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NOTE

From:	General Secretariat of the Council
To:	Working Party on the Environment

Subject:	Request submitted by Gesellschaft zur Schutz der Wölfe e.V for internal review under Article 10 of Regulation (EC) 1367/2006 on the Directive (EU) 2025/1237 of the European Parliament and of the Council, of 17 June 2025, amending Council Directive 92/43/EEC as regards the protection status of wolves – Courtesy translation
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Delegations will find attached a courtesy translation of the requested on the above-mentioned subject, as received from Gesellschaft zur Schutz der Wölfe e.V [Society for the Protection of Wolves e.V.], issued as document ST 15686/25.

E-MAIL

Kerstin Kühn
lawyer

TM 8207 Z025
13-08-2025

RAin Kühn * Henrich-Roller-Straße 19 * 10405 Berlin

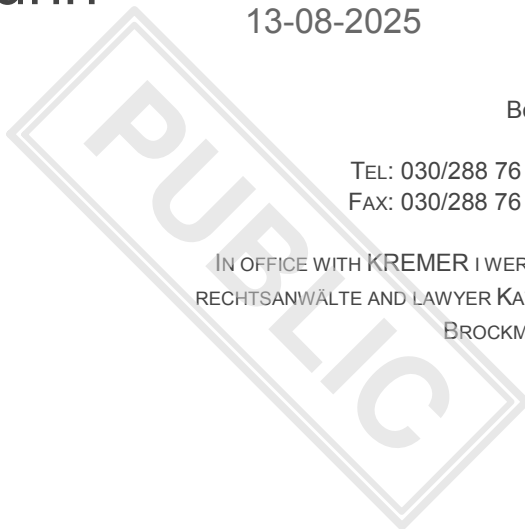
Berlin

Council of the European Union Rue de la
Loi/Wetstraat 175 B-1048
Bruxelles/Brussel
Belgium

Heinrich-Roller-Straße 19 10405

TEL: 030/288 76 783
FAX: 030/288 76 782

IN OFFICE WITH KREMER | WERNER
RECHTSANWÄLTE AND LAWYER KATRIN
BROCKMANN



WEDNESDAY 13 August 2025

Review of **Directive (EU) 2025/1237** of the European Parliament and of the Council of 17.6.2025 amending Council Directive 92/43/EEC as regards the protection status of wolves

Application for review under Article 10 of Regulation (EC) No 1367/2006

Dear Sir or Madam,

I represent the Gesellschaft zur Schutz der Wölfe e.V., a non-profit and legal association under German law, which is recognised under German law as an environmental association for the purpose of bringing legal proceedings within the framework of its statutory purpose, in particular for the protection of the wolf, pursuant to § 3 Umweltrechtsbehelfsgesetz (Environmental Law Appeals Act).

The association has been actively working for years through educational work, politically and legally for the protection of the wolf and for the promotion of the coexistence of man and wolf. It has its registered office in Wetzlar and is kept in the register of associations at the local court there. The first chairman Nicole Kronauer is entitled to represent the company. The business premises are located at Nieberdingstr. 23, 45147 food. The documents proving the conditions laid down in Article 11 of Regulation (EC) No 1367/2006 and the power of attorney to which I am entitled, as well as the proof that I have been charged as a lawyer, are attached as Annexes A.01 to A.08.

In the name and on behalf of my client, I request

review Directive (EU) 2025/1237. The review should be carried out as a matter of urgency and should conclude that this act is unlawful. I therefore request that it be annulled or that the necessary procedure be initiated.

Mail: rechtsanwaeltin@kerstin-kuehn.de

Office hours: Mon - Fri 10 am - 3 pm

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A. Facts

The natural distribution area of the wolf is the entire northern hemisphere, see attached map (Annex A.II). In many European countries, including Germany, the wolf was exterminated by humans. The wolf has lost more than 50% of its original habitat in Europe as a result of expulsion by humans.

As an apex predator and key species, the wolf plays a **central role in the ecosystem**. The wolf influences the population density of its prey animals (e.g. deer, wild boar), the behaviour of the prey animals (e.g. space avoidance, feeding pressure on vegetation) and the entire ecosystem, e.g. via trophic cascades. As a result, it structures landscapes, promotes biodiversity. Removing it from an ecosystem results in significant changes in species composition, vegetation structures, trophic structure and ecosystem processes.

The wolf is therefore essential for the functioning and stability of ecosystems. Studies from the USA and Germany prove the influence of the wolf. However, further research is needed (Gerber et al. 2024, Annex A.12).

The regulation of prey, in particular herbivores, and changes in the behaviour of prey due to the presence of wolves significantly reduces the pressure on vegetation, which has been shown to **lead to the restoration of a damaged ecosystem**. In a North American National Park (NP) it is scientifically proven that the reintroduction of wolves had clearly positive effects, e.g. on willow trees (Ripple et al. 2025, Annex A.13). The Wapiti (*Cervus canadensis*) is the most common prey of the wolf in this NP. The great herbivores had literally eaten the landscape bare. There was an overpopulation of wapitis because the natural regulator, the wolf, had been flushed out. The resettlement of the wolf in the NP led to a decline in the population of the Wapiti and to changes in their behavioural patterns. This triggered the so-called trophic cascade, from which further species subsequently benefited, e.g. due to the recovery of vegetation on river banks beavers returned, the population of bears recovered due to more available berries, but also songbirds, amphibians, fish and insects benefited from more structural landscapes (see also Blanco & Sundseth 2023, p. 40, Annex A.14 with further evidence).

In Germany (Saxony-Anhalt and Bavaria), an improvement in the condition of the untreated forests was demonstrated due to the reduction of the damage caused by bites caused by wild animals, which led, inter alia, to savings in costs for the protection of tree seedlings (Schumann 2022, Annex A.15; Van Beek Kalkoen et al. 2022, Annex A.16). The potential ecological benefits of reintroducing wolves in Scotland, particularly in terms of the extent of forest land, have recently been scientifically modelled and quantified (Spracklen et al. 2025, Annex A.17; Wojcicki & Borowski 2023, Annex A.18; Wenting et al. 2024, Annex A.19).

Wolves prefer to hunt weaker and sick wild animals and thus contribute to **the health and fitness of the wild animal stands**. This prevents the spread and transmission of diseases and diseases, such as tuberculosis and African swine fever, including to farmed animals (Blanco & Sundseth 2023, Annex A.14, p. 42 with further evidence).

Granting the wolf its ecological function strengthens the resilience of ecosystems. For example, the potential of forests as natural **CO₂ sinks** is increased. This makes an important contribution to climate protection. The positive effect of wolf presence

has only recently been scientifically studied; Reliable quantifications are so far rare and are still at the beginning of research (for Scotland Spracklen et al. 2025, Annex A.17). It can be assumed that wolves play a not to be underestimated role in the fight against climate change. More recently, science is increasingly focusing on studying the role of wildlife in the capacity of ecosystems as carbon sinks and calls for this potential to be actively exploited (Schmitz et al. 2023, Annex A.20).

The positive effects of the ecological function of the wolf also bring considerable economic benefits, for example with regard to forestry, the containment of animal diseases and the reduction of CO₂ emissions. These benefits have so far only been partially quantified and are usually not taken into account in the debate on the costs of herd protection measures and compensation payments for livestock damage.

The reduction of bite damage, in addition to other forestry benefits (cf. Blanco & Sundseth 2023, p. 41 below, Annex A.14), can lead to significant savings in the construction and maintenance of crop fences (Schumann 2022, Annex A.15).

The selection of weak and sick wild animals by the wolf, in addition to ecologically significant **savings for the control of animal diseases**. For example, in contrast to many wolves, the rate of tuberculosis in wild boars is drastically lower than in non-wolves countries (Blanco & Sundseth 2023, Annex A.14, p. 42, using the example of Spain). In the Spanish region of Asturias, for example, the annual cost of compensation payments for farm animal attacks is one quarter of the financial resources needed (excluding wolves) to combat tuberculosis at Rindern (Blanco & Sundseth 2023, Annex A.14, p. 42 with further evidence). Similar effects can be observed for African swine fever (Blanco & Sundseth 2023, p. 42 with further evidence).

Due to the change in the behaviour of wild animals due to the presence of wolves, **wild accidents are also greatly reduced**, which leads to great economic savings and more safety in road traffic (Di Bernardi et al. 2025 with further supporting documents Annex A.21, including Blanco & Sundseth 2023, p.42 with further supporting documents).

In the course of the 19th and early 20th centuries, the wolf disappeared in large parts of Europe, mainly as a result of direct human factors such as systematic hunting and habitat loss. In the 1960s and 1970s, the wolf population was lowest (cf. Deint et al. 20131). Since about 1980, the wolf has been slowly spreading again. The return of the wolf is regarded as a great success of species protection and, in addition to improvements in habitat quality, it is above all the strict protection of the species by the Berne Convention since 1979 and by Directive 92/43/EEC, which transposes the Convention into EU law (hereinafter: FFH-RL).

The conflict between great raptors such as the wolf and humans dates back to the beginning of human sedentariness and the associated domestication of animals (Linnell & Cretois 2018, p. 9, Annex A.23) and has since been relevant again in the regions where the wolf has always been present, and in the regions where the wolf has been exterminated and is present again. The conflict is triggered by the inheritance of (mostly unprotected) farm animals of humans, especially sheep and goats, and more rarely also of calves, horses and domesticated reindeer, by wolves (and other large

1 Available at <https://www.rewildingeurope.com/wp-content/uploads/publications/wildlife-comeback-in-europe/html5/index.html?page=1&noflash>

predators). There is also a fear of wolves in the population. Among these are cultural and historical prejudices, attitudes towards the role of humans in the environment, a political tension between rural and urban areas that exists in many places and major political issues independent of the wolf (Petridou & Kati 2025, Annex A.24, Di Bernardi et al. 2025, p. 6, Annex A.21). However, social conflicts around the wolf do not necessarily occur, even in areas where a similar number of farm animals are torn, and can be very different in intensity (Di Bernardi et al. 2025, Annex A.21, p. 6, with further evidence). In a study prepared for the Commission, Blanco & Sundseth 2023, Annex A.14, p. 65 write:

"It is often said that conflicts between wolves and people are in the end conflicts between people and people. These conflicts often disclose unmet social and psychological needs, including Status and recognition, dignity and identity, and unveil deeper antagonism between rural and urban areas, between modern and traditional values, or between different political positions. Stakeholder participation processes can be very useful to address these conflicts (Marchini 2014; Madden and McGuinn 2014; Linnell and Cretois 2018; von Hohenberg and Hager 2022)."

The positive ecological and economic effects of the wolf were already pointed out above. In addition, there are potentials of ecotourism in connection with the wolf (Di Bernardi 2025, Annex A.21, with further evidence). These positive effects have so far hardly been audible in public and political discourse. In contrast, the costs of protection measures and losses of livestock or the costs of state compensation for these losses are always mentioned and often cited as a reason against the use of herd protection measures.

Conservation status of the wolf in Europe and the EU

There are ten wolf populations in Europe, one of which, the population of the Sierra Morena in Spain, has become extinct in recent years (Di Bernardi et al. 2025, Annex A.21, with further evidence, Boitani et al. 2022, Annex A.25, p. 17).

The European wolf population can be neglected as a metapopulation with **nine or ten subpopulations**, which have a very different degree of interconnection with each other (Boitani et al. 2022, Annex A.25, p. 17).

The FFH reports of the EU member states according to Art. 17 FFH-RL for the period of 2013-2018 are the last available such reports. The reports for the reporting period 2019-2024 had to be submitted by the member states on 31 July 2025. The data are not yet visible in Article 17 webtool.

For the period **2013-2018**, assessments of the conservation status of the wolf were made for 39 national parts of the EU biogeographical regions. The conservation status was indicated in **18 parts of biogeographical regions as favourable (FV)**, in **16 as unfavourable-unreasonable(UI)** and in **three as unfavourable-bad (U2)** and in **two as unknown (XX)**.

At the level of the member states, five member states rated the conservation status of the wolf in their state as **favourable (FV)**. For Sweden, however, contrary to the information provided by the

Member States have clearly demonstrated through several independent scientific studies that the population of the **wolf (Canis lupus) is not in a favourable conservation status and is to be classified as threatened with extinction** (Smeds & Ellegren 2022, Anlage A.26, Hansen et al. 2011, Annex A.27).

For **2022**, the number of wolves in the **EU** was estimated at **around 19,000** and in Europe (excluding Belarus and the Russian Federation) at 21,500 (**Boitani et al. 2022**, Annex A.25, p. 17). The scientists point out that the number is only an estimate and that the collection of data in the national reports on which the estimate is based,

among other things, is not standardised in accordance with Article 17 of the Habitats Directive and that there are large differences in methodology and quality (Boitani et al. 2022, Annex A.25, p. 2, p. 17. National surveys do not always reflect populations, which often extend across several countries and are actually the basis of ecologically reasonable assessments (Boitani et al. 2022, Annex A.25, p. 2).

The report does not give an assessment of the conservation status of the wolf within the meaning of Article 1(i) of the Habitats Directive in Europe or at any other geographical level. On the contrary, the report sets out the degree of risk to the wolf on the basis of the criteria set out in the Red List of the International Union for Conservation of Nature ('the Red List'). IUCN) is evaluated.

