision for one year to obtain independent expert scientific data on the size, distribution trends and threats to the European wolf population, as well as a report on legal considerations on how to deal with species that have improved their populations as a result of protection measures and on the possible use of Article 9.

**B. Summary of the scientific report commissioned by the Standing Committee**

This section summarises policy-relevant information from the *Report on the conservation status and threats for wolf (Canis lupus) in Europe<sup>3</sup>*. The detailed information about Parties' legal and management frameworks has been condensed into the table appended to this report, which indicates the very wide range of existing national approaches.

- **Distribution and population trends**

The report documents the presence of wolves in the territory of 25 Parties that are geographically included in Europe (W of 35°E). Populations seem to be generally stable or increasing throughout most, but not all of these countries.

This represents significant progress compared with wolf extermination from most of western Europe over the last two centuries, with a low point being reached between the 1940s-1960s. Populations have begun to recover and expand their range in certain sub-regions (Spain, Portugal). Over the last twenty years, wolves have started to recolonise areas from which they had disappeared (France, northern Italy, Sweden, Norway, Finland, Germany, Switzerland).

However, distribution is extremely uneven and population densities vary greatly. Several countries (e.g. France, Germany, Czech Republic, Hungary, and Switzerland) have very small and recently-established populations compared with (a) neighbouring countries and (b) areas of similar conservation condition in other parts of Europe. Genetic isolation and dependence on source populations in other countries may increase the fragility of some populations (Czech Republic, Germany, and Hungary).

<sup>2</sup> Extensive references in the Standing Committee reports for the 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> meetings (2002-2004).

<sup>3</sup> Salvatori and Linnell 2005 (T-PVS/Inf (2005) 16).

## - **Habitat**

The wolf is not dependent on a specific habitat type. Wolf recovery in parts of Europe indicates their high ecological adaptability and ability to survive in extremely diverse environments, provided they have sufficient food (prey density) and adequate sites for reproduction and that human persecution is limited. Salvatori and Linnell conclude that “as a result the conservation of wolves is less of an ecological issue and becomes a social issue, strictly linked to the diverse cultural and socio-economic conditions of the areas they inhabit”.

However, several countries – including those where wolf is currently abundant - identify risks associated with continued fragmentation and encroachment on existing habitat. Causes include rapid development of major transport infrastructure in eastern and south-eastern Europe (e.g. Greece, Poland, and Romania) and large-scale forest degradation (e.g. Turkey). On a cumulative basis, habitat pressures and obstruction of natural corridors for movement may limit scope for the wolf’s natural dispersal, expansion and recolonisation at the subregional or broader scale.

## - **Potential threats**

The main limiting factor seems to be deliberate killing (hunting, official lethal control, poaching, pest control). In several countries, wolf management is clearly unsustainable due to over-harvesting and even state-sanctioned bounty programmes. Poaching is a widespread problem in many countries with very diverse socio-economic backgrounds and lack of control over poaching greatly reduces management flexibility through legal means.

On the other hand, properly regulated wolf harvest appears to be compatible with wolf conservation in many countries. In many cases it may be a prerequisite for public acceptance by allowing countries to keep wolf populations at a level which is socially acceptable. The report finds that countries use many different legal mechanisms to maintain management flexibility with respect to being able to kill wolves (exceptions, derogations, various interpretations of convention definitions).

At the heart of management difficulties in many areas is the lack of human acceptance of wolves, especially where wolves have returned after an absence. Conflict factors include livestock depredation, competition with hunters, predation on domestic dogs, fear and wider social conflicts for which wolves become symbols.

## - **Data**

There are no standardised data collection methods or standards across Europe. A limited number of countries (Norway, Sweden, Finland, France and Italy) use standardised snow- and radio-tracking and DNA-based methods, whilst others (Estonia, Latvia, Poland, Spain, Portugal) conduct organised surveys of pack distribution and presence. Some countries base population data on ‘official’ estimates from forestry or hunting districts (methods widely believed to overestimate population size due to double counting) or expert assessment.

The report concludes that “the quality of data available on wolf numbers and distributions varies widely throughout Europe, from those where each individual is identified to others where expert assessment is the only available way to approximate wolf status. Reducing this gap in data quality should be addressed. This is especially important because it is often the countries with most wolves that have the worst data.”

Sound and objective data is essential to determine viable population levels. From a policy/legal perspective, this provides the necessary baseline against which to test the lawfulness of regulatory and management interventions.

## **C. Legal issues to be addressed**

Wolf recovery and expansion in Europe owes much to the implementation of international and domestic conservation measures over the last 25 years, spearheaded by the Convention. The decision now facing the Committee is **whether the improvement in the wolf’s conservation status is sufficiently widespread and sustainable to justify reducing its international legal protection category at the pan-European level**, taking account of the very different conditions and approaches in different Parties.

The decision itself must be based on scientific and technical criteria.<sup>4</sup> The rest of this report examines the legal context for the Committee's discussions and addresses two underlying legal questions:

- is Appendix II listing compatible with regular recourse to derogations under Article 9 of the Convention (with the risk that 'exceptions' become the rule)?
- would a transfer to Appendix III provide sufficient protection for wolf populations across Europe, taking account of uneven distribution, potential threats and other circumstances identified in the scientific report?

## **II. THE LAW AS IT STANDS: CURRENT PROTECTION FOR WOLF POPULATIONS IN EUROPE**

### **A. Bern Convention**

#### **1. Strict protection as an Appendix II-listed species**

As an Appendix II species, the wolf is subject to prohibition, in accordance with Article 6, on all forms of deliberate capture and keeping and deliberate killing, deliberate damage to or destruction of breeding or resting sites, deliberate disturbance and possession/internal trade.

The Convention does not specify the characteristics a species must have to qualify for listing in a particular Appendix. Appendices refer to protection categories under the Convention, not to conservation status, and the obligations under Articles 1.2 and 3.1 regarding endangered and vulnerable species are general in their scope. From a legal point of view, there is no explicit connection between the degree of threat facing a species and its eligibility to be listed in a particular Appendix. In this respect, the Convention differs substantially from instruments that use appendices to list species with a specified conservation status (e.g. Bonn Convention, CITES, EU Birds and Habitats Directives).<sup>5</sup>

The Explanatory Report that accompanies the Convention<sup>6</sup> indicates that Appendices I and II as adopted in 1979 were the result of a compromise among different states and include only those indigenous species on which general agreement could be obtained. Rather than attempting to reach agreement on all species that merited strict protection, it was considered preferable to confine recommendations to generally acceptable species to facilitate accession to the Convention. The lists could then be developed further by the Standing Committee, where there would be the opportunity for States to deepen their mutual understanding by working closely together<sup>7</sup>.

