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ANIMALS



Re. Motion for a Resolution on the protection of livestock farming and large carnivores in Europe

Brussels, 15 November 2022

On behalf of the undersigned environmental and animal protection organisations, we are writing to raise our concerns that political groups have proposed a *Motion for a Resolution on the protection of livestock farming and large carnivores in Europe* to be discussed during the November Plenary session in Strasbourg.

We are deeply concerned that, over the past few years, there has been a concerted and coordinated campaign to decrease legal protections for large carnivores, particularly wolves, rather than more rigorously pursuing mitigation strategies to achieve greater coexistence and implementing measures to promptly compensate farmers for their losses.

It is not disputed that the coexistence with large carnivores can cause conflicts with human socio-economic interests. Nonetheless, wolves should not be used as scapegoats for - or being seen to exacerbate - the broader problems presently being experienced by the farming industry, particularly the EU sheep and goat sector.

We note that this sector is characterised by low incomes, limited investment, geographical remoteness and lack of attractiveness to younger farmers. The level of consumption of sheep and goat meat also do not support the growth of the sector, which is also affected by cheaper imports, while infectious animal diseases, such as bluetongue, and changes in public funding policy have led to the decline of the sector and animal numbers.

Hundreds of wolves are already killed each year in the EU, using the existing exemptions in the Habitats Directive, indicating that there is already considerable flexibility in the implementation of EU legislation.¹ Changing the protected status of and killing more wolves and other large carnivores will not solve these fundamental sectoral problems. Below we further explain why legal protections for large carnivores should be upheld.

Strict legal protections for large carnivores must be maintained

At present, large carnivores, such as wolves, bears, wolverines and lynx, are legally protected species in the European Union by the EU Habitats Directive (Council Directive 92/43/EEC) and by the Bern Convention. The implementation of these pan-European nature conservation instruments brought large carnivore species back

¹ [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617488/IPOL_STU\(2018\)617488_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617488/IPOL_STU(2018)617488_EN.pdf)

from the brink of extinction in certain areas of Europe, allowing for their slow recovery and dispersal to regions from which they had previously been extirpated.

The slight recovery of large carnivore populations does not, however, provide sufficient reason to downgrade legal protections for these species. A recent assessment of the conservation status of wolves in Europe published by the Bern Convention concluded that although there generally seems to be a positive population trend, there are still numerous threats to this species that need to be monitored or addressed. In particular, the report notes that social conflicts surrounding wolves are “being instrumentalised in wider political struggles”, which may decrease public tolerance for wolves and undermine the role of science in guiding their management.²

Commission Guidance on use of existing derogations under Habitats Directive

It is also important to reiterate that derogations under the EU Habitats Directive allow Member States to grant permission for using lethal measures for populations that are strictly protected under certain exceptional and very specific conditions, such as to prevent serious damage to livestock, provided that there is no satisfactory alternatives and the derogation is not detrimental to the maintenance of the concerned species’ population at a Favourable Conservation Status.

In October 2021, the European Commission published its *Guidance document on the strict protection of animal species of Community interest under the Habitats Directive*.³ This document is designed to assist EU Member States with regard to improving their implementation of the Habitats Directive, and provides detailed guidance with respect to the use of derogations to manage large carnivores. Despite such excellent guidance, it is alarming that Member States and other stakeholders continue to demand greater flexibility in using derogations to the EU Habitats Directive and lethally manage populations.

A recent Opinion of the EU Court of Justice⁴ states that the provisions of the Habitats Directive must be interpreted in light of the precautionary principle in Article 191(2) TFEU: if – after examining the best scientific data available – significant doubt remains as to whether or not a derogation will have a negative impact on conservation status, then permits should not be granted.

Achieving coexistence with large carnivores is possible

Notwithstanding the official guidance with regard to strictly protected species, such as bears and wolves, it is important to emphasise that it is possible to achieve coexistence with large carnivores. Indeed, this has been demonstrated by more than 80 projects funded through LIFE programme since 1992.⁵ These projects have successfully tested and implemented ways of managing and mitigating conflicts between large carnivores and humans.

Moreover, it should be reiterated that the European Commission Fitness Check evaluation of the Birds and Habitats Directives concluded that “evidence indicates that the Annexes in their current form provide an adequate level of protection to enable the objectives of the Directives to be met”.⁶

In the follow-up “Action Plan for nature, people and the economy” the European Commission committed to “further support stakeholder platforms/fora to promote dialogue, including at biogeographical level and within the framework of international Conventions and Agreements, to exchange experience, knowledge and

² <https://rm.coe.int/0900001680a7fa47>.