In 2022, according to Boitani et al (2022), Annex A.25, p. 17, the European metapopulation and also the metapopulation at EU level were classified as 'least concern' according to the criteria of the IUCN Red List. According to Boitani et al (2022), Annex A.25, p. 17, the subpopulations were to be classified as follows:

- Iberian population: Potentially endangered (near threatened)
- South Spanish population (Sierra Morena): Extinct (extinct)
- Western-central Alpine population: Potentially endangered (near threatened)
- Italian population: Potentially endangered (near threatened)
- Dinaric-Balkan population: not endangered (least concern), but with the hint that several of the countries had reported a decrease in wolf numbers and partly poor management was to be observed and a poor data basis was available (Boitani et al. 2022, Annex A.25, p. 23)
- Carpathian population: not endangered (least concern)
- Baltic population: not endangered (least concern)
- Central European population: Potentially endangered (near threatened)
- Karelian population: Potentially endangered (near threatened)
- The Scandinavian population: Endangered (vulnerable)

This assessment was made on the basis of the protection status at that time (according to Annex IV of the Habitats Directive in most countries, in some under Annex V).

An assessment of the risk level according to the IUCN Red List by biogeographical region is according to Boitani et al. 2022, Annex A.25, not well possible and not meaningful because the regions are not consistent with the populations of the wolf (pp. 22 et seq.). Nevertheless, if an assessment were carried out for 2022, the conservation status would be assessed as critically endangered or endangered in the Arctic and Black Sea regions, vulnerable in the Pannonian and Atlantic regions, and non-least concerned in the other biogeographical regions Boitani et al. 2022, Annex A.25, p. 23. Boitani et al. point out that monitoring and management should also be carried out in a coordinated manner within the framework of binding international cooperation at the level of the wolf populations and not, as before, at the level of the member states without formal cooperation with each other (Boitani et al. 2022, Annex A.25, p. 23).

As threats to the wolf, Boitani et al. 2022, Annex A.25, p. 24, in particular the new border fences in eastern Europe and the fences for the control of African swine fever in eastern and central Europe, which due to their interconnectedness prevent the effects on several wolf populations in eastern and central Europe from becoming more and more severe (see also Nowak et al. 2024, Annex A.28, Di Bernardi et al. 2025, Annex A.21).

The study commissioned by the Commission published in December 2023 (Blanco & Sundseth, 'The Situation of the Wolf (canis lupus) in the European Union. An In-Depth Analysis', Annex A.14) **estimated that around 20,300 wolves lived in the EU in 2023**. The figures are based on the report by Boitani et al. 2022, Annex A.25, from replies to a public information collection launched by the Commission in September 2023 and from

data from regional and national authorities, official websites and scientific literature and discussions with national experts. The data were ultimately verified by the national authorities (Blanco & Sundseth 2023, p. 26). The authors describe this result as slightly higher than that of Boitani et al. In 2022, an estimated 19,000 wolves (although Blanco & Sundseth without explanation do not refer to those of Boitani et al. In 2022, an estimated 19,000 wolves, compared to 19,400 wolves).

The trend of populations at Member State level was also estimated and reported in most as increasing, in some as lightly increasing and in some as fluctuating or stable (see table at Blanco & Sundseth, p. 27 et seq.). Blanco & Sundseth (p. 26) point out that there is no consistent or uniform approach to assessing trends and that it is therefore difficult to identify an overall trend. In particular, it is crucial to determine which period of time is used for the comparative assessment of a trend. This varies from Member State to Member State between one and ten years (p. 26). Bernardi et al. 2025, Annex A.21, indicate that a decrease in local or national wolf populations can only be detected in a timely manner through close monitoring carried out in accordance with the highest scientific standards (Di Bernardi 2025, Annex A.21, p. 5, Kramer-Schadt et al. 2024, p. 5, Annex A.30).

The study by Blanco & Sundseth has been criticised for the fact that the data collected are not comparable and not objective and that the study has not been peer-reviewed by other scientists before publication, as is necessary and customary for scientific work (Fisher & Randi 2025, Annex A.31).

The **conservation status of the wolf for 2023 within the meaning of Article 1(i) of the Habitats Directive** at European or other geographical level **was not determined in the study**. Blanco & Sundseth refer only to the results of the National Reports under Article 17 of the Habitats Directive for the period 2013-2018.

In 2024, the German Federal Agency for Nature Conservation (BfN) published a large population risk analysis for the wolf as a basis for deriving the reference value for the favourable overall population (Kramer-Schadt et al. 2024, Annex A.30). In of the study, various scenarios are simulated with regard to the future population development of the wolf in Germany. The study concludes that even if the probability of survival is reduced by 21%, there is a high probability of extinction if further effects, such as reduced reproduction or epidemics, occur (p. 49, 51). It is also noteworthy that it was found that the actual settlement of the conceivable territories in Germany is slower than was predicted by means of the simulation. This may indicate that the probability of survival is already deteriorated (p. 60). The study also points out that for all simulation runs in which the population was also highly likely to die out, the populations have a demographical buffer or surplus of several years due to the high survival probabilities of the previous 15 years, in which the population appears to continue to increase in cash (p. 53). A decline in the population is therefore only recognizable in time with close monitoring.

The Commission has also commissioned a study on how to establish reference values for the assessment of favourable conservation status (Linnell & Boitani 2025, Annex A.33).

On 31 July 2025, Member States had to send their national reports under Article 17 of the Habitats Directive to the EU Commission for the period 2019-2024. These current conservation status assessments have not yet been published by the European Environment Agency.

The reports of the conservation status for the reporting period **2019-2024** were over shadowed by the downgrading of the protection status and the thereby reinforced efforts to hunt the wolf (as quickly as possible). The background of the report for **Germany** is illustrated here as an example. First of all, it should be noted that Germany has assessed the conservation status not at the level of the entire Member State, but at the level of the (parts of) biogeographical regions. The conservation status has been classified as 'favourable' for the (German) Atlantic region and 'unknown' for the (German) Continental region. The latter is based on the fact

that the Bundesamt für Naturschutz (Federal Agency for Nature Conservation, BfN) had submitted the entry- 'unfavourable-bad', but that this notification was not capable of majority voting in the competent body (Krumenacker 2025, Annex A.29). Therefore, contrary to the technical assessment of the BfN, it was decided to give the assessment 'unknown'. From then on, an annual assessment is to be made so that, if necessary, a favourable conservation status can be determined earlier than the next FFH report. The current status is not unknown. Compared with many other Member States, there are very good monitoring data² and scientific foundations on how the conservation status can be determined using a scientifically determined reference value for the favourable conservation status (Kramer-Schadt et al. 2024, Annex A.30, Bijlsma et al.

20193 and the Guidelines on concepts and definitions of the European Environment Agency⁴). The assessment as 'unfavourable-bad' by the Federal Office for Nature Conservation (BfN) was based - as far as can be seen - on the application of the correct data and parameters. The future reporting of the state of conservation, on the other hand, will in all likelihood be based on the foundations currently being worked on, which are not scientific, but **political compromises**. Similar political influences are likely to have taken place in other Member States.

Conflicts of coexistence

Coexistence conflicts between humans and wolves mainly affect livestock, and are also prominently afraid of wolf attacks on humans. However, as described at the outset, there are deeper social divisions behind these coexistence conflicts, which lead to the fact that the meaning of the real conflict does not coincide with the "felt" and sometimes highly politicized conflicts.

The way in which livestock damage is determined and quantified in the Member States varies greatly (see also Blanco & Sundseth 2023, Annex A.14, p. 44). All data are therefore only very approximate figures.

In 2018, the Commission commissioned a study on the impact of the presence of wolves and other large predators on rural areas in Europe (Linnell & Cretois 2018, Annex A.23). The study highlights that the conflict between large prey geese and humans around farm animal attacks dates back to the beginning of human sedentariness and the associated domestication of animals (p. 9). Sheep are most often affected, followed by goats. Every year, around 20,000 sheep in the EU, equivalent **to about 0.06% of sheep**, are torn by wolves; this is an overestimation, however, because the usual number of sheep kept does not include lambs and as a result more sheep are kept overall than those on which the invoice/estimate is based (Linnell & Cretois 2018, Annex A.23, p. 44). However, the local distribution of the crack events is very different, which is inter alia, but not only, related to the application of herd protection measures (Linnell & Cretois 2018, Annex A.23, p. 44).

According to Boitani et al. In 2022, Annex A.25, p. 11, there are approximately 40,000 farm animal attacks per year in Europe (including non-EU).

In a reply of 7 March 2023 to European Parliament Recommendation P9_TA(2022)0423 (Annex A.34), the Commission relied on the assessment of Linnell & Cretois (2018) and assumed an average annual concern of 0.06% of sheep (Reference No 2022/9252 (RSP) / B9- 0503/2022/P9_TA(2022)0423, p. 2, Annex A.35).

In its 2023 study for the Commission, Blanco & Sundseth estimated that approximately 65,000 farm animals

Available at https://www.dbb-wolf.de/Wolf_occurrences/territories/map-of-territories as well as https://www.bfn.de/data-and-facts/wolf_occurrences_in_Germany

³ Available at https://www.researchgate.net/publication/331063602_Definingand_applying_the_concept_of_Favourable_Reference_Values_for_species_and_habitats_under_the_EU_Birds_and_Habitats_Directives

⁴ Available at https://cdr.eionet.europa.eu/help/habitats_art17

would be torn each year, including 73% sheep and goats, 19% cattle and 6% horses and donkeys, and semi-domesticated reindeer in Finland and Sweden (Blanco & Sundseth 2023, Annex A.14, p. 45). The number is higher than that of Boitani et al. Estimated in 2022. The increase is partly attributed to significantly increased reports of cracks in Spain by over 3,000 cracks (2022 compared to 2020), which is associated with the introduction of compensation services for cracks (Blanco & Sundseth 2023, p. 45). As regards sheep, they estimate that **0.065 % of the approximately 60 million sheep in the EU** would be torn by wolves (p. 52) and refer to this as 'very similar figure to that previously estimated by Linnell and Cretois (2018)'. You are reviewing: *On a large scale, the overall impact of wolves on livestock in the EU is very small.* However, they also point out that the locally very different distribution can generate strong local pressure. Cracks could have difficult-to-measure indirect economic and emotional consequences for affected animal owners (p. 52). Blanco & Sundseth point out that unprotected grazing animals make up the majority of torn animals (p. 52), that there are large differences in the EU and that in some areas few large predators caused many cracks, but elsewhere many predators caused few cracks, that crack numbers are lower in areas where large predators were continuously present, and that the availability of wild prey, the characteristics of the landscape and herd protection measures would affect the incidence of cracks (p. 53).

An increase in the number of wolves does not directly correlate with an increase in livestock kills (Di Bernardi et al. 2025, Annex A.21, p. 6). **No clear correlation was found between the number of wolves in an area and the number of farm animal attacks** (Di Bernardi et al. 2025, Annex A.21, p. 6; Reinhardt et al. 2023, Annex A.36, p. 235, including Blanco & Sundseth 2023, Annex A.14, p. 53). Rather, in the case of the new or repopulation of areas by the wolf, the number of farm animal attacks typically increases and then decreases again in connection with the implementation of herd protection measures (Di Bernardi et al. 2025, Annex A.21, p. 6 with further evidence). In areas where the wolf has always been present, farm animal attacks are rarer relative to the number of wolves. Even with increasing numbers of wolves, crack numbers do not necessarily go up, but rather they can be reduced by protection even with increasing numbers (Singer et al. 2023, Annex A.37). In Germany, the number of farm animal attacks decreased in 2024 compared to the previous year (DBBW report for 2024, page 2, Annex A.40).

Reinhardt et al. In 2023, Annex A.36, the scientific evidence on the relationship between the number of wolves and the number of farm animal attacks is summarised as follows (p. 235):

9.3 More wolves - more livestock damage?

*This question is not new and has been discussed intensively in the scientific literature for the last 25 years. **There is no simple correlation between the extent of livestock damage, the number of wolves and the number of sheep** (Kaczensky 1996; Gervasi et al. 2020). For some large carnivores, a correlation between livestock damage and predator density has been demonstrated, for others not (Herfindal et al. 2005; Hobbs et al. 2012; Mabile et al. 2015; Widman and Elofsson 2018; Dalerum et al. 2020). Damage from large carnivores is highly contextual.*

*Often factors other than the size of regional large carnivorous and livestock herds determine the extent of the damage (Dalerum et al. 2020). One factor may be the livestock density in grazing (Grilo et al. 2019; Pimenta et al. 2018), another, whether major carnivores occur only sporadically or regularly in an area (Widman and Elofsson 2018; Mayer et al. 2022). Food supply can also play a role. If wild ungulates are rare, the incentive for wolves to use livestock as a source of food is particularly high. **In the first place, however, the size of the sheep is mainly related to how well or poorly farmed animals are protected against attacks** (Kaczensky 1996; Steel et al. 2002; Gula 2008; Blanco and Cortes 2009; In Bert et al. 2016; Linnell and Cretois 2018; Pimenta et al. 2018; Kirilyuk and Ke 2020; Mayer et al. 2022). This is especially true for smaller livestock species such as sheep and goats. In areas where wolves are increasingly attacking larger livestock such as cattle and horses, this is also the case (Alvares et al. 2014; Pimenta et al. 2017; BfN and DBBW 2019). Where wolves have always been present and herd protection*

has traditionally been part of good professional practice, the level of damage is therefore often lower than in areas to which they have only returned in recent decades (Gervasi et al. 2021)."

Other causes of death, such as diseases, accidents or attacks by crows, eagles, dogs, etc., are more common in sheep and goats than attacks by large predators (Linnell & Cretois 2018, Annex A.23, p. 69).