Although there is no obligation for Appendix II species to be threatened, "in establishing Appendix II, account was taken of the lists of mammals... threatened in Europe drawn up by the European Committee for the Conservation of Nature and Natural Resources...". However, some non-threatened species were deliberately included: "following the request of the Second Ministerial Conference to make particular reference to migratory birds, nearly all European migratory song-birds (Passeriformes) have been included in Appendix II, regardless of their conservation status."<sup>8</sup>

The Report underlines that the Convention was drafted so as to recognise that "the species concerned seldom extend to all States of the Council of Europe: their status, often different in different States (being frequent in some and scarce in others, yet deserving of united action for their conservation), will be continuously changing, both naturally and as a result of the action of States under the Convention". The text thus needed to "permit flexibility of action within a common purpose", including the ability to vary its articles and appendices, to meet changing circumstances.<sup>9</sup>

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<sup>4</sup> *Recommendation No. 56 (1997) concerning guidelines to be taken into account while making proposals for amendment of Appendices I and II of the Convention and while adopting amendments* (see III.A).

<sup>5</sup> See generally Council of Europe. 1996. *Criteria for listing species in the Appendices of the Convention* (Bern Convention Secretariat Memorandum, tpsv49e\_96) which discusses these various texts in detail.

<sup>6</sup> This is designed to facilitate the understanding of the Convention's provisions, but does not constitute an instrument providing an authoritative interpretation of the text of the Convention.

<sup>7</sup> Explanatory Report, §68.

<sup>8</sup> *Ibid.* §76 and §79.

<sup>9</sup> *Ibid.* §10.

## 2. Use of reservations under Article 22

No less than twelve Parties entered reservations to the listing of wolf in Appendix II: Bulgaria, Czech Republic, Finland, Latvia, Lithuania, Macedonia, Poland, Slovakia, Slovenia, Spain, Turkey and Ukraine (see appended table). Only two of these (Lithuania, Spain) undertook to apply the Appendix III protection regime to wolf instead.

The legal effect of a reservation is that a Party withdraws from the Convention with regard to the species concerned, whilst continuing to apply its provisions to other listed species. There are no formal penalties for taking out reservations nor do these affect other Parties' obligations under the Convention. However, multiple reservations to conservation treaties are problematic because they can dilute international efforts to promote consistent national approaches, particularly for migratory and/or transboundary populations.

The Standing Committee, in *Recommendation No. 4 (1986) on reservations made by the parties at the time of ratification*, recognised that the Convention's purpose could be defeated where reservations relating to certain species applied to a large part of their range. It generally recommended that Parties that had made reservations consider re-examining them. However, no reservations on wolf have been withdrawn.

The Committee returned to the question in *Recommendation No.17 (1989)* which addresses protection/management recommendations to Parties holding reservations or using derogations for wolf. Parties should identify three main kinds of areas within their territories with different potential value to wolf conservation: a) zones where the wolf would be fully protected; b) zones from where selected wolves could be removed according to a management plan; and c) zones where the wolf could be hunted with only the limitations of the current hunting regulations. They should give full legal protection or enforce existing protection for the wolf in zones referred to in 1.a above.

## 3. Use of derogations (exceptions) under Article 9

Article 9 lays down conditions for making derogations to the provisions of Articles 4-8 and thus **governs the issue of official authorisations to kill Appendix II-listed species such as wolf.**

The Committee adopted *Resolution No. 2 (1993) on the Scope of Articles 8 and 9 of the Bern Convention* to clarify the conditions for granting derogations and the submission of two-yearly reports thereon. Parties should bring the appended guidelines to the attention of all those responsible for applying and interpreting the Convention in their respective countries.

All derogations are subject to two mandatory conditions (Art.9.1):

- there is no other satisfactory solution; and
- the derogation will not be detrimental to the survival of the population concerned.<sup>10</sup>

Provided **both conditions are met**, derogations may be made for one (or more) of five purposes:

- for the protection of flora and fauna;
- to prevent serious damage to crops, livestock, forests, fisheries, water and other forms of property;
- in the interests of public health and safety, air safety or other overriding public interests;
- for the purposes of research and education, of repopulation, of reintroduction and for the necessary breeding;
- to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.

A Party must assess whether there is "no other satisfactory solution" by reference to the purpose for the derogation (i.e. if to protect flora and fauna, alternative solutions to be considered are those that

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<sup>10</sup> The Explanatory Report notes that "It was agreed that the general condition that the exception must not be detrimental to the survival of the population concerned does not affect the obligation under Article 2 to maintain that population at a level that corresponds in particular to ecological, scientific and cultural requirements (§40).



would cause as little damage as possible to flora and fauna), whilst ruling out any solution that would be detrimental to the population's survival.<sup>11</sup>

**“Serious damage”** is interpreted as follows: “damage” means prejudice sustained by a person as a result of damage caused to those items of property listed in Article 9.1 (second indent); and “serious” is to be evaluated in terms of the intensity and duration of the prejudicial action; the direct or indirect links between that action and the results; and the scale of the destruction or deterioration committed. Damage need not necessarily be widespread: in some cases the item of property affected may cover only a limited geographical area (e.g. a region), or even a particular farm or group of farms. However, in the latter case, the exceptions must be proportional: “the fact that an isolated farm sustains damage would not justify the capture or killing of a species over a very wide area, unless there was evidence that the damage could extend to other areas”.<sup>12</sup>

**“Other overriding public interests”** (Article 9.1, third indent) presents difficulties of general prior interpretation and should be examined on a case-by-case basis. Where a Party makes a derogation for this purpose, the Committee should assess its merits in the light of all the Convention's provisions and apply Article 18 in the event of difficulties.

The guidelines consider that the **main problems of interpretation** arise under the fifth indent (“to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers”). Because the Convention does not spell out the purpose that would justify such action, but only the characteristics of the means to be used, the Committee cannot check the merits of the purpose behind such derogations (unless the Party volunteers such information in its two-yearly report<sup>13</sup>). This means that a derogation in this category:

- may be decided by a Party for any reason it considers valid (hunting, recreation, etc) without any reason having to be given;
- may not necessarily be temporary (e.g. may be granted permanently or renewed periodically); and
- is not legally required to draw a distinction based on the Appendix in which the species appears.

However, the Committee can ensure that the specified conditions are met:

- **“under strictly supervised conditions”**: the authority competent to issue derogations must possess the necessary means for checking on them beforehand (e.g. system of individual authorisations) and/or afterwards (e.g. effective on-the-spot supervision);<sup>14</sup>
- **“on a selective basis”**: the suggested interpretation is that the means used (possibly involving derogation from the provisions of Article 8) must either allow individuals of the species in question to be kept and those of other species to be released without harm and/or enable the capture of individuals of the species to be avoided by appropriate methods;<sup>15</sup>
- **“taking, keeping or other judicious exploitation”**: actions permitted under a derogation must be carried out in a reasonable manner, without excessive action liable to prejudice the conservation of the populations of the species concerned in favourable conditions.<sup>16</sup> “Exploitation” covers any activity other than taking/keeping e.g. sale, offensive viewing of animals by tourists;
- **“to a limited extent”**: suggests that the means authorised should not be general, but should be limited in both space and time;<sup>17</sup>

<sup>11</sup> Appendix to Resolution No. 2 (1993), §7.