³ [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM:C\(2021\)7301](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=PI_COM:C(2021)7301)

⁴ http://curia.europa.eu/juris/document/document.jsf?jsessionid=6F191C2AEFFE253354A43AE75721F97E?text=&docid=213873&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=2306431&utm_source=FACE+Website+Subscribers&utm_campaign=ec82434055-EMAIL_CAMPAIGN_9_19_2016_COPY_01&utm_medium=email&utm_term=0_2b87987b94-ec82434055-145332113

⁵ <http://ec.europa.eu/environment/life/project/Projects/index.cfm>

⁶ http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

co-operate in addressing conflicts between people and protected species (e.g. large carnivores, cormorants, geese) (2017-2019)".⁷

THE UNDERSIGNED ORGANISATIONS CONSIDER THAT:

- Large carnivores belong to the European biodiversity heritage that the EU has committed to restore and preserve through the adoption of the Habitats Directive, and more recently the Biodiversity Strategy to 2030. This commitment has been recently confirmed by the outcomes of the Commission's evaluation of the Directive, as this was determined to be fit for purpose and delivering against its policy objectives. As already clarified several times by the European Commission, this also means that currently the Annexes of the Habitats Directive do not warrant modification.
- Different wolf populations in the EU have varying conservation statuses, and many did not yet reach a Favourable Conservation Status. Out of the 9 transboundary wolf populations in the EU, 6 have a vulnerable or nearly threatened status. In addition, the fact that a species is not threatened (i.e. not faced by any direct extinction risk) does not necessarily mean that it has Favourable Conservation Status. According to the Rulings of the European Courts of Justice for Article 6 of the Habitats Directive,⁸ Member States have to do more than simply prevent the further deterioration of protected species and habitat types. They must also undertake positive management measures to ensure their populations are maintained at, or restored to, a Favourable Conservation Status throughout their natural range within the EU.
- The European Union Guidelines for State aid in the agricultural sector allow Member States to grant full compensation to farmers for damages caused by protected animals, such as wolves. This also makes it possible to fully reimburse costs of investments made to prevent such damages, for example installing electric fences or acquiring guard dogs.⁹ In addition, rural development funds in the EAFRD also have the potential to support coexistence, notably via investments (distribution of livestock guarding dogs, alert systems) and increased agro-environmental area payments for areas where the presence of large predators might prevent delivery of environmentally beneficial grazing practices.
- Member States should ensure that farmers have prompt and easy access to these EU funds and agree on a coordinated livestock strategy that takes the continued presence of large carnivores into account, instead of calling for decreasing the protection of carnivore species that have not yet reached a Favourable Conservation Status in many of their populations.
- Other stakeholder groups (e.g. game managers, national park directorates), as well as farmers, should be approached to ensure consensus-based coexistence. Management decisions can only be based on sound and reliable scientific data, in a participatory way with all the affected stakeholder groups.
- In recent years, numerous EU-funded projects have shown that coexistence with large carnivores is possible and has already been achieved in many regions in the EU. This issue is addressed in a study published by the European Parliament's Committee on Petitions,¹⁰ which presents the regulatory measures and effective techniques that have been developed and tested to minimise conflicts.

⁷ http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/index_en.htm

⁸ http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf

⁹ https://ec.europa.eu/info/news/amendments-state-aid-guidelines-agriculture-sector-better-address-damages-caused-wolves-and-other-protected-animals-2018-nov-08_en

¹⁰ [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2018\)596844](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2018)596844)

- The European Commission should provide financial support to the development of new and innovative tools to prevent conflict with large carnivores and increase tolerance and social acceptability also in specific contexts, which are associated with major challenges, like semi-domestic reindeer herding.
- The European Commission should continue to support stakeholder platforms/fora to promote dialogue, including at biogeographical level and within the framework of international Conventions and Agreements, to exchange experience, knowledge and co-operate in addressing conflicts between people and protected species.

In view of the above, we urge MEPs to direct their focus towards implementing the necessary mitigation and educational measures to achieve coexistence with large carnivores. It is also vital for the European Parliament to exert pressure on Member States to ensure that farmers and other affected stakeholders are easily able to apply for, and receive, swift financial compensation for any losses or damages they may sustain as a result of predation by large carnivores, as well as to fund any mitigation measures taken to prevent such damages from occurring.

Please do not hesitate to get in touch with us if you require additional information.

Yours faithfully,

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