In many member states of the EU, farmers are financially compensated for losses of farm animals, among other things, with funds from the EU.

The **efficiency of non-selective killings of wolves to reduce farm animal attacks is not scientifically proven unless** populations in a larger perimeter would be greatly minimised, but this is not possible due to legal requirements to achieve or maintain a favourable conservation status and a lack of social acceptance and is associated with high costs (Linnell & Cretois 2018, Annex A.23, p. 10, p. 66, Di Bernardi 2025, Annex A.21, p. 6, with further evidence, similar to Blanco & Sundseth 2023, Annex A.14, p. 10, p. 69 et seq.). If, contrary to these concerns, many wolves are killed, a territory is usually quickly and partially occupied by more than one juvenile. Therefore, such non-targeted killings would have to be recovered year after year (Linnell & Cretois 2018, Annex A.23, p. 10, p. 66, so also Blanco & Sundseth 2023, Annex A.14, p. 70). There is further evidence that killings can even increase the frequency of farm animal attacks (Fernandez-Gil et al. 2016, Annex A.38, Santiago-Avila et al. 2018, Annex A.39). The killing of a parent with puppies can lead to the undesirable side effect that the remaining parent increasingly attacks farm animals, cf. Reinhardt et al. 2023, Annex A.36, p. 242f:

'Can the withdrawal cause undesirable side effects?

Possible undesirable side effects of a shoot-down should be considered, especially if this causes a change in the pack structure. If it is a parent animal that cares for puppies, the shot will increase the pressure on the remaining parent animal to provide sufficient food for the puppies. The remaining parent will try to get as easily available food as possible. As a result, in an area with unprotected sheep, the

The probability that the shooting will even increase the damage (Fernandez- Gil et al. 2016, Fabbri et al. 2018)."

The European Commission's Guide to the Strict System of Protection for Species of Community Interest under the Habitats Directive⁵ (hereinafter: Commission Guide), p. 119, summarises the state of research on this subject as follows:

"There does not appear to be any solid evidence that farm animal attacks are effectively contained by the shooting of wolves. Some studies have concluded that the hunting or killing of wolves appears to show less activity than herd protection measures (van Eeden et al., 2018; Santiago-Avila et al., 2018) and could even lead to an increase in livestock attacks and conflicts (Wielgus and Peebles, 2014; Fernandez-Gil et al., 2016), which could be related to a disruption of pack structures by the shooting down."

The case of Norway, where exceptionally high numbers of cracks in unprotected weeds have long been documented despite an extremely high shooting rate, confirms the inefficiency of hunting and non-targeted killings for the protection of farm animals (Linnell & Cretois 2018, Annex A.23, p. 10, p. 66). Linnell & Cretois conclude (p. 66):

"Therefore, large scale application of unselective lethal control is a controversial method with very uncertain benefits (for sheep losses) and potentially undesirable side effects."

Blanco & Sundseth also reached a similar conclusion in their 2023 study for the Commission (Annex A.14). It states on p. 10:

"Evidence in North America show that lethal control reduced damage to livestock only when it was intense enough to reduce wolf populations over large areas. In France, the research conducted to assess the effects of targeted culling on wolf depredations was inconclusive."

On page 69, Blanco & Sundseth (Annex A.14) write, among others:

"When lethal control is aimed at reducing wolf depredations, at best, only solves conflicts temporarily, unless the wolf population is exterminated or severely reduced over large areas (Bradley et al. 2015; Linnell and Cretois 2018). Where wolves are killed, their territories will usually be almost filled y other wolves and it will be necessary to continue killing wolves year after year."

After a presentation of various partly contradictory studies, Blanco & Sundseth conclude that non-selective killing (e.g. hunting) of wolves does not seem to reduce farm animal attacks (Annex A.14, p. 70):

"In summary, the research on targeted wolf culling carried out in Europe is inconclusive, and non-targeted culling (i.e., hunting) does not seem to reduce wolf depredations on

⁵ Available at <https://op.europa.eu/en/publication-detail/-/publication/al7dbc76-2b51-llec-bd8e-01aa75ed71al/language/en>

livestock unless it is carried out with such intensity that it effectively reduces the density of wolves over large areas. However, this type of hunting may not be compatible with the Habitats Directive and is socially rejected by much of the public in Europe."

Reinhardt et al. In 2023 (Annex A.36), the state of research on the efficiency of hunting for the reduction of farm animal attacks is summarised as follows (p. 238):

"Attempts to reduce livestock attacks by means of a wolf kill rate have been made in several countries. Looking at the wolf-caused livestock damage in Europe, it is not apparent that in countries where the wolf is hunted, the damage is lower than in those where this is not the case (compare data in Linnell and Cretois 2018). Fernandez-Gil et al. (2016) showed for the Spanish province of Asturias that legal killings did not reduce the damage to livestock caused by wolves. In a comparison of the various wolf management systems in Spanish provinces and the level of livestock damage, there was also no indication that livestock damage would be reduced in the provinces with hunting. The size of the wolf population was also not decisive for the extent of the damage. Much more decisive was the way the animals were kept (Blanco and Cortes 2009). In Slovenia, a certain number of wolves were released for shooting each year, with the declared aim of reducing livestock attacks. However, even after 15 years, the desired effect could not be established (Krofel et al. 2011). This is also shown by Linnell and Cretois (2018) in a comparison of livestock damage between Norway and Sweden: Per capita, a wolf kills Norway about 40 times as many sheep as in Sweden - even though only 7% of the Norwegian sheep population is kept within the wolf area there. In Sweden, more than 50% of sheep herds are located within the wolf area. The main difference is that Swedish sheep are kept behind fences (usually behind electric fences), while Norwegian sheep graze freely and unprotected. (...)"

In summary, Reinhardt et al. 2023, Annex A.36, p. 244 (emphasis added):

*"Although large carnivores are traditionally killed in many parts of the world with the aim of preventing attacks on farm animals (Treves 2019), there is **no scientific evidence that this significantly reduces the damage, unless the wolf population is drastically reduced or completely wiped out** (Bjorge and Gunson 1985; Musiani et al. 2005; Krofel et al. 2011; Linnell and Cretois 2018). A general hunting of wolves without exterminating them on a large scale is obviously not a suitable means to reduce livestock damage in Germany. Killed wolves will quickly be replaced by reproduction or new immigrants, and these wolves will also discover and use unprotected grazing animals as a source of food if appropriate herd protection measures are not implemented.*

Also the frequently expressed idea of keeping certain areas free of wolves (BSZ 2017; Bauernbund Brandenburg 2018; CDU/CSU 2018), is not effective in reducing livestock attacks. First, this is currently inconsistent with the legal situation (Trouwborst 2018). Second, migrating wolves can also cause significant sheep in unprotected grazing animals (Imbert et al. 2016; Mayer et al. 2022).

This is also shown by data from Germany (compare DBBW 2016-2020; NLWKN 2021; Mayer et al. 2022}. The level of damage may remain correspondingly high in such an area, even if continuous shooting prevents the settlement of wolves."

The suitability of **selective killing** of wolf individuals or packs that tend to attack farm animals to reduce farm animal attacks has also not been scientifically proven in the short, medium or long term. In addition, in practice, it is hardly possible to identify the harm-causing wolf when it is shot down. So far, not a single harm-causing wolf has been shot in Germany. On the basis of the exemption permits, «wrong" wolves were accidentally killed in each case.

In the short term, the question arises in particular of a possible increase in attacks due to the change in the pack

structure and the pressure on the remaining parent (see above).

In the medium to long term, the appropriateness of shooting individual animals who have learned that farm animals are good prey and, if necessary, are able to overcome herd protection measures is not given, in any case, if protection is not applied and, if necessary, expanded throughout the entire area of the herds. Because without the expansion of herd protection, it is only a matter of time before the next wolf learns to kill pasture animals.

Wolves learn on the basis of increased opportunities, not or not sufficiently protected grazing animals to attack, and also the overcoming of fences and train usually quite the technique of overcoming herd protection.

This is how Reinhardt et al. 2023 (Annex A.36) in its literature study summarising and evaluating the state of knowledge, on p. 234:

'If one looks at the spatial distribution of livestock damage on a map, one finds areas with an increased number of attacks (so-called predation hotspots) and at the same time areas where there is no or only minor damage (e.g. Dondina et al. 2015; Pimenta et al. 2017; Pimenta et al. 2018; FSW 2021; NLWKN 2021). Hotspot areas are usually areas with a high proportion of non-protected or poorly protected farm animals. The wolves living there have learned to use this food source accordingly. The wolf individuals for whom shooting permits were granted in Lower Saxony, Schleswig-Holstein and Thuringia due to heaps of livestock damage (not in all cases the permits were carried out) have been able to acquire experience in unprotected or incorrectly protected livestock over a long period of time, often over years. In Schleswig-Holstein, for example, the male GW924m overcame for the first time a fence that complied with the requirements of the Sheep Safety Directive there, after having previously committed 21 attacks on unprotected sheep (SH 2021). The subsequent application of recommended herd protection measures (BfN and DBBW 2019) can also lead to the prevention of further animal attacks, as the example of the Ohrdruffer Wölfin (GW267f) in Thuringia shows. There, the use of recommended protective fences, consultations and the presence of herd guard dogs led to the damage caused by GW267f in the area,

which had previously been particularly severely affected, with the exception of an attack on a broken flock of sheep, which was reduced to zero."

This passage has remained almost unchanged since 2020 in the annual report on prevention and damage to livestock of the German Federal Documentation and Advice Centre on Wolf (from the 2024 report, pp. 6f., Annex A.406, highlights not in the original):

*'In order to avoid attacks on ovine and caprine animals, it is important that prevention measures are established as early as possible throughout the wolf's entire range and that they are kept permanently in working order. **Wolves can quickly learn from unprotected or insufficiently protected sheep and goats that these animals are a simple and rewarding prey. The more successful a wolf is, the more it will 'insist' to continue to capture farm animals. With every successful attack, the animal learns to do so. It is trained to find and exploit the weak points of the protection measures. After all, such individuals can also learn to overcome protective measures, such as 90 cm high electrical grids, which have a sufficient protective effect for most wolves without such experience, as long as they are functional. In the territories of these wolves, the additional effort for the protection of their animals increases for all livestock keepers. For this reason, protective measures for sheep and goats should be applied throughout the country from the outset.***

If individual wolves have learned to overcome the minimum protection, the attacks can often be stopped by adapting the herd protection measures (e.g. by adapting the fence, using herd protection dogs) (e.g. WZI 2023, 2024).

Many federal states have compiled detailed information on proven protection methods. (...)"

Reinhardt et al. 2023 (Annex A.36) summarises the state of science on the issue of the health of selective killings as follows (p. 242, emphasis not in the original):

"Will the targeted removal of this animal solve the problem?"

*First of all, it must be examined whether and to what extent the farm animals were protected against wolf attacks. A removal will only then have the desired sustainable effect if a wolf has learned in the affected area, despite professionally protected farm animals, to overcome recommended herd protection methods, and this individual is then deliberately killed. Thus, the implementation of effective herd protection measures has played a decisive role. **On the other hand, in an area with many unprotected farm animals, selective shooting will have, if at all, only a short-term effect. Here it is only a question at present, until the next wolf kills unprotected or poorly protected farm animals. In such a situation, it does not***

6 available at [https://www.dbb-wolf.de/more/literature-download/reports-to-praevention-and-used?file-
files/publisher/Management/Herdenschutz/Herdenschutzbericht2024/Be-
richt%20zu%20Pr%C3%A4vention%20and%20Zutziersch%C3%A4den%202024.pdf&cid=1881](https://www.dbb-wolf.de/more/literature-download/reports-to-praevention-and-used?file-
files/publisher/Management/Herdenschutz/Herdenschutzbericht2024/Be-
richt%20zu%20Pr%C3%A4vention%20and%20Zutziersch%C3%A4den%202024.pdf&cid=1881)

Wolf killing is the desired sustainable reduction of damage, but the area-covering application of effective herd protection measures.'

The **effectiveness of herd protection measures** for the reduction of farm animal attacks has **been scientifically proven** (Linnell & Cretois 2018, Annex A.23, pp. 10, 67 et seq., Di Bernardi et al. 2025, Annex A.21, p. 6, with further evidence, Singer et al. 2023, Annex A.37, Reinhardt et al. 2023, Annex A.36, p. 243, including Blanco & Sundseth 2023, Annex A.14, p. 9. In herd protection, the access of wolves (and, if necessary, other large predators) to farm animals is prevented or made more difficult by various measures. Reinhardt et al., Anlage A.36, p. 245 (emphasis added):

*'The data available from the sources analysed here clearly show that: The only way to achieve a permanent reduction of damage to livestock in coexistence with wolves in a wide area is the professional implementation of herd protection measures. Attacks on farm animals cannot be completely prevented. However, they can be significantly reduced by correctly applied herd protection measures. **The effectiveness of non-lethal herd protection measures to prevent attacks on farm animals is clearly more proven than the effect of lethal methods** (Miller et al. 2016; Treves Eeden et al. 2018a, b; Treves 2019). There is therefore a **broad consensus in science that non-lethal methods for reducing large carnivore attacks on livestock are not only more effective, but more justifiable and socially tolerated than lethal methods for ecological, legal and wildlife policy reasons** (Bergström 2017; Stone et al. 2017; Vucetich et al. 2017; Bruns et al. 2020). Farms in Idaho, USA, which used non-lethal forms of herd protection methods, were able to reduce livestock attacks by wolves three times more than farms that applied only lethal removals (Stone et al. 2017). Experience from Europe also shows that correctly applied non-lethal herd protection measures drastically reduced the loss of livestock by large carnivores (Linnell and Cretois 2018). The effect is particularly evident when they are specifically used in predation hotspots (Pimenta et al. 2018)."*

For wolves, electrified fences with a certain height have proven effective. The wolf safe "upgrading" of existing fences is relatively inconvenient (Linnell & Cretois 2018, Annex A.23, p. 67). 100% safety cannot be achieved, but losses can be drastically reduced with correctly installed and maintained herd protection fences (Linnell & Cretois 2018, Annex A.23, pp. 67, 69, Reinhardt et al. 2023, Annex A.36, p. 243, including Blanco & Sundseth 2023, Annex A.14, p. 9 for some countries in Germany with high wolf numbers).