<sup>12</sup> *Ibid*, §16.

<sup>13</sup> *Ibid*, §7 and §9.

<sup>14</sup> *Ibid*, §12(a).

<sup>15</sup> *Ibid*, §12(b).

<sup>16</sup> *Ibid*, §12(b). This phrase may presumably be interpreted as equivalent to maintenance in favourable conservation status.

<sup>17</sup> *Ibid*, §12(c).

- “**small numbers**”: this presents difficulties of definition at national or regional levels. The competent authority should have regard to the state of the population of a species and not authorise whole-scale taking of individuals or any taking detrimental to the population’s survival.<sup>18</sup>

#### 4. Scope for wolf management and control under a strict protection regime

The key question is whether Article 9 can provide a legal basis for more systematic management interventions to regulate expanding wolf populations, without breaching the Convention’s overarching obligations with regard to species conservation.

A starting point is the changes to reporting requirements under Article 9.2 made by *Resolution No. 2 (1993)*. Reports are now required only for:

- a) general exceptions;
- b) individual exceptions if they are so numerous as to result in a generalised practice;
- c) individual exceptions concerning more than 10 individuals of a species;
- d) individual exceptions concerning individuals of endangered or vulnerable populations of species.

This list shows that the Committee contemplates the potential use of Article 9 derogations on a more systematic basis (“general exceptions”, resulting in a “generalised practice”, totalling “more than 10 individuals” etc.). This does not mean blanket or indiscriminate culling, because **such derogations must all times be consistent with the double test of no satisfactory solution/no detriment to survival**. Provided these tests are met, Article 9 as interpreted by the Committee may provide a basis for management intervention in expanding populations for purposes authorised under Art 9.1, including serious damage to livestock or other property.

However, there is no slackening of vigilance for individuals from endangered or vulnerable populations of species, for which individual derogations are still needed (§d above). This is further indication that a **differentiated approach may be taken to different populations of the same protected species in line with their respective conservation status**, consistent with the negotiators’ concern<sup>19</sup> to promote flexibility of action for states in very different circumstances.

Regarding the tests of no other satisfactory solution/no detriment and at the risk of stating the obvious:

- “satisfactory solution” must involve consideration of preventive (non-lethal) control methods before more drastic actions are undertaken. For wolves, this should involve reference to the Committee’s extensive guidance tools (see I.A above);
- it is implicit in the no-detriment requirement that the population is actually viable. If not, authorisation to kill even one individual could potentially affect the survival of the population concerned. Viability needs to be assessed by technical experts on a case-by-case basis.

These comments are supported by the IUCN Wolf Specialist Group (see Box).

Conflict with man sometimes occurs from undue economic competition or from imbalanced predator-prey ratios adversely affecting prey species and/or the wolf itself. In such cases, temporary reduction of wolf populations may become necessary especially when it can contribute to maintaining positive or neutral attitudes toward wolves, but reduction measures should be imposed under strict scientific management. The methods must be selective, specific to the problem, highly discriminatory, and have minimal adverse side effects on the ecosystem. Alternative ecosystem management, including alteration of human activities and attitudes and non-lethal methods of wolf management, should be fully considered before lethal wolf reduction is employed. The goal of wolf management programs must be to restore and maintain a healthy balance in all components of the ecosystem. Wolf reduction should never result in the permanent extirpation of the species from any portion of its natural range

§6, *Revised Declaration of Principles for Wolf Conservation* (adopted at the First International Meeting on the conservation of the wolf, Stockholm 1973; revised in 1983, 1996 and 2000).

<sup>18</sup> *Ibid*, §11 and 12(d).

<sup>19</sup> Explanatory Report §10, see II.A.1 above.

The issue of derogations is a matter for national competence, subject to the checks and balances laid down by the Convention. However, the Convention and the various recommendations do not define “population” for the purposes of Article 9 (population on national territory or that potentially shared with neighbouring states?). This is a serious issue for the wolf because a ‘no-detriment’ assessment made by reference to a population unevenly distributed between different countries could underestimate the impact of control on individuals in the country with a smaller or more fragile population.

From a legal point of view, the matter is clear. Consistent with State sovereignty, each Party has sole responsibility for developing and implementing the measures for species and habitats on national territory that it has accepted under the Convention, including decision-making on possible derogations. These national responsibilities are underpinned by general obligations for international cooperation under the Convention and customary international law. They cannot be delegated because a species or habitat is thriving beyond national boundaries (where the Party concerned has no legal or management powers). For wolves, this means that even if the portion of a population found across an international boundary is secure, this does not justify a derogation if the population on national territory is not viable or where other satisfactory solutions can be found.

This approach is supported by all Convention policy documents addressing wolves, which combine recommendations for sub-regional cooperation with individual country-specific actions adapted to national circumstances.<sup>20</sup>

## **B. European Union legislation: Habitats Directive**

The European Commission implements the Convention through Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, which establishes a legally binding and directly enforceable regime of habitat and species conservation for Member States, all of which are Parties to the Convention.

The Directive designates the wolf as an animal species of Community interest for which measures shall be designed to maintain or restore it to favourable conservation status. As indicated below, requirements are differentiated for certain wolf populations as a result of negotiations prior to the adoption of the Directive (or accession by newer Member States). Those discussions took place in a different legal forum and are outside the scope of this report.

Member States are required to:

- designate special areas of conservation for wolf habitats (Arts 3-10). Annex II excludes the Estonian, Latvian, Lithuanian and Finnish populations, Greek populations north of the 39th parallel and Spanish populations north of the Duero River;
- establish a system of strict protection for the wolf in its natural range (Art.12). Annex IVa applies to all Member States except for the Estonian, Latvian, Lithuanian, Polish and Slovak populations and limits its application to Greek populations south of the 39th parallel, Spanish populations south of the Duero River, and Finnish populations outside the reindeer management area defined in §2, Act No 848/90 on reindeer management;
- establish management measures for the taking in the wild and exploitation of specimens of wolf compatible with it being maintained at a favourable conservation status (Annex V applies this requirement to Spanish populations north of the Duero River; Greek populations north of the 39<sup>th</sup> parallel; Finnish populations within the reindeer management area as defined in §2, Act No 848/90 on reindeer management; and Latvian, Lithuanian, Estonian, Polish and Slovak populations).

