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NOTE

From: General Secretariat of the Council
To: Council

Subject: The re-evaluation of the Annexes of Habitats Directive as regards certain Large Carnivore Populations
- Information from the Finnish delegation, supported by the Austrian, Czech, Greek, Italian, Latvian, Romanian, Slovak and Swedish delegations

With a view to an 'Any other business' item at the Council ('Agriculture and Fisheries') on 23 January 2024, delegations will find in the Annex a note from the Finnish delegation on the above-mentioned subject.

The re-evaluation of the Annexes of Habitats Directive as regards certain Large Carnivore Populations**Note from the Finnish delegation, supported by Austrian, Czech, Greek, Italian, Latvian, Romanian, Slovak and Swedish delegations**

1. We recognize the positive developments in large carnivore populations within the European Union and remain committed to protecting and enhancing species biodiversity where necessary at both national and EU levels.
2. We warmly welcome the proposal by the Commission to change international status of wolves from 'strictly protected' to 'protected' based on new data regarding increased populations and impacts. This change should also be reflected in EU legislation, and the Annexes of the Habitats Directive should be revised accordingly. With an estimated number of 20.300 individuals in the 27 EU Member States in 2023¹, the wolf population has significantly increased, since the Habitats Directive was enacted in 1992, and no longer requires strict conservation measures.
3. Furthermore, in some regions, also other large carnivore populations, such as the brown bear and lynx populations in boreal biogeographic region, no longer require strict protection measures either.
4. In its resolution of 24 November 2022 on the protection of livestock farming and large carnivores in Europe (2022/2952(RSP)), the European Parliament stressed the importance of ensuring a balanced coexistence between humans, livestock, and large carnivores, particularly in rural areas. The Parliament highlighted the need to recognize that changes in population levels of certain species can lead to various environmental, agricultural, and socio-economic challenges.

¹ Blanco JC and Sundseth K (2023). The Situation of the Wolf (Canis Lupus) in the European Union – An In-depth Analysis. A report of the N2K Group for DG Environment, European Commission.

<https://op.europa.eu/en/publication-detail/-/publication/5d017e4e-9efc-11ee-b164-01aa75ed71a1/language-en/format-PDF/source-299076073>

5. These socio-economic challenges are evident in several Member States, and the impacts of certain large carnivores on rural communities and farming have been growing annually as specific populations of large carnivores have strengthened and expanded. These diverse, and in many cases negative, effects have been referenced in previous documents from the Agricultural Council (AOB). Particularly, farmers and rural regions are directly and indirectly negatively affected. For instance, this occurs through livestock taken by wolves and through direct and indirect economic damages. These damages may result in farmers either completely abandoning farming in certain areas, including but not limited to mountain herding areas, or feeling compelled to substantially shorten the grazing period.
6. The Parliament also recognized that the flexibilities provided by Article 2(3) of the Habitats Directive should be explored further.
7. In this respect, in accordance with Article 19 of the Habitats Directive, we call on the Commission to conduct regular assessments of scientific data. This will enable the adaptation of the protection status of species as soon as the desired conservation status is achieved.
8. It should be reiterated that Article 19 of the Habitats Directives explicitly provides for the possibility to adapt the Annexes of the Directive depending on the development of technology and science. The intention of the legislators has been to facilitate dynamic modifications to the Habitats Directive's Annexes when necessary. Additionally, Article 191(3) of the TFEU mandates that Union environmental policy consider scientific and technical information, along with environmental conditions in various regions of the Union.
9. The obligation included in Article 19 of the Habitats Directive is not a mere formality; it is a binding normative provision for the Commission. The purpose of this Article is to ensure that the Annexes of the Directive correspond to the actual situation regarding the conservation needs of each species or specific population of a species.

10. It should be highlighted that the overall objective of the Habitats Directive, namely to achieve and maintain the favorable conservation status of species, is not undermined if a species' population is transferred from Annex IV to Annex V. In this context, it is essential to note that Article 14 provides Member States with greater flexibility to ensure the preservation of a favorable conservation status.
11. Given that many large carnivore populations span multiple Member States, effective cross-border cooperation is crucial. This has been emphasized by the Large Carnivore Initiative of Europe (LCIE) in their document titled "Guidelines for Population Level Management Plans for Large Carnivores."
12. Recognizing that the necessary amendments to the Annexes might require time, flexibility in derogations from strict protection should be ensured based on the current circumstances.
13. Therefore, we urge the Commission to
 - collaborate with experts from the LCIE and the Member States to identify large carnivore populations that are in a favorable conservation status, enabling an adjusted protection status accordingly,
 - take the necessary legislative action to promptly transfer the identified populations from Annex IV to Annex V, and
 - update the Guidance Document on Strict Protection to increase flexibility in interpreting Article 16.
14. Furthermore, we invite all Member States sharing common large carnivore population to enhance regional cooperation on management, monitoring and research. This collaboration aims to establish a foundation for joint management strategies at population level and, where appropriate, joint management plans.