Also eligible is the use of herd guard dogs behind (electrified or non-electrified) fences or a combination with nocturnal confinement or installation (Linnell & Cretois 2018, Annex A.23, p. 67, Reinhardt et al. 2023, Annex A.36, p. 243).

The vast majority of farm animal attacks relate to farm animals without herd protection fences (Di Bernardi et al. 2025, p. 6, with further evidence, including Blanco & Sundseth 2023, Annex A.14, p. 52) or behind fences with insufficient execution and/or maintenance or maintenance (Linnell & Cretois 2018, Annex A.23, p. 67, 69, Reinhardt et al. 2023, Annex A.36,

p. 244). It is often emphasized in science that in addition to financial support for the initial costs of herd protection measures, advice is also required for planning and execution, as well as for maintenance and servicing (Reinhardt et al. 2023, Annex A.36, p. 247, including Blanco & Sundseth 2023, Annex A.14, p. 9. The running costs for maintenance and keeping the fence free of vegetation should also be considered and best if promoted. There is extensive knowledge and technical possibilities to maximise the efficiency of herd protection with fences (Linnell & Cretois 2018, Annex A.23, pp. 67, 69, Reinhardt et al. 2023, Annex A.36, p. 250). Rather, the challenge is to motivate the relevant actors to implement herd protection measures, to support the content of the implementation and to promote it financially (Linnell & Cretois 2018, Annex A.23, pp. 67, 69).

Blanco & Sundseth stress in their study for the Commission that in some areas with many wolves in Germany it could be demonstrated that adequate protection measures could significantly reduce the frequency of crack events (Annex A.14, p. 9).

An efficient herd protection method, especially for animal husbandry on extensive meadows without fencing, is the herding, if necessary in combination with herd protection dogs and, if necessary, with nightly confinement or installation (Reinhardt et al. 2023, Annex A.36, p. 243 with further evidence). In their study commissioned by the European Commission, Linnell & Cretois point out that traditional systems of herding have always existed in Europe, Asia and Africa, often in conjunction with herd protection dogs and/or shepherd dogs, sometimes in combination with night-time picking or installation. The success of such system has been demonstrated in many studies (see evidence in Linnell & Cretois 2018, Appendix A.23, p. 67). This traditional knowledge and practice of herding has been forgotten in times of extermination and absence of large predators and in times when livestock farming has been abandoned for other forms of agriculture (Linnell & Cretois 2018, Annex A.23, p. 68). Linnell & Cretois emphasize the proven efficiency of herding not only to protect farm animals from large predators, but also from other causes of mortality such as diseases (by earlier detection of their ancestors), poisoning by wild plants, accidents, contact with wild animals with the possible consequence of zoonoses and attacks by dogs, crows, jackals, ravens and eagles, as well as from theft, which is a major problem in some regions (Linnell & Cretois 2018, Annex A.23, p. 69). Other causes of death are more common in sheep and goats than attacks by large predators (Linnell & Cretois 2018, Annex A.23, p. 69). In this respect, herding has many positive effects on animal husbandry and animal welfare.

As a disadvantage of herding, Linnell & Cretois mention the work intensity. In addition, herding and keeping in smaller spatial units were known to lead to increased transmission of parasites within the herd and, depending on the quality of the pasture, to a reduction in growth due to the higher animal density (Linnell & Cretois 2018, Annex A.23, p. 69). Changes in flora and fauna in previously extensively grazed areas - both inside and outside future grazing areas - are also to be expected when switching to smaller-scale grazing (Linnell & Cretois 2018, Annex A.23, p. 69).

In the political context, a threat of wolves to humans is sometimes referred to as a coexistence conflict. **However, wolf attacks on humans are extremely rare.** The few cases concern mostly food-conditioned individuals (Di Bernardi et al. 2025, Annex

A.21, p. 6 with further evidence). Blanco & Sundseth note that there has been no known fatal attack by wolves on humans in Europe over the past 40 years (Blanco & Sundseth 2023, Annex A.14, p. 55). In the extremely rare cases of deadly attacks in other parts of the world and in history, most were from rabid wolves. Rabies is now almost extinct in Europe (Blanco & Sundseth 2023, Annex A.14, p. 55).

Procedural procedure and context of the adoption of the subject-matter of the proceedings

On 2 September 2022, the Large Carnivore Initiative for Europe (LCIE) presented a report on the current state of the wolf for the 42nd meeting of the Standing Committee of the Bern Convention (Boitani et al. 2022 Annex A.25) - the content has been summarised above.

On 24.11.2022, the European Parliament adopted Resolution P9_TA(2022)0423 (Annex A.34). In it, Parliament expressed its support for a proposal by Switzerland to the Berne Convention Committee to reduce the protection status of wolves in the Berne Convention. The Parliament called on the Commission, inter alia, to support the regions with coexistence conflicts in the use of the flexibility provided for in Article 16(1) of the Habitats Directive, to continue to assess and monitor developments in the conservation status of the wolf so that the protection status under Article 19 of the Habitats Directive could be changed as soon as the desired conservation status has been reached and to ensure that the Member States apply appropriate monitoring

methods that allow the compilation of high-quality, comparable and standardised data for an effective assessment of the population. Parliament also pointed out various difficulties in protecting herds in the regions and that there were gaps in financial support for herd protection measures.

On 25 November 2022, the Council, acting on a proposal from the Commission and on the basis of the scientific assessment of Boitani et al. (2022) and to the National Reports under Article 17 of the Habitats Directive for the period 2013-2018, rejecting Switzerland's request to downgrade the wolf to Annex III instead of Annex II to the Bern Convention (Council Decision (EU) 2022/2489, published in the Official Journal on 19.12.2022). As a justification, the Council stated, inter alia, in the recitals:

"(7) Switzerland has submitted a proposal to remove the wolf (Canis lupus) from Annex II (Strictly Protected Species) and to include it in Annex III (Protected Species) to the Bern Convention.

*(8) On the basis of current data, a reduction in the protection status of all Wolfs populations is not justified from the point of view of science and conservation. The **conservation status** of the species remains **very different across Europe, with only 18 out of 39 national parts of Union biogeographical regions** having a **favourable conservation status**. This is also confirmed by the latest available scientific data on the conservation status of the species collected as part of the reporting under Article 17 of Council Directive 92/43/EEC and under Resolution No 8 (2012) of the Bern Convention. The **unhalted to pose threats** to the species, including new threats such as border fences and the*

Hybridization of wolf and dog, also require the maintenance of strengthen protection status.

At the 42nd meeting of the Standing Committee of the Bern Convention from 28.11. to 2.12.2022, Switzerland's proposal to downgrade the protection status of the wolf in Annex III to the Convention was rejected.

In December 2022, it became public that the pony of Commission President Von der Leyen had been torn by a wolf.

On 7 March 2023, the Commission replied to the European Parliament resolution of 24 November 2025 (Annex A.35). She cited the 2018 study by Linnell & Cretois, stating that farm animal likely affected on average 0.006% of sheep in the countries concerned, that sheep are exposed to other mortality risks and that herds can also protect against these mortality risks. The Member States would report periodically every six years in accordance with Article 17 of the Habitats Directive, and the next reports would be due in 2025. The Commission will then merge the data. It will also carry out a current analysis in 2023. The current rules under Article 16 of the Habitats Directive allowed Member States to derogate and made it possible to weigh different interests against the interest in the protection of species. The Commission recognizes the challenges of coexistence and supports communities, livestock farmers and other stakeholders in various ways. Reference is made to the annex for further content of the Commission's letter.

On 4 September 2023, the European Commission published a press release (Annex A.41). Einleitend says there:

"The return of the wolf to regions of Europe where populations have been absent for a long time is increasingly leading to conflicts with ranchers and hunters on the ground. This is particularly the case where measures to prevent attacks on farm animals are not widely used.

President **von der Leyen**: *"The concentration of wolf packs in some European regions has become a*

real danger for livestock and potentially also for humans. I urge local and national authorities to take action wherever necessary. The EU rules in force today explicitly provide for such powers."

The Commission invited municipalities, academia and all interested parties to submit up-to-date data on the growth of wolf populations and the consequences to an e-mail ad named in the press release by 22 September 2023, i.e. within 18 days.

On 11/09/2023, a coalition of environmental organisations, including the European Environmental Bureau (EEB), WWF and Client Earth, addressed an open letter to

Commission President Von der Leyen criticised the statement in the press release that the wolf has become a danger to farm animals as scientifically unproven and the statement that the wolf is a potential danger to humans as misleading. They pointed to existing and not yet exhausted systems of support for herd protection measures and compensation in the EU State aid directives. They also pointed out that the time limit for submitting comments was too short, which was contrary to the Interinstitutional Agreement on Better Law-Making. (Annex A.42).

In December 2023, the authors Blanco & Sundseth presented, on behalf of N2K Group EEIG, the study commissioned by the Commission entitled 'The Situation of the Wolf (canis lupus) in the European Union - An in-depth analysis' (Annex A.14). The N2K Group EEIG is apparently a consulting company, which is not found in an Internet search. It is not a scientific institution. Regarding the contents of the study, reference is made to the above statements on distribution and conservation status, the role of the wolf in the ecosystem and on coexistence conflicts and their possible solutions, as well as to Section C. II, p. 33 et seq. The study has been criticised as non-scientific (see Annex A.31 and comments under C. II., p. 33 et seq.).

On 18 December 2023, the Environmental Organisations' Open Letter of 11 September 2023 (Annex A.42), which had meanwhile been signed by over 300 organisations, was again sent to President Von der Leyen.

On 20.12.2023, the Commission submitted to the Council a proposal for a Council Decision for submission to a meeting of the Standing Committee of the Berne Convention, according to which the wolf should now be protected under Annex III instead of Annex II (COM(2023) 799 final, Appendix A.43). The proposal was justified by figures and red list evaluations from the report by Boitani et al. 2022 (Annex A.25), on the basis of which the EU rejected the downgrading of the wolf in the Berne Convention in 2022, and with the number of wolves estimated by Blanco & Sundseth (Annex A.14) of around 20,300 in 2023 (COM(2023) 799 final, p. 4, 5). The Commission states that the threats to the wolf could also be addressed under the regime of Annex III to the Berne Convention (p. 6, 7). It further relies on Blanco & Sundseth's estimated number of approximately 65,500 farm animals killed annually and notes that this is higher than that estimated by Boitani et al. in 2022. *'Whether these data are not directly comparable, the damage to livestock generally seems to have increased with the increase in the wolf population'* (COM(2023) 799 final, p. 8). On page 8 it goes on to say: *"While the impact of the wolf on livestock levels is low at EU level and the overall damage to livestock appears to be acceptable at the level of the country, its concentration at local level could indicate a strong deprivation in certain areas in order to support grazing, additional support for preventive measures would be needed in some areas. The downgrading proposal is intended to provide the Parties with "additional flexibility to deal with increasing damage and potential socio-economic conflicts related to the wolf in certain areas, while maintaining the objective of achieving favourable conservation status for all wolf populations in the EU"* (COM(2023) 799 final, p. 8). Exactly what is meant by "additional flexibility" is not stated in the explanatory memorandum of the proposal. Explanations on the efficiency of herd protection measures against wolf attacks or on the question of the efficiency of (selective or non-selective)

selective) killings for the protection of livestock are not included in the justification. However, the proposal mentions that *“the financial and social costs related to the prevention of wolf-related livestock damage and the payment of compensation after such damage would continue to be significant”*.

Client Earth requested a review of the data collection by the Commission to the European Ombudsman on 9.9.2024 (Case 1758/2024/IA, currently under investigation). The European Commission has not yet responded.

On 26/09/2024, the Council decided, in accordance with the Commission proposal, to submit the proposal for the downgrading of the wolf to the Standing Committee of the Berne Convention (Council Decision (EU) 2024/2669, published in the Official Journal of the Union on 10/10/2024).