Derogations must comply with strict conditions laid down by Article 16. These are similar but more precise than in Article 9 of the Convention:

- “no satisfactory alternative” replaces “no satisfactory solution”;
- the derogation must not be detrimental to “the maintenance of the populations of the species concerned at a favourable conservation status in their natural range” (cf “survival”).

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<sup>20</sup> e.g. *Recommendation No.82 (2000) of the Standing Committee on urgent measures concerning the implementation of action plans for large carnivores in Europe.*

- “other imperative reasons of overriding public interest” includes “those of a social or economic nature and beneficial consequences of primary importance for the environment”.

Reporting requirements on derogations are similar (Art.16.3) but again more precise because reports must also specify (a) the reason for the derogation, including the nature of the risk, alternatives rejected, scientific data used; (b) reasons why a particular means, devices or method was authorized for the capture or killing of animal species and (e) supervisory measures used and results obtained.

Unlike the Bern Convention, EC law imposes legal obligations that can be directly enforced through the national and European courts. On 13 January 2005, the European Commission initiated proceedings against Finland in the European Court of Justice on the grounds that the systematic hunting of wolves, with hunting licences granted on the basis of certain predetermined quotas not focused on individual animals causing serious damage, did not meet the conditions laid down in Article 16 or killing and that other satisfactory alternatives existed.<sup>21</sup>

The Scientific Group of the Habitats Committee is currently preparing guidelines for determining population levels for large carnivore management. These will take the Convention’s activities and Wolf Action Plan (Boitani 2000) into account. Preparatory work, including a questionnaire to the scientific community on the accuracy of available wolf data, suggests consensus that existing data is not sufficiently reliable.<sup>22</sup>

### **C. Convention on International Trade in Endangered Species of Wild Fauna and Flora**

The wolf is listed in CITES Appendix II as a potentially endangered species, except for Bhutan, Pakistan, India and Nepal where it is listed in Appendix I (species in danger of extinction). CITES listing would not be directly affected by a possible downlisting of the wolf to Appendix III as the Bern Convention does not address international trade aspects.

### **D. Sub-regional instruments: the Carpathians**

The Framework Convention on the Protection and Sustainable Development in the Carpathians (Kiev, 22 May 2003) requires Parties to pursue policies aiming at conservation, sustainable use and restoration of biological and landscape diversity throughout the Carpathians and to take “appropriate measures to ensure a high level of protection and sustainable use of ... species of flora and fauna being characteristic to the Carpathians, in particular the protection of endangered species, endemic species and large carnivores” (Article 4).

Three of the seven signatories (Czech Republic, Hungary, Poland, Romania, Serbia and Montenegro, Slovak Republic, Ukraine) have ratified. The Convention will enter into force once a fourth signatory ratifies, expected later in 2005.

## **III. THE ISSUE UNDER CONSIDERATION: POSSIBLE DOWNLISTING OF THE WOLF TO APPENDIX III**

### **A. Criteria for amending the Appendices to the Convention**

The Convention does not provide criteria for listing or changing the status of species. In 1996, recognising that some delegates felt the absence of clear-cut criteria made the acceptance or refusal of candidate species rather erratic, the Secretariat was asked to prepare a discussion paper<sup>23</sup> which led to the adoption of *Recommendation No. 56 (1997) concerning guidelines to be taken into account while making proposals for amendment of Appendices I and II of the Convention and while adopting amendments* (see Box). This represents the Committee’s agreed policy with regard to amendments and should be used by Parties when considering the possible downlisting of the wolf.

<sup>21</sup> Sixth Annual Survey on the implementation and enforcement of Community environmental law 2004 (Commission Staff Working Paper SEC (2005) 1055 Brussels, published 17.8.2005.

<sup>22</sup> Personal communication, Anja Finne, European Commission, October 2005.

<sup>23</sup> *Criteria for listing species in the Appendices of the Convention* (T-PVS (96) 49).

***Recommendation No. 56 (1997) concerning guidelines to be taken into account while making proposals for amendment of Appendices I and II of the Convention and while adopting amendments***

The Preamble notes the need to facilitate further amendment of the appendices in a coherent manner, based on best available science.

The Recommendation invites Parties to take into account of the following guidelines while making and adopting proposals for amendment of the Appendices:

**Threat.** Account will be taken of the category of threat, the vulnerability of the species to changes in its habitat, its particular link with a threatened habitat, the trends and variations in population level and its vulnerability to a possible non sustainable use. Account will be taken of whether the species is declining in the central area of its distribution, or it is only threatened in the border of its range

**Ecological role.** Account will be taken of the ecological role of the species, such as their position or role in the food chain (*i.e.* raptors, insectivorous species such as bats), their structural role in ecosystems (*i.e.* corals, heathlands) or the fact that endangered species or endangered ecosystems may be highly dependent on them (*i.e.* marine phanerogams like *Posidonia oceanica*) or risk to become threatened by their exploitation (like the mollusc *Lithophaga lithophaga*).

It further recommends Parties to:

- confine the flora and fauna proposed for listing in the appendices to the taxonomic level of the species, except in cases with very good conservation reasons that must be clearly stated;
- exclude species of dubious or uncertain taxonomy and higher plant groups demonstrating reproductive anomalies;
- exclude species non-native to Europe
- present a sufficiently informative data sheet with each species they may propose for amendment of the appendices.

Some general observations may be made about these guidelines:

- they do not reference non-biological considerations, such as possible economic or other impacts. This approach, also used in e.g. the US Endangered Species Act, is a way to protect listing decisions from political or associated pressures;
- they do not address practice e.g. the extent to which Convention requirements and Committee recommendations have actually been implemented;
- they do not explicitly address downlisting (examples focus more on decline and threat) or cases where populations in different parts of Europe have varying conservation status;
- they do not explicitly require listing decisions to be made on the basis of the best available data, though the proposing Party should present a “sufficiently informative data sheet”;
- there is no provision for emergency re-listing if the conservation status of a delisted or downlisted species were found to have become unfavourable;

## **B. Analysis of the application submitted by the Swiss government**

The official proposal to transfer the wolf to Appendix III, prepared by the *Office Fédéral de l'Environnement, des Forêts et du Paysage*<sup>24</sup>, has three main reasons:

- Wolves do not enjoy uniform protection status in Europe, for numerous Parties in which wolves live have made a reservation. Reclassification in Appendix III would guarantee uniform protection for the wolf throughout Europe.

<sup>24</sup> T-PVS (2004) 9, submitted to the 24th meeting of the Standing Committee, Strasbourg, 29 November – 3 December 2004. Note that the proposal does not reference the criteria set out under Recommendation No.56 (1997).

