



**Large Carnivore Conservation and Management in Europe:
lessons learnt from the legal cases and enquiries dealt by the**

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Large carnivore conservation and Management in Europe: lessons learnt from the legal cases and enquiries dealt by the DG ENV

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Introduction

Large carnivore such as the brown bear (*Ursus arctos*), the wolf (*Canis lupus*), the Eurasian lynx (*Lynx lynx*) and the wolverine (*Gulo gulo*) are listed in annex II and IV of the Habitats Directive (92/43/EEC), with exceptions for some countries or regions (Kaczensky et al 2012). Formally, the objective of the Habitats Directive is to reach and/or maintain the favourable conservation status of species of community interest listed in the Directive annexes. In reaching that objective, the Member States are required to implement measures and regulations that would facilitate the maintenance of the favourable conservation status (Art. 12) and the constant monitoring (Art. 17) of the populations of large carnivores listed in Annex IV. Although all species listed in the annexes are protected, derogations may be applied according to criteria listed in Article 16. Derogations must not be previously authorised by the Commission, but they should be implemented “provided there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range...” (ref Art 16.1).

Any person from a Member State may submit petitions to the European Parliament or forward questions to MEPs for asking clarification or explanation on specific issues regarding compliance with EU legislation, including the Habitats Directives and the large carnivore species targeted.

The role of the Commission is to ensure that EU legislation is transferred into National legislation and that measures applied are compliant with the Habitats Directive. In cases of actions taken that arise questionings about their compliance with EU legislation, the Commission may asks the relevant Member State for explanations and, if not satisfactory, an infringement procedure may be opened.

In this report a brief overview of a number of formal questions, cases and petitions regarding large carnivores and put forward to the EC is given, with reference to available documentation, with the aim to summarize and draw conclusions from lessons learnt from investigation files concerning complaints on LC handled by DGENV.

The report is based on material publicly available from the and additional documents provided by the European Commission and covers the period 1999 - 2012.

BROWN BEAR (*Ursus Arctos*)

Population	Country	Type of document	Issue	Status
PYR	FR	European Parliament Petition 1542/2010 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPART%2bPE-469.912%2b03%2bDOC%2bPDF%2bV0%2f%2fEN	Petition to increase protection measures for Brown bears in the French Pyrenees	The Commission replied and close monitoring of the development of the strategy for Biodiversity in the Pyrenees is undertaken to ensure measures for Brown bear protection are envisaged and implemented. An infringement procedure was opened in 2012.
ALP	IT	European Parliament Written Question 10257/2010 http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-010257&language=EN	Slovenian brown bear meat served at the gourmet wine festival in Merano (Italy) although being strictly protected in Italy.	Answer given, explaining that bear meat from Slovenia was allowed as coming from cull under derogation according to Art. 16 and bear being in favourable conservation status in Slovenia, while not being so in Italy.
APE	IT	European Parliament Written Question 7652/2012 http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2012-007652&language=EN	Critical situation of the Marsican Brown bear (<i>Ursus arctos marsicanus</i>) population: what actions does the EC intend to take?	Answer given, explaining that the EC is co-funding three LIFE projects targeting that bear population and an investigation (EU Pilot 3202/12/ ENVI) on the potential impact that hunting practices could have on it has been started.
EBAL	BG	European Parliament Written Question 5328/2008 http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2008-5328&language=EN	Insufficient Natura 2000 sites for protecting the brown bear population in the Rila Mountains, Bulgaria.	Answer given, explaining that during the earlier biogeographic seminar the issue of lack of sufficient scientific information to assess the conservation status of brown bear in Bulgaria was raised and the Commission requested Bulgaria to fill the gaps by 1/9/2009.
	BG	European Parliament Written Question 10337/2010	Brown bear hunting allowed by the Hunting and Game Conservation Act	Answer given, explaining that the EC is conducting an investigation for assessing the

		http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-010337&language=EN	if Bulgaria: how would the EC act in case the law is incompatible with EU legislation?	methods used to establish hunting quotas by Bulgarian authorities and in case the law was found to be incompatible with EU legislation a procedure provided in Art. 258 of the Treaty on the Functioning of the EU would be undertaken.
	BG	European Parliament Petition 1532/2010 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-467.120%2b03%2bDOC%2bPDF%2bV0%2f%2fEN	Petition to ban Brown bear hunting in Bulgaria	The Commission replied and opened an infringement case. Still open.
	BG	European Court of Justice Case 2011/00188	31 authorizations issued for killing 33 Brown bear in the period 2007-2010 in derogation of Art. 12 of Habitat Directive without meeting the conditions under Art. 16.	Case under evaluation, not yet closed. The documentation available provides evidence of authorizations being issued without any preliminary attempts to use other satisfactory alternatives for dealing with “problem bears”, and authorizations being given in breach of article 16, thus not evaluating the effects of derogation on the unfavourable conservation status of the Brown bear.
DIN-PIN	SLO	European Parliament Complaint 2006/4744	Complaint on killing ca. 100 Brown bears in 2005 and 2006.	Explanations requested by the EC, and expert group recommendation to switch the bear management from maximum harvest to problem solving removal of selected individual was forwarded and management strategy modified in 2007.
	SLO	European Parliament Written Question 3368/2009 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT	Cull of bears in Slovenia: questioning whether it is done based on sufficient scientific data	Answer given, explaining that the EC is aware about the derogation used by Slovenia and has asked clarification on data used, that appeared to be sufficient to ensure the favourable