On 13 November 2024, the Large Carnivore Initiative for Europe (LCIE), a group of specialists under the umbrella of the IUCN Special Survival Commission, issued an opinion expressing its concern about the proposal to downgrade the wolf in the Bern Convention and, in the future, in the Habitats Directive (Annex A.44). The current proposal raises the principle that decisions in the context of species conservation and wildlife management must be based on scientific evidence and not only on political considerations, and is premature and faulty. The proposal violates Recommendation No 56 (1997) of the Standing Committee of the Berne Convention (Annex A.45) that amendments to the annexes to the Convention should be consistent and based on the best scientific evidence. The situation has not changed significantly since the rejection of Switzerland's downgrading proposal in 2022, as also supported by the report mandated by the Commission (i.e. Blanco & Sundseth 2023, Annex A.14). It is worrying that the 2022 LCIE report (meaning Boitani et al. 2022, Annex A.25) would now be used as an argument for downgrading. The 2023 report suggested only marginally higher wolf numbers. The arguments put forward by the EU itself against Switzerland's proposal are also still relevant. There does not appear to have been a substantial increase in beneficial animal harm, the same is true for human hazards, as the report by Blanco & Sundseth 2023 shows. The LCIE is not aware of any scientific evidence supporting the assumption that a downgrading of protection status would reduce the socio-economic conflicts associated with wolves. The special conditions and needs of each individual wolf population should be taken into account and, as an alternative to a general downgrade, a downgrade of only a few populations should be considered. A further reference is made to an estimate of the current number of wolves from 2024. (Kaczensky et al. 2024, Annex A.32)

On 30.11.2024, a group of about 700 scientists wrote a letter to the Secretary General of the Berne Convention (Annex A.46), pointing out that the European Union's application was based on unverified, peer-reviewed data from a single report. The scientists also pointed out that genetic risks associated with a reduction in the wolf population, especially in areas where there are few wolves, as well as the likelihood of an increase in poaching, were not taken into account by the relaxation of the protection regulations. They also pointed out that modern scientific approaches also focus on the importance of species for biodiversity and ecosystems and that this has been insufficiently taken into account. The scientists referred to the IUCN's system 'Green Status for Species', which, according to current science, combines assessments of the Red List with calculations on the 'Green Status' of a species and thus also takes into account the importance of species for further and long-term objectives of nature conservation. The focus of the EU proposal to downgrade the wolf to the mere number of wolves is not scientifically acceptable. Prior to a downgrading of the protection status, its impact on the survivability and functionality of a species in each spatial unit would have to be investigated. In addition, coexistence rates would need to be implemented, farmers and communities better equipped and education and the needs of coordinated research ensured. Nor has it so far been taken into account that the downgrading of a species of Annex II to Annex 111 to the Berne Convention removes not only the prohibition of killing, but also the prohibition of intentional disturbance and deterioration of habitats for the species. The precautionary principle had to be applied and the relative increase in the number of wolves had to be considered with "cautious

optimism".

On 6.12.2024, the proposal to amend Annexes II and III to the Berne Convention as regards wolf was adopted at the 44th meeting of the Standing Committee of the Convention.

On 6 December 2024, five environmental organisations brought an action for annulment before the General Court against the Commission and the Council for the decision of 26 September 2024 downgrading the wolf in the Berne Convention (Case T-634/24). They complain, in particular, of infringements of Article 191(3) TFEU (the requirement of scientific excellence in European environmental legislation and policy) and of the principle of proportionality.

On 7.3.2025, the Commission adopted the proposal COM(2025) 106 final, based on the previous amendment of the protection of the wolf in the Berne Convention and the study by Blanco & Sundseth, proposing the amendment of Annexes IV and V to the wolf, later adopted as Directive (EU) 2025/1237. The explanatory memorandum is set out in COM(2025) 106 final (and word for word in the corrected version of proposal COM(2025) 106 final/2, p. 1 (emphasis added):

'1. CONTEXT OF THE PROPOSAL

** Reasons and objectives of the proposal • ■ : •==*

*On the 6th On 1 December 2024, the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) adopted the European Union proposal to amend the protection status of the wolf (*Canis lupus*) by removing the species from Annex II (strictly protected animal species) and adding it to Annex III (protected animal species) instead.*

*This Decision entered into force three months later, in accordance with the procedure laid down in Article 17 of the Berne Convention. Following its entry into force and in order to implement this amendment under the Bern Convention, it is **necessary** to amend the Annexes to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) by removing the species from Annex IV to that Directive and adding it to Annex V.*

(...)

2. LEGAL BASIS, SUBSIDIARITY AND RELATIONSHIP (...)

• proportionality

The proposed amendment concerns only the effects of the decision of the Standing Committee of the Bern Convention to amend the protection status of the wolf. Therefore, this proposal is strictly limited to the amendments to the Habitats Directive, which transposes this Decision at EU level. Specifically, this is a limited and targeted amendment to Annex IV and Annex V, which concerns only the wolf.

• Choice of instrument

Since the Habitats Directive transposes into EU law the provisions of the Berne Convention on the Protection Status of Wolves, it is appropriate to include in the Habitats Directive any amendments to the protection status of this species by means of an amending Directive through the ordinary legislative procedure."

It is further stated on p. 8:

"Based on an in-depth analysis of the state of wolf populations in the EU, the Commission proposed in December 2023 to amend the protection status of the wolf under the Bern Convention. The Council adopted this proposal in September 2024."

On 3.4.2025 a group of 34 NGOs (on 9.4.2025 41 NGOs) contacted the Polish Presidency of the Council and pointed out the lack of a scientific basis for a downgrading of the protection status of the wolf (Annex A.47). The Commission proposal is based on insecure and outdated data and the report by Blanco & Sundseth 2023 does not recommend a change of protection status at any point. The organisations suggested that a decision on an amendment to the annexes to the Habitats Directive be postponed until the decision on the appeal against the Council decision of 26 September 2022. The organisations also point out that the incidence of poaching against wolves has been strong in Italy and Spain since the Commission announced that the protection status of wolves should be reduced.

The Commission proposal of 7.3.2025 was adopted by Parliament on 8.5.2025 by urgent procedure without consultation of the Environment Committee and without public participation at first reading (P10 TA(2025)0100, Annex A.48). In essence, the explanatory memorandum states that the Habitats Directive is an important instrument for implementing the Berne Convention and 'should' be adapted to the amendment of the Berne Convention. Member States are free, under Article 193 TFEU, to maintain more stringent safeguard measures.

On 5.6.2025, the amendment was adopted in the Council by the Committee on Transport, Telecommunications and Energy (Annex A.49).

On 17.6.2025 the corrected version COM(2025) 106 final/2 of 6.6.2025 (Annex A.10) of the Commission proposal COM(2025) 106 final was published in the Official Journal of the Union- except for the cover page with the interinstitutional reference, the two documents agree.

The amending Directive (EU) 2025/1237 at issue in the proceedings (Annex A.09) was signed on 17.6.2025 and published in the Official Journal of the Union on 24.6.2025.

Efforts are already being made in the Member States to legalise wolf hunting without taking due account of the local conservation status. As an example, I refer to the German federal states of Brandenburg, Bavaria and Hesse Annexes A.50, A.51, A.51a). The same is the case in other Member States. In some Member States, 'legally' hunting has already taken place, contrary to the requirements on favourable conservation status, e.g. Sweden, Latvia, Estonia (CJEU, judgment of 12.06.2025, Case C-629/23) and Spain (CJEU, judgment of 29.07.2024, Case C-436/22).

Scientists have also complained since the adoption of the amending directive, as has already been the case in the context of the amendment to the Berne Convention, that the decision was taken purely politically and not on a scientific basis. The appropriateness of lethal methods to reduce livestock damage was not scientifically proven and neither Linnell & Cretois 2018 (Annex A.23) nor Blanco & Sundseth 2023 (Annex A.14) recommended a downgrade. The downgrading of the protection status provides a basis for national populist decisions with little or no advantage for animal owners, while previous indications of improving the quality and transparency of data collection on farm animal attacks have been ignored at EU level. There are already "best practices" for the implementation of herd protection (Kutal et al. 2025, Annex A.52).

B. Acceptance of internal complaints under Article 10 of Regulation (EC) No 1367/2006

The complaint is lodged pursuant to Article 10 of Regulation (EC) No 1367/2006 (hereinafter: Aarhus Regulation) is admissible.

They are directed against an administrative act within the meaning of Article 2(g) of the Aarhus Regulation. It reads as follows:

g)
'administrative act' means any act adopted by a Union institution or body which has a legal and external effect and contains provisions which may be contrary to environmental law within the meaning of point (f) of the first subparagraph of Article 2;

In application of an interpretation of Article 2(g) of the Aarhus Regulation in conformity with international law, Directive (EU) 2025/1237 must be regarded as an 'act without legal character' in the light of the Aarhus Convention. Legal visibility and a possible breach of environmental law must also be affirmed.

It is true that Directive (EU) 2025/1237 was adopted in the ordinary legislative procedure and is therefore a legislative act pursuant to Article 289(3) TFEU. However, the Directive regulates a content for which, in accordance with Article 19 of the Habitats Directive, a specifically regulated, non-legislative procedures are available. **An amendment of the annexes to the Habitats Directive in accordance with the procedure laid down in Article 19 of the Habitats Directive would be an administrative act which could be challenged by an environmental consent pursuant to Article 10 and Article 12 of the Aarhus Regulation.** Nor does the amending Directive (EU) 2025/1237 lay down any rules going beyond the amendment of the annexes, as could be carried out in accordance with the procedure laid down specifically for that purpose in Article 19 of the Habitats Directive, on the basis of which the choice of the legislative procedure instead of the procedure laid down in Article 19 of the Habitats Directive would have been objectively permissible.

The choice of the legislature to adopt the ordinary legislative procedure for amending the annexes may or may not have been lawful. In any event, however, that cannot have the effect of limiting the rights of action of environmental associations guaranteed by Article 9(3) of the Aarhus Convention. That would mean that the EU institutions had the rights of action of environmental organisations in their hands and could avoid them, which was not in line with the requirements of the Aarhus Convention. The Commission's choice of the ordinary legislative procedure instead of the procedure under Article 19 of the Habitats Directive has not, as far as can be seen, been substantiated in the procedure. If considerations to exclude the rights of environmental associations under Article 10.12 of the Aarhus Regulation are to be taken as a basis, the need for a broad interpretation of Article 2(g) of the Aarhus Regulation is readily apparent. If other reasons, such as the fact that Article 19 of the Habitats Directive has not yet been transposed into the system laid down in Articles 290 and 291 TFEU and that there may therefore have been uncertainties as to its application, have played a role, it cannot be to the detriment of environmental associations and their rights under the Aarhus Convention and, ultimately, of the reduction of enforcement deficits in international law intended to confer those rights that the EU legislature has for years failed to transpose that provision (unlike many other delegation rules) into the system of the Lisbon Treaty. Moreover, the CJEU recently declared Article 19 of the Habitats Directive relevant for amendments to the annexes, without doubt ruling on its validity (CJEU, judgment of 11 July 2024 - C-601/22 -, paragraph 39).

The Aarhus Regulation must be interpreted as far as possible in the light of international law, more specifically Article 9(3) of the Aarhus Convention.

CJEU, judgment of 6 July 2023, Cases C-212/21 P and C-223/21 P:

66 In that regard, it should be noted, first, that the provisions of EU law must, as far as possible, be interpreted in the light of international law, in particular where they are intended to implement an international agreement concluded by the European Union (see, to that effect, judgments of 14 July 1998, Safety Hi-Tech, C-284/95, EU:C:1998:352, paragraph 22, and of 19 July 1998, Safety Hi-Tech, C-284/95, EU:C:1998:352, paragraph 22). 3 December 2019, Nederlands Uitgeversverbond and Groep Algemene Uitgevers, C-263/18, EU:C:2019:1111, paragraph 38).

67 That is the case with Regulation No 1367/2006, which is intended to implement the provisions of Article 9(3) of the Aarhus Convention with regard to the institutions of the European Union (see, to that

effect, judgment of 8 March 2011, *Lesoochranárske zoskupenie*, C-240/09, EU:C:20U:125, paragraph 41).

68 Although Article 9(3) of the Aarhus Convention cannot be relied on for the purposes of assessing the legality of Article 10(1) of Regulation No 1367/2006 (see, to that effect, judgments of 13 January 2015, *Council and Others v Vereniging Milieudefensie and Stichting Stop Luchtverontreiniging Utrecht*, C-401/12 P to C-403/12 P, EU:C:2015:4, paragraph 61, and of 13 January 2015, *Council and Commission v Stichting Natuur en Milieu and Pesticide Action Network Europe*, C-404/12 P and C-405/12 P, EU:C:2015:5, paragraph 53), that provision does not preclude the provisions of that regulation from being interpreted as far as possible in the light of the Aarhus Convention, in accordance with the case-law cited in paragraph 66 above (see, to that effect, judgment of 3 September 2020, *Mellifera v Commission*, C-784/18 P, EU:C:263, paragraph 77).

69 Such an interpretation constitutes an essential means of ensuring that the provisions of EU law remain compatible with those of Regulation No 1367/2006, in accordance with the will of the Community legislature, as expressed in the thirteenth recital in the preamble to that regulation.

The CJEU has ruled for the interpretation of Member State procedural rules that they must be interpreted broadly in order to ensure effective legal protection under Article 9(3) of the Aarhus Convention in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union.

CJEU, judgment of 8 November 2022 - C-873/19 juris:

66 . Therefore, although Article 9(3) of the Aarhus Convention does not have direct effect in EU law, it cannot, as such, be relied on in the context of a dispute falling within the ambit of the Union law in order to exclude the application of a provision of national law relating to EU law; However, first, the primacy of international agreements concluded by the European Union requires national law to be interpreted, as far as possible, in a manner consistent with its requirements and, second, that provision, read in conjunction with Article 47 of the Charter, requires the Member States to ensure effective judicial protection of the rights guaranteed by European Union law, in particular of the provisions of environmental law (judgment of 20 June 2005). December 2017, *Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation*, C-664/15, EU:C:2017:987, Paragraph 45).

(...)