- Since the Convention was drawn up in the seventies, Europe's wolf populations have re-established themselves and colonised new regions and new countries, which, because of the strict protection imposed by the wolf's classification in Appendix II, do not have the necessary instruments for wolf management.
- A change in the wolf's classification is compatible with the Action *Plan for the conservation of the wolves (Canis lupus) in Europe*, and is even an essential condition for some of the measures proposed therein.

### 1. The need for a uniform protected status

This reason raises two issues:

- given that nearly half of the countries where wolves occur hold reservations, strict protection at the pan-European level is a contradiction in terms;
- Parties recolonised by the wolf since ratification face legal paralysis because (a) there is no basis under Article 22 to enter a reservation post-ratification and (b) the wolf has been listed in Appendix II since 1979 so there has never been an amendment procedure through which they could object to Appendix-II listing.

Discrepancies in national implementation are not a new concern.<sup>25</sup> The Committee acknowledged back in 1989 that the most important populations of wolf in Western Europe did not benefit from strict protection and has repeatedly targeted recommendations at individual Parties to improve the situation.

Parties holding reservations have widely-varying practice: for EU Member States, this is now determined by the Habitats Directive irrespective of such reservations. National situations include:

- application of mandatory strict protection under the Habitats Directive (Czech Republic and Slovenia; Spain for populations south of the Duero River; Finland for populations outside reindeer management areas);
- application of an Appendix III-type regime (Latvian, Lithuanian, Polish and Slovak populations; Greek populations north of the 39th parallel; Spanish populations north of the Duero River; and Finnish populations in designated reindeer management areas);
- unrestricted hunting without licensing, quotas, habitat management or monitoring (e.g. Turkey), coupled with bounties for killing wolf (Bulgaria, Ukraine).

Parties without reservations operate systems varying from strict protection, at least on paper (Albania, Croatia, France, Germany, Hungary, Italy, Norway, Sweden, Switzerland) to game management regimes (Macedonia, Romania and in the EU, Estonia and the Greek populations north of the 39th parallel which are subject to an Appendix III-type regime). Regimes vary in biological soundness e.g. Greece currently has no management plan, quotas or habitat management.

Up to a point, these variations reflect the need to differentiate national frameworks in line with local wolf conservation status and are consistent with the negotiators' support for flexible action.<sup>26</sup>

Beyond that point, discrepancies are also due to non-biological reasons, including lack of political will, institutional constraints and different economic priorities, cultures and traditions.<sup>27</sup> Several legal/management regimes fall short of long-term requirements to maintain the wolf in a favourable conservation status.

Against this backdrop, **downlisting to Appendix III would neither guarantee uniformity nor give the wolf an appropriate protection status in all parts of its (potential) range.** The situation in Europe may have improved dramatically but still gives ground for concern:

- low acceptance thresholds seem to be most problematic in countries where damage is

<sup>25</sup> See II.A.2 above and *Recommendation No. 4 (1986) on reservations made by the parties at the time of ratification*

<sup>26</sup> Explanatory Report §10, see II.A.1 above. The Habitats Directive approach also reflects this need for flexibility.

<sup>27</sup> These and others were identified as common problems identified at the Seminar on Transboundary Management of Large Carnivore Populations T-PVS (2005) 10.

comparatively very low. Without minimising the conflicts involved, for those countries downlisting would arguably be using a sledgehammer to crack a nut. Time and education/awareness-building are needed to foster greater public acceptance, without sacrificing the wolf's recolonisation of its historic range in the meantime;

- in some countries, lowering the protection category might lead to removal of the legal basis for compensating damage and thus further discourage prevention efforts;
- certain countries with currently high population estimates tolerate or actively encourage unrestricted and unmonitored hunting of a kind that led to near-extirmination in west Europe;<sup>28</sup>
- habitat degradation and fragmentation is a growing threat in several countries. Legal tools for species protection are particularly important for highly mobile species like wolf where protected areas are not large enough to meet all their habitat and other needs;
- poaching is also a widespread problem, not only in countries with strict protection regimes, and can make it harder to get an accurate assessment of actual taking levels.

If downlisting took place, Parties would of course still be free to adopt stricter measures under Article 12. The disadvantage of this approach is that the lower common denominator becomes the norm: countries needing to give the wolf stronger protection then have to act unilaterally, contrary to the spirit and letter of the Convention.

In particular:

- newly-recolonising individuals need strict protection pending the establishment of viable populations and may depend on a sustained flow of dispersing animals from source populations elsewhere. Continued Appendix-II listing during this recovery phase will facilitate consistency between countries, including those that are predicted to be naturally recolonised in the future (e.g. Austria);
- lower standards in one country can place a disproportionate burden on its neighbour to maintain or restore transboundary populations. This is arguably contrary to Article 10 which requires Parties to coordinate their efforts for the protection of the migratory species specified in Appendices II and III whose range extends into their territories.

## **2. The lack of legal instruments for wolf management in recolonised countries**

This part of the Swiss application implies that “management” means lethal control, given that non-lethal measures for prevention are usually compatible with national conservation legislation. Typically, conservation laws provide a broad basis for developing regulations for different protection objectives (e.g. management plans, protected areas, zoning, other habitat measures, monitoring). Systems for recording and compensating damage may require special steps but have been successfully put in place in many Parties, including Switzerland.

As regards lethal control, countries already use “different legal mechanisms under international law to maintain management flexibility to be able to kill wolves, either using reservations, derogations or various interpretations of convention definitions” (Salvatori and Linnell 2005). Under the Convention, Article 9 establishes a mandatory framework of checks and balances to prevent abuse of lethal control actions and ensure that actions taken at the national level meet are consistent with the Convention's objectives. Near-identical provisions apply under the derogations provisions of the Habitats Directive (Art.16).<sup>29</sup>

At national level, species-based legislation may confer control powers on competent authorities/game wardens or provide a basis for the necessary regulations to be developed. In some cases, existing species categories may be suitable e.g. game species with a permanent closed season. The bedrock of any legal control measures should be compliance with appropriate biological criteria aligned with the Article 9 requirements. Killing permits granted in derogation to strict protection

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<sup>28</sup> In Spain, the pest/bounty status existed till the early 1970s and the wolf was almost wiped out. Some American states, e.g. Wisconsin, experienced total extermination for the same reason.

<sup>29</sup> See II.A.3 and II.B respectively.

regimes should preferably be limited (e.g. to qualified wardens) and not opened indiscriminately to public hunting.

### **3. Implications of the Wolf Action Plan for the wolf's legal classification**

The *Action Plan for the Conservation of Wolf (Canis lupus) in Europe* (Boitani 2000) sets the **overall policy goal of maintaining and restoring viable populations of wolves as an integral part of Europe's ecosystems, in coexistence with people**. Specific aims are

- 1) to allow the wolf to recover and live throughout Europe wherever it is biologically and economically feasible;
- 2) to ensure wolf-human coexistence and a sustainable compromise by limiting the conflicts; and
- 3) to achieve a pan-European perspective in managing wolf recovery and to help ensure wolf conservation/ management on a continental scale.