		%2bWQ%2bE-2009-3368%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN		conservation status of the species in Slovenia.
	GR	<p>European Parliament Written Question 5875/2009</p> <p>http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2009-5875%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN</p> <p>European Parliament Written Question 5876/2009</p> <p>http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2009-5876&language=EN</p>	Impact of the newly developed Egnatia Highway on brown bear mortality	Answer given, explaining that the Egnatia Highway was made subject of an environmental impact assessment, which resulted in specific indications for conditions aiming at the protection of brown bear and the obligation to monitor the effects on the species. The EC also commits to ask the Greek authorities to take further and more effective measures in order to drastically reduce incidental killing of bears.

WOLF (*Canis lupus*)

Population	Country	Type of document	Issue	Status
KAR	FIN	<p>European Court of Justice Case C-342/05</p> <p>http://curia.europa.eu/juris/liste.jsf?pro=&lgrc=en&nat=&oqp=&dates=&lg=&language=en&jur=C%2CT%2CF&cit=none%252C%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&num=C-342%252F05&td=ALL&pcs=O&avg=&page=1&mat=or&jge=&for=&cid=865352</p>	Hunting permits for wolves in 2003-2004 in derogation of Art. 12 of Habitat Directive without meeting the conditions under Art. 16.	Case closed. Although the Republic of Finland has been found in breach of Artt. 12 and 16, considering that the wolf population in Finland was increasing and the hunt had no severe impact on the population, the Commission could not prove that the hunting was preventing wolves to reach their favourable conservation status. Both the Republic of Finland and the Commission had to bear their own costs and no fine was applied.
	FIN	European Parliament Written Question 3046/2009	Increased number of wolves generated fear for wolves approaching human	Answer given, explaining that derogation according to Art 16 may be used provided the

		http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=P-2009-3046&language=EN	settlements. Would it be acceptable to shoot for scaring them when too close to villages?	use of other satisfactory alternatives will not be possible and that the derogation will have no impact on the conservation status of the wolf.
	FIN	European Parliament Written Question 6576/2012 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2012-006576%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN	Increased number of wolves pose a threat to human population living in rural villages where wolves approach, rendering protection of wolves more important than protection of humans	Answer given, explaining that the possibility to act in derogation according to Art 16(c) for human safety exists, provided that no satisfactory alternative exists and the derogation is not detrimental to the maintenance of the wolf population. Furthermore, the EC has started working with several stakeholders in order to find solutions to the problems caused by the co-existence of humans with large carnivores.
DIN-BAL	SLO	European Parliament Written Question 3368/2009 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2009-3368%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN	Cull of wolves in Slovenia: questioning whether it is done based on sufficient scientific data	Answer given, explaining that the EC is aware about the derogation used by Slovenia and has asked clarification on data used, that appeared to be sufficient to ensure the favourable conservation status of the species in Slovenia.
ALP	FR	European Commission Infringement Case 4801/2006	Complaint on the authorization for killing 6 wolves in the French Alps in 2005.	Infringement case opened following the complaint.
APP	IT	European Parliament Written Question 7713/2011 http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-007713&language=EN	Possibility to hunt wolves in derogation according to Art. 16, as proposed by the Agriculture Committee of the Italian Chamber of Deputies	Answer given, explaining that the possibility to use derogation according to Art. 16 should be applied after any other satisfactory alternatives, and that the EC would act as “Guardian of the Treaty on European Union” eventually opening an infringement case if the Italian law would represent a breach of the EU environmental legislation.