75 . It follows that the referring court must, as far as possible, interpret procedural law in the light of both the objectives of Article 9(3) of the Aarhus Convention and the objective of effective judicial protection of the rights conferred by EU law in order to enable an environmental association, such as *Deutsche Umwelthilfe*, to challenge before a court a decision granting or amending an EC type-approval for vehicles which may be contrary to Article 5(2) of Regulation No 715/2007 (see, by analogy, judgment of 20 June 2007). December 2017, *Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation*, C-664/15, EU:C:2017:987, paragraph 54).

In the present case, the Aarhus Regulation must also be interpreted in such a way that it meets the objectives of Article 9(3) of the Aarhus Convention. It follows from Article 9(3) of the Aarhus Convention in conjunction with Article 47 of the CFR that, in the present case, the directive must be regarded as a non-legislative act in order to enable access to justice under Article 10.12 of the Aarhus Regulation.

The recitals in the preamble to the Aarhus Convention state, *inter alia*:

Concerned that the public, including organisations, should have access to effective judicial mechanisms to protect their legitimate interests and enforce the law;

The aim of the Aarhus Convention is, according to its Article 1:

Article 1
target

In order to contribute to the protection of the right of every male/female person of present and future generations **to live in an environment conducive to his/her health and well-being**, each Party shall ensure the right of access to information, public participation **in decision-making and access to information in environmental matters in accordance with this Convention**.

It is true that Article 2(2) of the Aarhus Convention excludes legislative activity from the scope of the Convention. The Aarhus Convention, however, takes a functional, formal approach to determining an act as legislative. Moreover, for the purposes of the Aarhus Convention, it is not relevant how an act is designated under national law. Rather, its function is significant. Thus, in the Findings and recommendations with regard to communication ACCC/C/2008/32 (Part I) concerning compliance by the European Union of 14 April 2011, Annex A.54, the Aarhus Compliance Committee states:

70. As mentioned, the Convention imposes an Obligation on the Parties to ensure access to review procedures with respect to various decisions, acts and omissions by public authorities, but not with respect to decisions, acts and omissions by bodies or institutions which act in a legislative capacity.

71. **When determining how to categorize a decision, and act or an omission under the Convention, its label in the domestic law of a Party is not decisive** (cf. ACCC/C/2005/11, para. 29).

The Aarhus Compliance Committee has also found that where a Member State body has a choice between a procedure governed by the rules on publicity and access to justice under the Convention and a procedure to which it does not apply, the body cannot, without compelling reasons, choose the procedure without intervention and access to justice without infringing the Convention. The Aarhus Compliance Committee states (Findings on communication ACCC/C/2004/8 (Armenia), ECE/MP.PP/C.I/2006/2/Add.I, Annex A.55, paragraphs 38-39; adopted in MOP decision III/6b, ECE/MP.PP/2008/2/Add.IO, paragraphs 1 and 2:

"Where the legislation gives the executive" **a choice between an act that precludes participation, transparency and the possibility of review and one that provides for all of these, the public authorities should not use this flexibility to exempt from public scrutiny or judicial review matters which are routinely subject to administrative decisions and fall under specific internal requirements under domestic law. Unless there are compelling reasons** to do so would risk violating the principles of the Convention. In this case, the Committee has not been made aware of any compelling reason justifying the choice of this form of decision-making. The Committee finds this approach to be out of compliance with the obligations to ensure that members of the public concerned have access to a review procedure and to provide adequate and effective remedies in accordance with article 9, paragraphs 2-4 [...]."

Such a case exists here. The Commission, together with the Parliament and the Council, chose the ordinary legislative procedure without compelling reasons, for which - without the interpretation of the Aarhus Regulation proposed here - there are no rights of participation and legal review, but for the regulatory content of which a special procedure under 'domestic' (i.e. here EU) law was available. If the European Union does not wish to contradict the Aarhus Convention, it must therefore interpret the Aarhus Regulation in such a way that, despite the choice of procedure, that act falls within the system of remedies under the Aarhus Regulation and must therefore be regarded as an administrative act within the meaning of Article 2(g) of the Aarhus Regulation.

The case-law of the Court of Justice on Article 2(2) of the Aarhus Convention also suggests a similar interpretation. In a case concerning whether an administrative act which had been 'ratified' by the Parliament should be regarded as legislative and therefore not covered by the Aarhus Convention, the CJEU has

jurisdiction. It concluded that the reason for the exclusion of legislative activity from the Aarhus Convention is the assumption that public participation is sufficiently ensured in the legislative process. If that were not the case, and the specific legislative procedure had to be considered for that purpose, the legislature's act could not be regarded as a legislative act within the meaning of Article 2(2) of the Aarhus Convention and the procedural safeguards of the Convention applied.

CJEU, judgment of 16 February 2012 - C-182/10 -, juris:

40. In particular, a legislative act adopted without the information referred to in paragraph 37 above being available to the members of the legislative body cannot fall within the scope of Article 1(5) of Directive 85/337 (see Boxus and Others, paragraph 46).

41. It is for the national court to determine whether those conditions are satisfied. To that end, it must take into account both the content of the legislative act adopted and the entire legislative procedure which led to its adoption, and in particular the preparatory work and the parliamentary debates (see Boxus and Others, paragraph 47).

42. That conclusion, set out in Boxus and Others, concerning Article 1(5) of Directive 85/337, can be transposed to Article 2(2) of the Aarhus Convention. First, Article 2(2) of that convention has a content similar to that of Article 1(5) of that directive. Second, there is nothing in the subject-matter or meaning of the Aarhus Convention to prevent the Court from interpreting the provisions of that convention in the light of similar provisions of Directive 85/337.

43. The answer to the second question must therefore be that Article 2(2) of the Aarhus Convention and Article 1(5) of Directive 85/337 must be interpreted as excluding from their respective scope only projects which have been specifically authorised by a specific legislative act, with the result that the objectives of those provisions have been achieved by the legislative procedure. It is for the national court, having regard both to the content of the legislative act adopted and to the entire legislative procedure which led to its adoption, and in particular to the preparatory work and parliamentary debates, to determine whether those two conditions have been satisfied. In that context, **a legislative act which merely 'ratifies' an administrative act which has already been adopted and which merely invokes twin reasons in the public interest, without first carrying out a legislative procedure relating to the substance of the matter which makes it possible to satisfy those conditions, cannot be regarded as a special legislative act within the meaning of that provision.**

It is therefore not sufficient to exclude a project from the scope of this Convention and this Directive.

It also follows from this consideration in the present case that there is no legislative act within the meaning of the Aarhus Convention and that the Aarhus Regulation must therefore be interpreted accordingly. In the present case, the Parliament and the Council, like the Commission, did not have sufficient information to adopt the directive, as is stated in the law. Moreover, the Directive was adopted under an urgent procedure and without further public participation or consultation of the Committee on the Environment, Public Health and Consumer Protection. The Council even decided in the non-specialist Council for Transport, Telecommunications and Energy, without any substantive in-depth discussion. The Parliament and the Council acted essentially like simple signatories of a decision already taken by the Commission. Nor can the EU institutions rely on the substantive referrals in the context of the downgrading of the wolf in the Berne Convention in 2023/2024. As will be explained below, the underlying data were, on the one hand, insufficient and, on the other hand, no longer up-to-date at EU level at the time of the downgrading, were not related to the same subject matter and did not allow the EU institutions to decide whether to make use of the possibility of maintaining a stricter protection status under Article 12 of the Berne Convention compared to the requirement of the Convention. In those circumstances, it is not fair to regard the act as covered by the exception to the scope of the Aarhus Convention, since the purpose of the exception is not fulfilled.

Nor can it be objected to the fact that, in the system of legal remedies against EU acts, possibilities other than those provided for in Article 10.12 of the Aarhus Regulation, including against EU acts which are legislative acts, are available and that there is therefore no gap in legal protection contrary to the Aarhus Convention. The other existing possibilities do not meet the requirements for effective legal protection in environmental matters under Article 9(3) of the Aarhus Convention in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union. Firstly, they would not act quickly to effectively prevent significant and, if necessary, irreversible damage to the wolf populations in Europe. Second, they would be excessively expensive, contrary to Article 9(4) of the Aarhus Convention and Article 47 of the Charter of Fundamental Rights of the European Union.

The Aarhus Compliance Committee has pointed out that, in order to determine whether a system of remedies meets the requirements of Article 9 of the Aarhus Convention, it considers the system as a whole, including the practice of the courts (Findings on communication ACCC/C/2008/31 (Germany), ECE/MP.PP/C.1/2014/8, Annex A.56, paragraph 64; adopted in MOP decision V/9h, ECE/MP.PP/2014/2/Add.I, paragraph 1:

"As already noted in its findings on previous Communications, when evaluating compliance with article 9 of the Convention, the Committee pays attention to the general picture regarding access to justice in the Party concerned, in the light of the purpose reflected in the preamble of the Convention that "effective judicial mechanisms should be accessible to the public, including organizations, so that its legitimate interests are protected and the law is enforced" (see findings on Communications ACCC/C/2006/18 (Denmark) (ECE/MP.PP/2008/5/Add.4), para. 30, and ACCC/C/2011/58 (Bulgaria) (ECE/MP.PP/C.1/2013/4), para. 52). The "general picture" includes both the legislative framework of the Party concerned concerning access to justice in environmental matters, and its application in practice by the courts. (...)"

If we consider the system under Article 263 TFEU in conjunction with Article 267 TFEU in the light of the practice of the courts, it becomes clear that it does not ensure effective legal protection for the present case. The action under Article 263 TFEU is barred by the settled case-law of the CJEU if the CJEU does not depart from its Plaumann case-law in favour of environmental associations. It is true that the preliminary ruling procedure under Article 267 TFEU is, in principle, relevant. In practice, however, the reference to this means a long delay in clarifying the legal question of the illegality or validity of Directive (EU) 2025/1237 compared to a procedure under Article 10,12 of the Aarhus Regulation. In the specific case, the implementation by the Member State in

the Member State in which the environmental association is entitled to bring an action would first have to be awaited. In the meantime, implementations and killings of wolves can already take place in other Member States. In some Member States, even due to the implementation of the Habitats Directive, Article 14 thereof and Annex V, wolves could be killed without an act of transposition if there is no general prohibition on killing Annex V species in the Member State concerned. If an environmental association now files a legal remedy against an implementing act in its own Member State and suggests a referral, it may still require several instances or even several proceedings before a court makes a referral to the CJEU. Admittedly, there is an obligation to refer the question of validity also for lower-instance courts. In order to ensure effective protection of the wolf against an implementing measure, an urgent procedure for a Member State implementing act would probably be appropriate. Whether a submission is mandatory in the urgent procedure, however, is controversial in the legal literature in Germany. Even if it is assumed that there is also an obligation to make a reference for a preliminary ruling in the urgent procedure, the practice of the courts shows a reluctance to use the preliminary ruling procedure. In practice, courts often leave the question of European law open and annul a decision or implementing act for other reasons, so that the relevance of the potential question referred for a preliminary ruling is no longer relevant. This may amount to the result requested by the environmental association for the specific appeal, but for the clarification of such a general, Europe-wide issue as the validity of the classification in Annex V instead of Annex IV, this means that at the same time many wolves have already been killed elsewhere (whether in the same Member State or in the other Member States) on the basis of the classification, although their validity has not yet been decided. Until a Member State decides to submit a proposal, it may take years and several procedures may have to be carried out under implementing acts, possibly up to higher instances. The wolves killed by the preliminary ruling procedure pending judicial clarification by the ECJ could already cause serious damage to the affected wolf populations and thus (at least for the foreseeable future) have irreversible disadvantages. This cannot be effectively prevented by many individual legal remedies. An environmental association cannot proceed with every implementing act, every hunting law regulation, closed season regulation or the individual permit for the killing of wolves, let alone know them at all. This is simply impossible and, if even attempted, would entail enormous costs for the environmental association, which would be unreasonable and excessively expensive under Article 47 of the CRC and Article 9(4) of the Aarhus Convention. In Member States other than those in which they are recognised, no legal remedy is already available to an environmental association. The **general, Europe-wide clarification of the** question of the legality of the EU-wide classification of the wolf in Annex V on the procedure under **Article 10,**

12 The Aarhus Regulation would therefore be the only available remedy in accordance with Article 9(3) of the Aarhus Convention in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union.

It is therefore necessary to interpret Article 2(g) of the Aarhus Regulation in a restrictive manner in the specific case where a non-legislative procedure was available for the exact content of the directive, for which the public would have been entitled to the rights under the Aarhus Convention, in such a way that the directive is regarded as a 'non-legislative act' for the purposes of the review under Article 10.12 of the Aarhus Regulation.

The internal complaint is therefore admissible.

C. Grounds for the application

C. I. First plea in law; Breaches of Parliament's Rules of Procedure, the Interinstitutional Agreement on Better Law-Making ('the Interinstitutional Agreement') Interinstitutional Agreement) and the Council's Rules of Procedure

The adoption of Directive (EU) 2025/1237 has a number of irregularities and breaches of the institutions' rules of procedure and of the Interinstitutional Agreement on Better Law-Making. In itself, and a fortiori in their overall view, they constitute substantial breaches of procedural safeguards leading to illegality.