The Action Plan places heavy emphasis upon prevention measures to address livestock predation. It recognises that lethal control/managed hunting may be necessary to sustainable wolf management but only in countries where its conservation status permits and not for small and isolated populations. Salvatori and Linnell also note that properly regulated wolf harvest appears to be compatible with wolf conservation in many countries. These findings are not contrary with a continued Appendix-II listing because as noted above, Article 9 does not preclude targeted use of lethal control where justified on biological criteria and consistent with the Convention's requirements.

It strongly recommends management by population, which provides a more holistic approach than isolated decision-making by individual states.

The Plan recognises the socio-cultural difficulties associated with wolves, whilst Salvatori and Linnell indicate that certain countries anticipate negative reactions and greater problems of enforcement if regulations are tightened (e.g. Estonia, Croatia). Once again, a mix of differentiated approach and targeted compensation appears to be compatible with the Convention/Habitats Directive. "The maintenance of wolves in some areas may require that society at large bear the cost e.g. by giving compensation for the loss of domestic and semi domestic animals; conversely there are areas having high agricultural value where it is not desirable to maintain wolves without some form of control and where their recovery would not be feasible".<sup>30</sup>

### **C. Principles and approaches to be taken into consideration**

The following principles and approaches now firmly embedded in international conservation law may guide the Committee in assessing the case for downlisting the wolf:

- **precaution and prevention**

Wolf recovery is recent and still uneven, data is incomplete and certain populations are still isolated and extremely fragile. Legal protection is also comparatively recent and uneven, and there is low public acceptance of wolf in several parts of Europe. A combination of different factors (poaching and over-harvesting, habitat degradation, obstruction of natural corridors for dispersal, car accidents, disease) could adversely affect the wolf's conservation status before it has sustainably recolonised all areas in which this is biologically and economically feasible. Taken together, these considerations strongly support a precautionary approach.

- **ecosystem approach and transboundary cooperation**

These are inseparable and fundamental to any treatment of wolf conservation in the pan-European context. Wolf management planning and zoning needs to be based on ecological, not administrative criteria, where necessary through focused transboundary actions.

- **transparency and legal certainty**

The last five years have seen a rise in legal challenges to official permits to kill wolves (e.g. brought by NGOs in Norway, France and Switzerland)<sup>31</sup>. The right to judicial review of administrative action is

<sup>30</sup> §9, IUCN Wolf Specialist Group. 2000. *Revised Declaration of Principles for Wolf Conservation* (International Meeting on the conservation of the wolf, Stockholm 1973; revised in 1983, 1996 and 2000).

<sup>31</sup> Note also the EC-Finland legal proceedings under Art.16 of the Habitats Directive (see II.B above).



an essential part of due process in mature legal systems. On the other hand, repeated court cases to challenge individual culling orders are expensive and time-consuming for all concerned. Improved transparency and prior consultation between government authorities and NGOs, if necessary across boundaries, can increase legal certainty and do more to foster gradual consensus around the wolf as an important part of European natural heritage.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

1. The Bern Convention has played a lead role in wolf recovery in western Europe and, together with the Habitats Directive, provides a strong framework for its continued protection and wise management. However, wide variations currently exist with regard to public and political attitudes, practical cooperation, legal frameworks and potential threats.
2. The Convention does not impose a one-size-fits-all approach. Its negotiators emphasised the need to “permit flexibility of action within a common purpose”. Article 9 is a key mechanism for such flexibility and sets out conditions to ensure consistency with the common purpose of the Convention.
3. Article 9, as subsequently interpreted and applied by the Standing Committee, does not exclude lethal control. However, it does not sanction killing being used as the first line of attack against wolves. Despite the prevention-oriented action plans promoted under the Convention, hunting is still too often used as the default management tool. Much of the wolf hunting in Europe today is carried out without reference to biological criteria or long-term sustainability.
4. Current discrepancies and weaknesses in national protection framework are regrettable, but this substantive problem would not be solved by the formal process of downlisting the wolf to Appendix III. Conversely, downlisting would be wholly inappropriate for countries that have small, vulnerable, threatened or newly-recolonising populations. It could lead to relaxation of monitoring and legal protection, particularly because of the prejudice and deep-rooted hostility that often surrounds the wolf.
5. Downlisting could also work against the principle of transboundary cooperation that underpins all Bern Convention policy. It would add little and risk taking much away from the countries which are investing in prevention, education and compensation programmes. It runs counter to the agreed aim (Wolf Action Plan) to allow the wolf to recover and live throughout Europe wherever it is biologically and economically feasible.
6. Whilst downlisting can be a measure of success for legal regimes that have brought about positive change, it is suggested that this is premature in the current European landscape and might jeopardise past success. Downlisting could send a misleading signal in a climate that is often hostile to the existence or proximity of the wolf. Once removed, strict protection would be near-impossible to restore.

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## Appendix - Conservation status, threats and legal/management framework by country

This outline table is based on Salvatori and Linnell 2005 with additional material from the *Report of Seminar on Transboundary Management of Large Carnivore Populations* (Osilnica, Slovenia, 15-17 April 2005) (T-PVS (2005)10).

Country	Population trends	Distribution	Potential threats	Legal management status
Albania	900-1200. Official data show overestimation of 30-50%. Stabilized or slightly increased during last 10 years.	Most of country except lowland coastal zone.	Reduction of natural prey (large ungulates). Some records of wolf-dog cross-breeding.	Strict protection: killing subject to special permit. Low enforcement, believed to be hunted and killed year round, including through systematic pest extermination campaigns.
Bulgaria	Official estimate 2300; field studies suggest nearer 1000 individuals. Stable since 1997.	Mountainous central areas; separate small populations along Greek and Turkish borders.	Serious over-harvesting (growing number of hunters, over 120,000; bounties for killed wolves multiplied by four). Some records of wolf-dog cross-breeding.	Reservation to Convention entered with regard to wolf (on grounds of large population). Candidate for EU accession.  Game species, unlimited hunting authorised throughout year (National Law for Hunting and Conservation of Game). But also listed as "species under regulated use" (Biodiversity Protection Act) so hunting may be regulated by area/season.
Croatia	130-170, recovery from 50 individuals in 1980s. Stable, with local variation. Distribution increasing via individual animals.	One third of country, nearer to coast. Not continental lowland areas.	Risk of increased human conflicts following strict protection (hunting quotas under management plan may help reduce these). Low levels natural prey may increase livestock predation.	Strictly protected (Nature Protection Law 2003 integrates Bern protection categories and provides for compensation of damage to livestock, with verification). Candidate for EU accession.  Management plan (2005) sets quotas for wolf harvest (to 10% estimated population). Compensation available. No transboundary management with Slovenia, Bosnia-Herzegovina.
Czech Republic	5-17 individuals, totally dependant on populations in western Carpathians (mainly Slovakia).	Limited to small part of border with Slovakia and Poland.	Poaching, low acceptance in newly-colonised areas. Lesser threats: genetic isolation, traffic, habitat fragmentation, urbanisation, direct disturbance. Potential threats: deforestation and decreased prey abundance.	Reservation to Convention entered with regard to wolf (on grounds of current proliferation) but strict protection to be applied in the event of an emergency. However, strict protection required in line with Habitats Directive.  Strict protection under 1992 conservation legislation. "Game species" under 2002 hunting legislation, currently with permanent closed season. Compensation available. Management plan under preparation.

