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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the submission, on behalf of the European Union, of a proposal for the amendment of Appendices II and III to the Convention on the conservation of European wildlife and natural habitats and on the position to be adopted, on behalf of the Union, at the 44th meeting of the Standing Committee to that Convention

COUNCIL DECISION (EU) 2024/...

of ...

**on the submission, on behalf of the European Union,
of a proposal for the amendment of Appendices II and III
to the Convention on the conservation of European wildlife and natural habitats
and on the position to be adopted, on behalf of the Union,
at the 44th meeting of the Standing Committee to that Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on the conservation of European wildlife and natural habitats¹ (the ‘Bern Convention’) was concluded by the Union by means of Council Decision 82/72/EEC² and entered into force on 1 September 1982.
- (2) Pursuant to Article 17 of the Bern Convention, the Standing Committee to the Bern Convention (the ‘Standing Committee’) is able to adopt amendments to the Appendices to that Convention.
- (3) Pursuant to Article 17 of the Bern Convention, proposals for amendment are to be submitted at least two months prior to the meeting of the Standing Committee. The Union, as a Contracting Party to the Bern Convention, is able to propose amendments to the Appendices to that Convention.
- (4) In view of Recommendation No. 56 (1997) of the Standing Committee concerning guidelines to be taken into account while making proposals for amendment of Appendices I and II of the Convention and while adopting amendments, relevant considerations for listing species in the Appendices to the Bern Convention include ecological and scientific factors, such as conservation status, population trends and threats.

¹ OJ L 38, 10.2.1982, p. 3.

² Council Decision 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (OJ L 38, 10.2.1982, p. 1).

- (5) Article 2 of the Bern Convention sets out the objective of achieving a population level of wild flora and fauna which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements, and sets the broader context for measures taken by the Contracting Parties. That objective can be taken into account when proposing an amendment to the Appendices to the Bern Convention.
- (6) The conservation status of the wolf (*Canis lupus*) has shown a positive trend over the last few decades. The species has successfully recovered across the European continent, with a significant expansion of its range. Its population has reached significant levels, with estimated population levels for the Union having nearly doubled in 10 years, from 11 193 in 2012 to 20 300 in 2023. Reports indicate that population levels are continuing to increase across the continent. In spite of remaining threats to the wolf species, the successful recovery of its population and its increased range across the continent in recent decades are evidence of the strong adaptability and resilience of the species.
- (7) At the same time, the continued expansion of the wolf's range in Europe and its recolonisation of new territories have led to increasing socio-economic challenges with regard to coexistence with human activities. This is due, in particular, to harm to livestock, which has reached significant levels, affecting more and more regions and Member States, and beyond.

- (8) The most recent data on the population size from the 2022 assessment of the status of the wolf developed by the Large Carnivore Initiative for Europe for the Bern Convention and from the in-depth analysis of the status of the wolf in the Union from 2023 provide adequate evidence in support of adapting the protection status of the wolf under the Bern Convention.
- (9) Therefore, it is appropriate to adapt the protection level of the wolf species. The wolf species, which is currently listed in Appendix II to the Bern Convention, should be subject to the species protection resulting from a listing in Appendix III to the Bern Convention, in connection with Article 7 of that Convention.
- (10) The adaptation of the protection level of the wolf species would add flexibility to address the increasing socio-economic challenges relating to the wolf linked to the continued expansion of the wolf's range in Europe and its recolonisation of new territories.
- (11) As provided for in Recommendation No. 163 (2012) of the Standing Committee to the Bern Convention, adopted on 30 November 2012, on the management of expanding populations of large carnivores in Europe, Contracting Parties to the Bern Convention are encouraged to collaborate as appropriate with other states sharing the same populations, with the objective of keeping them healthy and maintaining a favourable conservation status. Such cooperation, involving coexistence and protection measures, remains necessary and relevant if the wolf species is listed in Appendix III to the Bern Convention.

- (12) Therefore, with a view to preparing for the 44th meeting of the Standing Committee, which is due to take place in 2024, the Union should submit a proposal to amend Appendices II and III to the Bern Convention by removing the wolf (*Canis lupus*) species from Appendix II and listing it under Appendix III. The Commission should communicate that proposal to the Secretariat of the Bern Convention.
- (13) It is also appropriate to establish the position to be adopted on the Union's behalf at the 44th meeting of the Standing Committee, as any decisions amending the Appendices to the Bern Convention will be binding on the Union.
- (14) The Union should support the proposed amendment to remove the wolf (*Canis lupus*) species from Appendix II to the Bern Convention and list it under Appendix III to that Convention,

HAS ADOPTED THIS DECISION:

Article 1

1. With a view to the 44th meeting of the Standing Committee to the Bern Convention (the ‘Standing Committee’), the Union shall submit a proposal to remove the wolf (*Canis lupus*) species from Appendix II (‘Strictly protected fauna species’) to the Bern Convention and add it to Appendix III (‘Protected fauna species’) to that Convention.
2. The Commission, on behalf of the Union, shall communicate the proposal referred to in paragraph 1 to the Secretariat of the Bern Convention.

Article 2

The position to be adopted on the Union’s behalf at the 44th meeting of the Standing Committee shall be to support removing the wolf (*Canis lupus*) species from Appendix II to the Bern Convention and adding it to Appendix III to that Convention.

Article 3

Refinement of the position referred to in Article 2 may be agreed to, in the light of developments at the 44th meeting of the Standing Committee, by the representatives of the Union, in consultation with Member States during on-the-spot coordination meetings, without a further decision of the Council.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President