Contrary to points 12 and 13 of the Interinstitutional Agreement, the Commission has **not carried out an impact assessment** of the amending proposal COM(2025) 106 final and COM(2025) 106 final/2. No alternative solutions were discussed and the potential short- and long-term costs and benefits of the proposed amendment were not identified on the basis of an integrated and balanced assessment of the economic, environmental and social impacts, both qualitatively and quantitatively, and on the basis of correct, objective and complete information (see Interinstitutional Agreement, point 12(3)). The study by Blanco & Sundseth 2023 (Annex A.14) does not constitute an impact assessment as it is not based on accurate, objective and complete information, does not show the possibility of potential short- and long-term costs and benefits of amending the Annexes and also does not conclude that action is appropriate for the Union to reduce protection status. The study also refers to the situation in 2023. There is also, **as far as can be seen, no opinion from the Regulatory Scrutiny Board.**

The Commission has also **not consulted** the public and stakeholders within the meaning of point 19 of the Interinstitutional Agreement. The collection of data based on the press release of 4.9.2023 is not a consultation. Inputs could only be made to a specific e-mail address, not on the official public consultation portal "Have your say" (https://ec.europa.eu/info/law/better-regulation/have-your-say_de). In addition, the deadline of only 18 days was clearly too short for a consultation on such a complex topic. On the inadequacy of the case, see also the pending case before the European Ombudsman, ref. 1758/2024/IA.

The procedure in the European **Parliament** is also characterised by irregularities, first of all the legislative proposal was assigned to the Committee **on Economic and Social Affairs, which is not actually competent**. The Environment Committee was not consulted. In addition, there was no precedent for an 'unforeseen development' provided for in Rule 170 of Parliament's Rules of Procedure, and the decision was taken under the **urgency procedure** under Rule 170 of the Rules of Procedure of the European Parliament.

In the Council, too, the decision of 5.6.2025 was not taken by the competent assembly, but in the **non-specialist composition of the Council** for transport, technology and energy. This is contrary to Article 2(1) of the Council's Rules of Procedure.

All in all, it was not ensured at the various levels that the necessary technical data basis and evaluation, as well as public participation and transparency were guaranteed. Therefore, the subject-matter of the application is formally unlawful.

C. II. Second plea in law: Infringement of Article 191 TFEU

The reduction of the wolf's protection status is contrary to Article 191(3) and Article 191(1) TFEU. Contrary to Article 191(3) TFEU, the EU did not take into account the available scientific and technical data in its decision. It has also failed to take into account the environmental conditions in each region of the Union and has failed to take into account the benefits and burden of action or inaction. Moreover, the downgrading does not meet the objectives of the EU's environmental policy under Article 191(1) TFEU. The objectives include preserving, protecting and improving the quality of the environment and combating climate change. The measure is therefore unlawful.

Although the standard of manifest errors of assessment (see judgment of the Court of Justice of 13 March 2019 in Case C-128/17, paragraph 134 et seq. for judicial review) is not applicable to the internal review, there are even manifest errors of assessment in this case, as shown in the file.

As explained in the description of the facts, the EU institutions did not rely on up-to-date, available scientific data for the reduction of the wolf (Acts COM(2025) 106 final/2 and Directive (EU) 2025/1237). On the contrary, they did not take available data into account and did not even lift or evaluate data essential for the assessment of the content of the regulation. The assessment derogating from the Council Decision of 25 November 2022 adopted on a proposal from the Commission – based on essentially the same data – is simply not rationally explainable. The reasons for the threat to the wolf persist (see LCIE 2024, Annex A.44) and the wolf numbers have not changed significantly (see also Blanco & Sundseth 2023, Annex A.14). The number of farm animal attacked has not changed significantly either. The study by Blanco & Sundseth 2023 (Annex A.14), on which the Commission's proposal is essentially based, itself concludes that no change is appropriate because the figures have not changed significantly and other interests could be sufficiently taken into account via Article 16 of the Habitats Directive.

The EU institutions have also ignored the scientific criticism that has been published since the downgrading of the wolf in the Berne Convention and since the publication of the study by Blanco & Sundseth 2023 (Annex A.14) (e.g. that this study does not meet scientific requirements and that the N2K EEIG for which the authors prepared the study is not a scientific institution), in particular the LCIE 2024 (Annex A.44) and 700 scientists (Annex A.46). They also did not take into account the more recent scientific publications on the status of the wolf and the methodology of the establishment of a favourable conservation status (including the modelling of scenarios with an assessment of the risk of population extinction). In accordance with Article 191(3) TFEU, the EU institutions should have continued to assess (in a scientifically sound manner) the pressures to be expected on the conservation status of the wolf, on ecosystems and economically due to the downgrading of the protection status (the 'action').

In accordance with Article 191(3) TFEU, the EU institutions should have continued to take account (in a scientifically sound manner) of environmental conditions in the various regions of the European Union. It is clear from the FFH reports under Article 17 concerning the period 2013-2018 that the conservation status of the wolf is very different in the different regions. From the LCIE report by Boitani et al. In 2022 (Annex A.25), populations vary widely and are at risk for different reasons.

On the other hand, the Commission's proposal of 7.3.2025 (COM(2025) 106 final (as well as COM(2025) 106 final/2) refers only to the downgrading in the Berne Convention, without mentioning the possibility of maintaining a stricter protection status under Article 12 of the Berne Convention and without taking into account current developments and current scientific knowledge. Parliament and the Council have not played a major role here either. The recommendation of the Committee on Economic and Social Affairs, on the other hand, rather highlights the importance of herd protection measures and their better promotion and does little to support the need to downgrade the protection status, even if it does not contradict it.

C. II. 1. Error of assessment as regards the conservation status of the wolf

The EU should have determined the current conservation status and also the impact of its activities on the future conservation status.

The EU institutions have not determined the conservation status of the wolf. Neither Boitani et al. 2022 still Blanco & Sundseth 2023 (other recent studies - see Di Bernardi et al. 2025, Annex A.21, and Kaczensky et al. 2024, Annex A.32) assess the conservation status of the wolf within the meaning of Article 1(i) of the Habitats Directive. This definition has three cumulative assumptions (see also CJEU, judgment of 12 June 2025 - C-629/23, paragraph 46). The justification of the Commission proposal (COM(2025) 106 final and final/2) refers exclusively to the total number of wolves in the EU and to the fact that this total has increased in recent years and the presumption that it will continue to increase.

For a scientific approach, the EU institutions should first have waited for the Member State reports under Article 17 of the Habitats Directive of 31 July 2025. There was no reasonable reason to adopt the change in protection status one and a half months before the availability of this central data base. These data might have had to be critically reviewed, as political considerations may have overshadowed scientifically verifiable realities (cf. the German report for 2019-2024 above), but they form an essential basis in the context of the Habitats Directive.

On the basis of the current science on the methodology for the assessment of conservation status, in particular the current studies on the derivation of a reference value (the study commissioned by the Commission Linnell et al. 2025, Annex A.33, Kramer- Schadt et al. 2024, Annex A.30) must determine the conservation status of the wolf at local, national, biogeographical and EU level, including population level where appropriate. To that end, they should have taken into account **the case-law of the CJEU** on the determination and assessment of the conservation status of the wolf (judgment of 11 July 2024, WWF Österreich and Others, C-601/22; Judgment of 29 July 2024, ASCEL, C-436/22, EU:C:2024:656, paragraph 60 et seq.; CJEU, judgment of 12 June 2025 - C-629/23, paragraph 46 et seq.) According to this case-law, **on the one hand, the current situation must be determined, on the other hand, the effects of a planned measure** (here the downgrade in Annex V to the Habitats Directive) must be assessed, both at **different spatial levels**.

The determination of the conservation status includes a prognostic element, in which future developments must be taken into account, see, inter alia, CJEU, judgment of 12 June 2025, Case C-629/23:

57 Consequently, as the Advocate General observed, in essence, in point 59 of her Opinion, it is still necessary, in the event of a currently satisfactory situation in the light of those criteria, to ensure that the situation is permanent in order to establish the favourable conservation status of a species.

58 in that regard, **account must be taken, in particular, first, of any foreseeable change likely to** affect the exchanges between the populace present in the Member State concerned and the

other populations belonging to the same population.

The level of legal protection must also be taken into account as a future development (CJEU, Urteil of 12 June 2025 - C-629/23 -, paragraph 60), i.e. in this case the scenario of a reduced level of protection. It should also have been taken into account that it is to be expected that some Member States will use the downgrading as an opportunity to significantly expand the possibilities for hunting and selective killing of the wolf, in some cases also in breach of the level of protection provided for in Article 14 of the Habitats Directive. It has already been announced in some Member States or regions that hunting should be allowed even if there is no favourable conservation status and pressure is being put on the competent authorities to establish a favourable conservation status (Annexes A.50, A.51 and A.51a). In doing so, account must be taken of the increase in the number of shots expected under Article 14 of the Habitats Directive as a result of the new rules on amended national legal bases, as well as in breach of the provisions of that directive. The usual length of proceedings until infringements of EU law, whether by the Commission or by the de facto, are brought to an end, and the expected effects on the conservation status by then must be taken into account. Several scientific studies have also shown that the liberalisation of the killing of wolves leads to an increase in poaching (Chapron & Treves 2016, Annex A.57, Santiago-Avila et al. 2020, A.58). This increase should also have been included in the forecast. In addition, the consequences of the increased killing of wolves on the conservation status should have been considered, e.g. less genetic exchange and reduced genetic diversity due to lower density, mortality of adults and juveniles, as well as pack instability and the lower reproduction rate of wolves as a result of the loss of one or more animals from the pack. Studies show that killing an animal reduces the likelihood of the pack remaining stable by 27% at the end of the

biological year. If the killed animal is a lead animal (parent animal), the probability even decreases by 73%. Also, the probability of reproduction of a pack in the year following a killing decreases by 22%, with the killing of a lead animal even by 49% (Cassidy et al. 2023, Annex A.59, see also Brainerd et al. 2008, Annex A.60). None of this has been identified or taken into account by the EU institutions.

The EU institutions have also completely overlooked the fact that the protection of farms and the prohibition of intentional disturbances are also welcome. Article 12 of the Habitats Directive is deleted with a downgrading. The impact of this change in protection status should also have been included in the forecast.

The population risk analysis of Kramer-Schadt et al. 2024 (Annex A.30) shows that it is scientifically possible to model different scenarios and mortality.

The LCIE pointed out in 2024 that some populations are at risk due to low genetic diversity and/or exchange, and this problem will be exacerbated by a reduction in the density of wolves and also related to other populations. Kramer-Schadt et al. 2024 (Annex A.30) showed that an increase in mortality of (only) 21% would lead to the risk of extinction of the German population.

In addition to the assessment of the conservation status, this forecast of the consequences of the reduction is also necessary in the context of taking into account the burdens of action within the meaning of Article 191(3) TFEU, in the context of the assessment of the results required by the Interinstitutional Agreement and as a necessary data basis within the meaning of the case-law of the Court of Justice (judgment of 7 September 2006 in Case C-310/04, paragraph 105 et seq.) (see C.V. 1).

C. II. 2. Error of assessment concerning the ecological function of wolves and the economic and social benefits of wolves

The ecological function of the wolf - trophic cascades, improved health and fitness of game stocks, increasing the potential of natural CO₂ sinks - should have been taken into account as advantages of non-action or disadvantages of EU action within the meaning of Article 191(3) TFEU. In addition, the economic benefits of these ecological functions of the wolf - cost savings in forestry, forest conservation and the reduction of CO₂ emissions and animal disease control, the reduction of traffic accidents involving game and the potential of ecotourism should have been taken into account. Recommendation No 56 of the Berne Convention (Annex A.45) also recommends that the role of the species eligible for a change in protection status be taken into account in the ecosystem. According to the IUCN's scientifically advanced assessment 'Green Status', an assessment of the fulfilment of its functions plays a role in the assessment of a green status for a species in addition to its presence and viability in the entire natural range of the species (see <https://www.iucnred-list.org/about/green-status-species>).

In the process of downgrading the wolf, the EU institutions have not identified any of the functions of the wolf and none of the economic and social benefits of the wolf, let alone taken them into account. That is a manifest error of assessment.

That prognosis of the consequences of the downgrading in those contexts is also relevant in the context of taking into account the burdens of action within the meaning of Article 191(3) TFEU, in which:

Impact assessment required by the Interinstitutional Agreement and as a necessary data basis within the meaning of the case-law of the Court of Justice of the European Union (judgment of 7 September 2006, Case C-310/04, paragraph 105 et seq.) (for the latter, see C.V. 1).

C. II. 3. Error of assessment with regard to: Conflicts of coexistence

The reasons given by the EU institutions for downgrading are based on heightened socio-economic conflicts. Here, farm animal attacks are in the foreground, the danger to humans claimed in the press release of 4.9.2023 was - as far as can be seen - no longer highlighted later. However, heightened socio-economic conflicts are not sufficient. Rather, the situation is essentially the same as before. For this purpose, reference is made to the explanatory notes on coexistence conflicts. Although Blanco & Sundseth 2023, Anlage A.14, - using non-scientific methods - note a slight increase in crack events, they come to the conclusion on p. 52:

"On a large scale, the overall impact of wolves on livestock in the EU is very small."

In the study and in science - reference is made to the explanations in the facts - the importance of herd protection measures is pointed out at various points, which can also at least partly explain the regionally different concern and are central to the solution. In addition, there are possible solutions under Article 16 of the Habitats Directive under the previous strict protection system. Blanco & Sundseth 2023, Annex A.14, p. 14:

*"In other words, the **existing rules on derogations make it possible to balance different interests against the conservation aims of the Directive.** The Directive thus authorizes Member States to take action to derogate from certain provisions in Order to address the specific challenges they are currently facing in relation to the wolf population. In this context, **Member States have at their disposal the appropriate means to address local conflicts and circumstances, in line with the principle of subsidiarity.**"*

The EU institutions do not explain why they deviate from this assessment and consider the reduction of protection status to be useful and even preferable in response to (supposedly) increased socio-economic conflicts.