Estonia	100-150 (cf another estimate of 90 (11 reproductive packs) in 2004. Declined after late 1990s because of over-hunting. Probably stabilised. Shared populations with Latvia and Russia	Present in several regions, though distribution could be improved to increase overall numbers. Migration not obstructed to neighbouring countries.	No information on extent of illegal killings, probably increased following stricter protection. Viability depends on population viability in Russia and Latvia. 4 killed in traffic accidents 2002-5.	Habitats Directive exempts from SAC and strict protection requirements: wolf treated as Annex V species (equivalent Appendix III)  Listed as "big game". Hunting season now 3 months to protect adult couples. Management plan sets goal for total population at 100-200 individuals. Quota system and monitoring in place. Draft legislation will provide for compensation.
Finland	100 (15 packs) with exclusively Finnish territories; 37 individuals in packs across Finnish-Russian border	Limited to E and S-E regions near Russian border, but good potential for immigration from Russia. 2 packs in W. and Central Finland in 2002-3 are no longer present.	Colonisation not possible in northern Finland due to conflict with semi-domestic reindeer: livestock conflicts elsewhere more minor. Major conflicts hunting and domestic dogs, also some competition with hunters for moose.	Reservation to Convention entered with regard to wolf. Strict protection required in line with Habitats Directive except for populations in designated reindeer management area (to be treated as Annex V species - equivalent Appendix III). Exempt from SAC requirements.  Protected status except in reindeer areas. EC legal proceedings begun in 2005 for alleged breach of Art.16 Directive (claims systematic hunting not linked to individual animals causing serious damage, existence of satisfactory alternatives).
France	80-100 individuals (natural expansion Italian population). Expanding (20% per year).	Alps (SE France), increasing westwards, some recorded in eastern Pyrenees.	Low acceptance by hunters and shepherds suffering damage.	Strict protection in line with Habitats Directive. Management plan ( <i>Plan d'action loup</i> ) provides for quotas for removal of problem animals involved in livestock predation. 6 permits issued in 2005. Compensation available.
Germany	One breeding pack (colonisation by Polish wolves from source population 500km away). Stable with potential for expansion.	Very limited (NE Saxony, near Polish border).	Fragmentation and isolation from source population; negative hunter attitudes; inbreeding due to small numbers; crossbreeding with dogs, traffic accidents.	Strict protection in line with Habitats Directive. Compensation for professional livestock owners, but damage in practice is very low (widespread use electric fencing).
Greece	500 (700 after reproduction period) estimated in 1998-9. 100-130 packs shared with Bulgaria, FYR Macedonia and Albania.	Widespread and continuous, expanding southwards.	Rapid habitat fragmentation throughout range e.g. highways. High levels illegal killing (poison widespread). Potential for long-term food shortages (less free-ranging livestock; poaching has led to very low natural prey density).	Strict protection required under Habitats Directive for populations south of 39°parallel. Wolf populations north of this parallel exempt from SAC requirements and treated as Annex V species (equivalent Appendix III).  Poor enforcement of legislation. No specific management plan; no appropriate game habitat and hunting management. Compensation available.

Hungary	3-6 individuals, depends strictly on immigration from Slovakia and Serbia.	Close to Slovak and Serbian borders	Illegal killing. Barriers to dispersal to Slovakia/Serbia could be blocked by planned motorway Kosice-Roznava.	Strictly protected. Management plan (2004). Compensation available.
Italy	500 individuals (cf 1970s, c.50 individuals). Expanding, with gradual recolonisation of previously inhabited areas.	Mountainous (Appenines, W Alps), expanding NE in the Alpine Arc.	Illegal hunting, human persecution.	Strict protection in line with Habitats Directive. The Regions implement and determine compensation arrangements. National Action Plan in place. Law enforcement faces difficulties. Close cooperation with France on monitoring.
Latvia	300-500 individuals. Decreased after peak in 1990s, now stable/increasing.	Two separate ranges (east and west). Distribution uneven: overall covers 20-30% territory.	Public attitudes relatively good, provided that hunting quotas follow the population trend (113 awarded in 2004 cf 140 in 2002). Only minor conflicts with livestock.	Reservation to Convention entered. Habitats Directive exempts from SAC and strict protection requirements: wolf treated as Annex V species (equivalent Appendix III)  Game species: annual quotas, closed season from 1 April-14 July. Damage recorded but no compensation available. National action plan (2003). Monitoring system in place.
Lithuania	400-500 individuals, growing since low point in late 1970s, but official numbers may be misleading as surveys not based on solid methodology. sc25_tpvsl0e (p.41) indicates severe reduction in two-thirds of national territory, based on 1999 and 2002 official data, possible stabilisation 2004.	Whole country: distribution range continuous with Estonia, Latvia, Russia (Kaliningrad), Poland and Belarus.	Extensive livestock conflicts. Difficult to assess the effect of the number of legally killed wolves on overall population conservation status.	Reservation to Convention entered with regard to wolf, which will be considered as "protected fauna species" subject to Appendix III regime. Habitats Directive exempts from SAC and strict protection requirements: wolf treated as Annex V species (equivalent Appendix III).  Game species, hunting season between 1 Dec-1 April. No quota limits, though currently under consideration. Damage is not compensated. No management plan
FYR Macedonia	800-1000 individuals. Stable.	Mountainous areas, excluding central plain. Shared with Albania, Bulgaria, Greece and Serbia).	No particular threats identified at current time.	Reservation to Convention entered with regard to wolf.  Game species, year-round hunting in line with quotas (200-400 specimens). Bounty for each killed wolf within quota limits for the current year. Compensation available.