SIEMOR	ES	European Parliament Complaint 1999/4034	Complaint on the presence of fenced hunting reserves in Southern Spain, that prevent the expansion of endangered wolf population of Sierra Morena	Explanation requested by the EC and evidence that measures for management of wolf south of Duero River was consistent with the requirements of the Habitats Directive and no infraction was proven to exist.
EUROPE		European Parliament Written Question 0070/2007 http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bWQ%2bE-2007-0070%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN	Allowed killing of wolves in many European countries, although it being a strictly protected species needed for the conservation of balanced ecosystems	Answer given, explaining that although wolf is a strictly protected species in many EU countries, the Habitat Directive makes provision for derogation from the normal protection requirements to permit the control of individual animals under the conditions set by Art. 16. The EC is contributing to the conservation of the wolf and other large carnivores through the development of guidelines for population level management plans, awareness raising campaign and LIFE programme.
		European Parliament Written Question 2292/2011 http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2011-002292&language=EN	Wolves expanding in areas where it was absent for decades poses questions on restriction of areas for conservation, translocation of wolves, and international safety legislation being applied in non EU countries.	Answer given, explaining that Art 19 defines the procedures and conditions to amend the annexes of the Directive; Art. 4 sets the provisions for selecting Special Areas of Conservation; derogation according to Art. 16 might be applied provided the lack of a satisfactory alternative and the derogation is not detrimental to the wolf population; the Habitats Directive does not apply to non EU member States.
SCAND	SE	European Commission Infringement Case 2011/95 http://europa.eu/rapid/press-release_IP-11-95_en.htm?locale=en	Complaint on the authorization for hunting of 20 wolves in 2011.	Infringement case still open. Documentation from Sweden has been requested.

General Remarks

The scope of the contract did not permit a detailed analysis of the cases. We have also not focused on the legal aspects of the cases. In this brief summary we have chosen to draw attention to some key patterns that emerge that relate to the conservation aspects which have been the subject of the other reports within this contract.

The material that we had access constituted 16 cases where issues were raised in the European Parliament (as either written questions, complaints or petitions) and 4 cases where an issue entered the European Court system.

There has been a dramatic increase in the extent to which large carnivore issues have been raised in parliament. The data we had access to indicated one case in the 1990's, three cases in the period 2006-2008, and a total of 12 cases in the period 2009-2012.

The cases that we had access to only focused on bears and wolves. It therefore appears that Eurasian lynx and wolverines have not been subject to official proceedings or discussion in these European level forums.

The subject of the issues raised has been very focused on cases where wolves and bears are subject to lethal control or culling under derogation. This concerns 11 of the 16 cases where issues were raised in parliament and all four of the cases that entered the court system. Of the other cases raised in parliament, three focused on habitat related issues (Natura 2000 sites for bears in Bulgaria, impact of the Via Egnatia highway on bears in Greece, impact of game fences on wolves in Spain). The final two cases concerned general conservation measures for the small and endangered bear populations in the Pyrenees and Apennines.

It is remarkable the complaint forwarded to the Commission regarding the Pyrenean population of brown bear, which is highly relevant in terms of continuity of commitment after the release of individuals through the EU co-funded LIFE project LIFE96 NAT/F/4794 (Salvatori, 2013), and that has resulted in the opening of an infringement procedure.

The question raised in 1999 on the Sierra Morena wolf population was not taken forward and the population is now facing extinction (Kaczensky et al. 2012).

Almost all cases have expressed concern for the conservation status of bears and wolves, only three

focused on the negative impact of wolves and the potential threat they represent to human safety and interests.

There are no clear geographic patterns in the cases. Countries as diverse as Sweden, Spain, France, Greece, Italy, Bulgaria, and Slovenia have been mentioned.

Most cases have been raised in connection with the small and medium sized populations; wolves in southern Spain, Finland, Italy, bears in France, Italy, Bulgaria, Greece. In addition, concern has been raised about wolves and bears in Slovenia where both are part of much larger multi-national populations with robust status.

Conclusion

While attention has been drawn to general conservation concerns of two bear populations in urgent need of conservation attention, bears in the Pyrenees and the Apennines, and to the serious issue of the impact of highways on bears in Greece, the other cases do not correspond to issues or areas that are regarded as being of great conservation concern in any recent evaluations by independent experts. The cases focused only on wolves and bears, which are much more in the public awareness than Eurasian lynx and wolverines, despite the existence of conservation issues for these species. Likewise the cases focused on the emotive issue of carnivores being killed under derogation, which has not been identified as a serious threat to the species and populations concerned. Many populations where experts have identified serious concerns have not been mentioned at all. It therefore appears that there is a mismatch between the issues being raised in parliament and the current understanding of threats facing large carnivores in Europe.

Cited references

- Kaczensky P., G. Chapron, M. von Arx, D. Huber, H. Andrén and J. Linnell (Eds) 2012. Status, management and distribution of large carnivores – bear, lynx, wolf and wolverine – in Europe. A Large Carnivore Initiative for Europe report prepared for the European Commission (contract 070307/2012/629085/SER/B3).
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