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European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Reassessing the conservation status of brown bear populations across Europe
- Information from the Romanian, Slovak and Finnish delegations

Delegations will find in the Annex an information note from the Romanian, Slovak and Finnish delegations on the above subject, to be dealt with under ‘Any other business’ at the Council (Environment) meeting on 25 March 2024.

Reassessing the conservation status of brown bear populations across Europe

- Information by the Romanian, Slovak and Finnish delegations –

1. We acknowledge the positive impact of the Habitats Directive since it was enacted in 1992 on the evolution of large carnivores, including brown bear populations, within the European Union and remain committed to take the measures necessary to protect and improve their conservation status at EU level.
2. We appreciate the proposal of the Commission to change the international status of wolves from ‘*strictly protected*’ to ‘*protected*’ based on European-wide data showing stable and even increasing populations. This requires the update of EU legislation and the revision of the Annexes of the Habitats Directive.
3. However, brown bear populations have been increasing to stable levels (i.e., 15,000 – 16,000 individuals on EU¹), especially the population present across the Carpathian Mountains (Romania, Slovakia and Poland) which amounts for about half of the European population. Presently, the Romanian population alone is estimated to range from 6,400 to 7,200 bears.
4. The European Parliament, in its resolution on the protection of livestock farming and large carnivores in Europe (2022/2952(RSP)²), emphasized the importance of creating a balanced coexistence between humans, livestock and large carnivores, especially in rural areas. The Parliament highlighted that environmental and socio-economic challenges can be generated by increasing population levels of large carnivores.

¹ <https://www.lcie.org/Largecarnivores/Brownbear.aspx>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022IP0423>

5. These socio-economic challenges are noticeable in several Member States, as the strengthened and expanding populations of brown bears have led to a growing impact on rural communities and livestock farming. In Romania alone, 240 bear attacks on people have been reported over the period ranging from 2004 – 2021, which resulted in 22 human beings killed by bears.
6. The increasing interactions between human activities and bears required the establishment of a compensations scheme to make up for the losses incurred by the affected farmers. In this respect, the Romanian Ministry of the Environment paid 6.2 million EUR in compensations over the last 6 years (i.e., 2017 – 2022).
7. The European Parliament also recognized that the flexibilities provided by Article 2(3) of the Habitats Directive should be explored further.
8. In this respect, according to Article 19 of the Habitats Directive, we call on the Commission to conduct European-wide assessments of scientific data on the conservation status of various brown bear populations across the EU.
9. Article 19 of the Habitats Directive explicitly provides for the possibility to adapt the Annexes of the Directive based on the advancement of technology and science. The intention of the legislative body was to allow for the dynamic adjustment of the Habitats Directive's Annexes when necessary. This will enable the adjustment of the protection status of species as soon as the conservation status is favourable.
10. The obligation stated in Article 19 of the Directive is not a mere formality; it is a binding legal provision which has the purpose to ensure that the content of the Annexes to the Directive corresponds to the current situation regarding the conservation status of each species or specific population of a species.

11. We emphasize that transferring a species or the population of a species from Annex IV to Annex V will not undermine the overarching objective of the Habitats Directive, that is to achieve and maintain a favourable conservation status of the species. In this context, it is essential to note that the provisions of Article 14 of the Directive provide the tools necessary to ensure the preservation of a favourable conservation status.
12. Therefore, we urge the Commission to:
 - collaborate with experts from the Large Carnivore Initiative of Europe and the Member States to identify brown bear populations that are in a favourable conservation status, enabling to update its 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 of the Directive.
13. Furthermore, we invite all Member States sharing common brown bear populations to intensify 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.