Norway	23-26 (2003-4) exclusively within Norway plus 20-22 in packs shared with Sweden. Data (2004-5) indicates 2 packs and 2 stationary pairs within Norway: one pack dissolved and both pairs removed after official authorisation for cull of five wolves in early 2005.	SE Norway, adjoining Swedish border, plus dispersing wolves elsewhere.	Low public tolerance (reflected in Policy goals) due to conflicts with livestock, hunters, poaching. Inbreeding, traffic accidents. No formal agreement with Sweden on management. Target population size will never be stable, let alone viable, without contact with Sweden.	Wolf, like all species, is protected unless hunting season opened.  Latest of three management policies (approved 2003) sets target of 3 reproducing packs within the designated wolf zone along Swedish border. Outside the zone, packs and pairs should not establish once the goal of three reproductions is met, and individuals may be shot at a relatively low level of livestock depredation (by local hunters and state game wardens). Compensation available. Extensive monitoring system in place.
Poland	600-700 individuals (cf sc25_tpvs10e, estimate of 460-560). Stable or declining: no expansion despite legal protection	NE (shared with Belarus) and Southern (shared with Slovakia and Ukraine)	Uncontrolled illegal killing, decreasing natural prey, unfavourable habitat changes including infrastructure development crossing migratory routes.	Reservation to Convention entered with regard to wolf, which will be subject to a different regime of protection in Poland. Habitats Directive requires designation of SAC for wolves but treats populations treated as Annex V species (equivalent Appendix III).  Strictly protected since 1998 (i.e. Poland does not apply its reservation). Hunting banned but lethal control may be authorised if excessive livestock damage. Compensation available.
Portugal	300. Population south of Douro river is isolated from the northern Portuguese and Spanish populations	Two main concentrations: south of Douro river and in northern region	Habitat destruction; lack of natural prey; persecution motivated at least in part by depredation on livestock. Some traffic accidents.	Strict protection in line with Habitats Directive. High levels of reported killings (33 between 2002-4) suggest inadequate law enforcement.
Romania	4000. Stable	Widespread. Follows geographical distribution of Carpathians and Apuseni Mountains.	Hunters' and shepherds' negative attitude; habitat fragmentation (two new motorways) and habitat degradation due to land privatisation.	Candidate for EU accession.  Protected game species, hunting quotas established yearly. Compensation system in place but only on paper. Low level of law enforcement.

Slovakia	900 (official estimate), maximum 500 (expert estimate working in specific areas). Appears stable, following a decline since late 1990s (see sc25_tpvs10e). No up-to-date estimates available.	Most of NE Slovakia: population shared with Poland and Ukraine. May be source for species moving into Czech Republic and Hungary	Absence of hunting quotas, conflicts with different interest groups, presence of unestimated and uncontrolled illegal killing.	Reservation to Convention entered with regard to wolf (on grounds that present population levels permit their regulation without detriment to their survival or to the functions of these species in the natural ecosystems). Habitats Directive requires designation of SAC but wolf populations treated as Annex V species (equivalent Appendix III)  Classified as partly protected species of European importance: hunting banned during specified period; two areas of year-round conservation also established. Compensation available.
Slovenia	60-100 (partly shared with Croatia). Expanded following introduction of legal protection in 1993, then stabilised, now showing slight decrease since 2000.	Southern areas continuous with Croatian population	Illegal killing, hunter and livestock farmer conflicts	Reservation to Convention entered with regard to wolf, but strict protection required under Habitats Directive.  Strictly protected: legislation amended 2005 to permit issue of hunting permits under particular conditions (livestock depredation). Compensation available and funding for prevention measures. Management plan under development.
Spain	Over 2000, increasing (but southern population more fragile).	Mainly in NW, shared with Portugal. Recent recolonisation south of Duero river.	Northern portion: negative attitudes, habitat fragmentation (transport infrastructure), competition for food resources. Southern portion: human intolerance and illegal killing	Reservation to Convention entered with regard to wolf, which will be considered as "protected fauna species" subject to Appendix III regime. Strict protection required under Habitats Directive for population south of Duero River. Populations north of this river exempt from SAC requirements and treated as Annex V species (equivalent Appendix III).  In northern regions, classified as game species (but partly protected in Galicia) but permits for lethal control issued annually to control problem animals. Full protection further south in Andalucia. Compensation available
Sweden	48-49 within Sweden, plus 20-22 shared with Norway. Data for 2004-5 suggests expansion of the Swedish population (3 more packs, 11 reproductions). However, number is low and "long-term survival is not assured" (sc25_tpvs10e).	South-central Sweden, stretching east from Norwegian border. Unlikely to establish in north due to reindeer-herding districts.	High public acceptance, except with some hunters and in reindeer husbandry areas (north). Sheep fencing means livestock predation fairly low. Poaching exists. Traffic accidents. Inbreeding (as with other Scandinavian populations)	Strict protection in line with Habitats Directive.  Official control permits only granted in exceptional circumstances. Management policy and action plan (2001) support interim goal of 20 packs (about 200 wolves), after which a cost-benefit analysis regarding further increases will be conducted. Wolves may establish in 60% territory, but presence more restricted in reindeer areas. Compensation available.

Switzerland	3 (expansion of Italian wolf population), each in a different canton. Sc25_tpvs10e (p.58) states that “there is no indication of any wolf reproduction or pack in Switzerland”.	Cantons of Graubunden, Tessin and Valais. Possible sighting in Jura mountains.	Illegal killing is potential threat as low acceptance amongst livestock farmers (NB damage is less than 50 sheep or goats in each of the last two years, relatively high abundance natural prey). Liberal use of legal control permits may slow population recovery.	Strictly protected. Swiss Wolf Concept Management plan in place (approved 21 July 2004) covers protection, authorisation to shoot “problem” wolves, prevention, reporting of damage, compensation for damage and funding for prevention measures. Cantons handle management/control, the Confederation compensation.
Turkey	5000-7000. Declining: range has reduced over last 50 years. National Report on Sustainable Development (2002) identifies excessive and illegal hunting of wolves as one of the most important threats to biodiversity.	Map not available, but wolf mainly confined to forests, steppes and other natural areas with adequate prey. Exterminated from Aegean part	Intensive and direct persecution (all means, (poison now less widely used). Declining prey base affects dynamics. Indirect impacts forest fragmentation and habitat degradation (half of country’s forests heavily degraded).	Reservation to Convention entered with regard to wolf. Candidate for EU accession.  Unprotected and considered a pest species. Hunting authorised throughout the year, with no quotas, monitoring or recording of killed wolves. No management plan. No records kept of alleged damage to livestock. Protected areas are usually too small to provide safe carnivore habitat.
Ukraine	2000.	Highest densities along border with Russia and the Ukrainian Carpathians.	Lack of consistency in legal framework; positive incentives for unlimited killing; habitat fragmentation and uncontrolled disturbance.	Reservation to Convention entered with regard to wolf (regulation to be permitted in restricted number and under conditions of relevant control with a view to prevent negative influence on other species, serious harm to livestock and other objects of property) and with regard to certain methods of killing and capture under App.IV.  Unprotected. Legally classified as harmful predatory animal for which eradication is supported and bounties are available for kills.