Under Article 191(3) TFEU, the EU institutions should have assessed (in a scientifically sound manner) the benefits of changing the protection status of the wolf (the 'action'). In that regard, they have not established anything or have ignored scientific evidence that killings are not efficient for the reduction of animal attacks, unless the population is significantly minimised (see the facts on this point, p. 11 et seq.), which, however, is likely to be contrary to the Berne Convention and also to Article 14 of the Habitats Directive. They should therefore have come to the conclusion, when taking into account the advantages, that the downgrading does not offer any significant advantage in terms of the protection of farm animals.

The non-assessment of the (actually non-existent) advantage of the downgrading constitutes a manifest error of assessment within the meaning of Article 191(3) TFEU. For this purpose, see also C. V. 2. In the context of the breach of the principle of proportionality (suitability) further explained.

In the light of the foregoing, it must be held that the act at issue in the proceedings infringes Article 191(3) TFEU in several respects and is therefore unlawful.

C. III. Third plea in law: Infringement of Article 191(1) and (2) TFEU in conjunction with Article 3(3) TEU

The act at issue also infringes the **precautionary principle** and the principle that EU environmental policy aims at a **high level of protection**, Article 191(1) and (2) TFEU in conjunction with Article 3(3) TEU.

The precautionary principle, which must also be observed by the EU legislature, states that where the examination of the best available data leaves an **uncertainty as** to whether a measure liable to affect a protected species is compatible with its conservation at a favourable conservation status, **the measure must not be taken (continuous case-law, see, for example, on measures taken by Member States, CJEU judgment of 10 October 2019, Case C-674/17, paragraph 66; Judgment of 29 July 2024, ASCEL, C-436/22, paragraph 72; Judgment of 11.7.2024, Case C-601/22, paragraph 64).**

In the present case, there is considerable uncertainty as to whether the downgrading of the protection status of the wolf in Annex V to the Habitats Directive and the subsequent adjustments to the protection systems of the Member States is compatible with the conservation status of the wolf within the meaning of the precautionary principle. The EU institutions have simply not identified this on the basis of scientific data. Even science - independent of the EU institutions - has so far produced nothing that could remove the uncertainty, on the contrary, all scientific publications speak against the downgrading.

Advocate General Capeta, in her Opinion in Case C-601/22, on the conditions for downgrading a species in the light of the precautionary principle, stated as follows:

55. If it is to be considered to remove a species from the protection attachments, then its conservation status would have to be favourable. Furthermore, in order to take account of the **precautionary principle**, the deletion of a species from the protection annex could take place as soon as **its favourable conservation status is assured** (i.e. no short-term fluctuation) and **it would have been demonstrated in an appropriate manner that the effect of the factors leading to its unfavourable status has ceased.**(24) In contrast, however, as mentioned above, the conservation status of the wolf in Austria is far from favourable (see point 27 of this Opinion). In those circumstances, the Commission may therefore simply not have been able to identify any reasonable reason to initiate the procedure laid down in Article 19 of the Habitats Directive and to exclude Austria from Annex IV to that directive.

The conservation status of the wolf is neither favourable (at local level, nor at national level, nor at EU level as a whole), nor is it proven that the factors that led to the unfavourable status have ceased to exist. On the contrary, the downgrading has once again fostered an essential factor that has led to the unfavourable state of affairs, namely human persecution. This leads to considerable additional uncertainty regarding the future positive development of the wolf's conservation status.

In the light of the above, the EU institutions should have refrained from downgrading. The reduction is unlawful for breach of the precautionary principle.

The downgrading is also not aimed at a high level of protection. Rather, the level of protection is lowered for no good reason. This is contrary to Article 191(2) TFEU in conjunction with Article 3(3) EDP.

C. IV. Fourth plea in law: Discretionary non-use

By failing to exercise their discretion, the Commission, the Council and the Parliament have exceeded the limits of their discretion. In their decision, they erroneously assumed that, following the amendment of the Berne Convention, they were obliged to transpose the downgrading of the wolf into EU law. Although they did not claim to have done so, contrary to the Commission's statements, they did not exercise their discretion as to whether it was appropriate to incorporate the amendment into EU law. Documents COM(2025)106 final of 7.3.2025 and COM(2025)106 final/2 of 6.6.2025 (published in the Official Journal on 17.6.2025) state on page 1 (emphasis added):

'Following the entry into force and implementation of this amendment under the Bern Convention, it is necessary to amend the Annexes to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) by removing the species from Annex IV to that Directive and adding it to Annex V.'

Let's go. 8 of the same documents states:

"Based on an in-depth analysis of the state of wolf populations in the EU, the Commission proposed in December 2023 to amend the protection status of the wolf under the Bern Convention. The Council adopted this proposal in September 2024."

There is no justification at any point as to why it is appropriate to change the protection status of the wolf also at EU level.

Under Article 12 of the Berne Convention, members are free to adopt stricter measures of protection. The EU and its member states are therefore not obliged to lower the protection status of the wolf. Furthermore, the reduction in protection status at the convention level does not give rise to any experience showing that this would be appropriate, particularly in relation to all Member States. The explanatory memorandum of the Commission and also the resolution of the Parliament and the Council do not contain any indication that they were aware of their margin of maneuver to maintain a high level of protection status and exercised that discretion.

The EU institutions could not and cannot easily refer to their considerations regarding the downgrading of the wolf under the Berne Convention. Since then, time had already passed and scientific reactions to the downgrade had appeared according to the and current scientific publications (see pp. 21 et seq.).

According to the FFH-RL system, a downgrade was also not obvious. The CJEU has ruled that even species which have a favourable conservation status (it concerned the conservation status at Member State level) are still protected by the system of Article 12 of the Habitats Directive in conjunction with Annex IV (CJEU, judgment of 11.7.2024, Case C-601/22, paragraph 44).

Therefore, the subject-matter of the application is unlawful on grounds of non-use of discretion.

C.V. Fifth plea in law: Exceeding discretion and breach of the principle of proportionality

The EU institutions have exceeded their discretion. The act which is the subject of proceedings for the downgrading of the protection status of the wolf infringes the principle of proportionality under Article 5(4) TEU in several respects. Firstly, the EU institutions did not collect and/or take into account essential basic data for the decision. Secondly, they incorrectly assessed the existing data and the grading infringed the principle of proportionality. The downgrading is not suitable for achieving its goal of reducing animal attacks. Nor is it necessary, since it is not the most lenient measure to achieve the objective. It also violates the prohibition of excess.

C.V. 1. Incorrect or incomplete data basis

The EU institutions have, as already mentioned under C.II. 33 et seq.), several significant facts and circumstances of the situation which the act was intended to regulate were not collected and not taken into account. This applies firstly to the current conservation status of the wolf, secondly to the effects of the change in protection status on the conservation status of the wolf and thirdly to the effects of the planned change on the ecological function of the wolf and its ecological and economic consequences. All this is not the content of Boitani et al. 2022 (Annex A.25), still from Blanco & Sundseth 2023 (Annex A.14). Other bases - in particular recent criticisms of Blanco & Sundseth 2023 and the downgrading of the protection status in the Berne Convention, as well as recent publications, including on the methodology for determining a favourable conservation status by setting reference values, have not been taken into account by the EU institutions (see

also C. II., p. 33 et seq. above).

It follows that there is a breach of the principle of proportionality, since, when adopting COM(2025) 106 final/2 and Directive (EU) 2025/1237, the EU institutions do not take into account all the relevant factors and circumstances of the situation that the act was intended to address.

CJEU, judgment of 31.1.2024, T-745/20, paragraph 119, in relation to the EU legislature's obligation to assess:

119 That scientific assessment must be based on the best available scientific data and must be carried out in an independent, objective and transparent manner (see, by analogy, judgment of 17 March 2021, FMC v Commission, T-719/17, EU:T:2021:143, paragraph 70). It must provide the competent public authority with such reliable and well-founded information that it grasps the full scope of the scientific question raised and its implications.

may determine policy in an informed manner (see, by analogy, judgments of 14 November 2013, IcdA and Others v Commission, T-456/11, EU:T:2013:594, paragraph 52, and of 17 March 2021, FMC v Commission, T-719/17, EU:T:2021:143, paragraph 71).

CJEU, judgment of 7.9.2006, Case C-310/04:

120 **It is true that, if, as in the present case, the Community legislature is required to assess future effects of legislation to be adopted which cannot be predicted with certainty, its assessment can be criticised only if it is manifestly erroneous in the light of the information available to it at the time when the legislation in question was adopted** (Jippes and Others, paragraph 84 and the case-law cited).

121 Moreover, the Community legislature's broad discretion, which implies limited judicial review of its exercise, does not relate exclusively to the nature and scope of the provisions to be adopted, but also, to a certain extent, to the specification of the basic data (see, in particular, the judgment of 25 October 2001 in Case C-120/99 Italy v Council, Sig. 2001,1-7997, paragraph 44).

122 However, such judicial review, even if limited, **requires that the Community institutions which adopted the measure at issue be able to show before the Court that they actually exercised their powers when adopting the measure, which presupposes that all the relevant factors and circumstances of the situation which that measure was intended to regulate have been taken into account.**

123 It follows that the Community institutions must, at the very least, be able to provide and set out in a clear and unequivocal fashion the basic information to be taken into account in support of the contested measures of that measure, on which the exercise of their discretion depends.

124 As stated in paragraphs 116 to 118 of that judgment, it is apparent from the information provided by the Commission at the hearing that **certain labour costs were not included in its comparative analysis of the likely profitability of cotton cultivation under the new aid scheme which served as a basis for fixing the amount of the crop-specific payment for cotton and were therefore not taken into account.**

125 However, the Spanish Government argues, relying on quantified studies, that those costs can be calculated, that they are significant and that their consideration raises serious doubts as to the viability of cotton growing under the new aid scheme.

126 Without there being any need to state whether the figures provided by one or the other of the parties are correct, **it must be held that the relevance of the labour costs in question for the calculation of the costs of cotton production and the probable profitability of cotton production as such could be difficult to dispute. The fact, relied on by the Commission, that the collection of the relevant data would have involved certain technical problems is irrelevant.**

127 In addition, it should be noted that the Council and the Commission have not put forward any precise arguments in support of the Spanish Government's argument that, if those costs were to be taken into account, the cost of cotton production would be so high that the new aid would not ensure that

that crop would be sufficiently profitable, with the result that there would be a risk that that crop would at least be abandoned to a certain extent or, where appropriate, displaced by other crops.

128 Furthermore, it is common ground that the potential impact of the reform of the cotton aid scheme on the economic situation of ginning companies has not been examined.

133 In those circumstances, it must be held that the Council, the author of Regulation No 864/2004, has not established before the Court that it actually exercised its discretion in adopting the new aid scheme for cotton introduced by that regulation, which implied taking into account all the relevant factors and circumstances of the case, including taking into account all the labour costs linked to cotton cultivation and the viability of the ginning undertakings, without which the profitability of that cultivation could not be assessed.

(...)

135 It must therefore be held that the principle of proportionality has been infringed.

CJEU judgment of 8.7.2010, Case C-343/09, Afton Chemical:

31 In the second place, it should be noted that, under Article 95(3) EC, the Commission is to assume a high level of **protection, taking into account, in particular, any new developments based on scientific evidence. Within the limits of their respective powers, Parliament and the Council also aim to achieve this objective.**

32 Moreover, Article 174(1) EC provides that EU environmental policy contributes to the pursuit of a number of objectives, such as, inter alia, the protection of human health. **Article 174(3) EC provides that, when drawing up its environmental policy, the European Union is to take into account available scientific and technical data.** That obligation applies, in particular, to the procedure laid down in Article 95(3) EC, in which it is necessary to take account of new data (see, to that effect, judgment of 6 November 2008, *Netherlands v Commission*, C-405/07 P, Sig. 2008,1-8301, paragraph 61).

The data used by the EU institutions - incomplete with regard to the significant factors and circumstances of the situation - (in particular the reports under Article 17 of the Habitats Directive of 2013-2018, Boitani et al. 2022 and Blanco & Sundseth 2023) do not establish a change in protection status, as already explained.

That lack of basic data alone gives rise to a breach of the principle of proportionality, which leads to the unlawfulness of the measure.

C.V. 2. Infringement of the principle of proportionality

The measure at issue also infringes the principle of proportionality.

The reduction of the protection status of the wolf allows the member states more "flexibility", according to the EU institutions. By 'flexibility' it seems to be meant that Article 14 of the Habitats Directive, in contrast to the regime laid down in Article 12 of the Habitats Directive, does not contain a general prohibition on killing. In addition, the amendment to the protection regime removes the prohibition on disturbance and the prohibition on the occupation of living places under Article 12 of the Habitats Directive, even if this has apparently been overlooked by the EU institutions so far.

The downgrading of the protection status of the wolf is not proportionate because it is not suitable for the objective of minimising farm animal attacks (C.V.2. 1.). Nor is it the mildest.

Measure to achieve this objective (C.V.2. 2.). It is also disproportionate (C. V. 2). 3.) (see, with regard to the principle of proportionality, CJEU judgment of 4 May 2016, Case C-358/14, paragraph 78 with further evidence, settled case-law).

C.V. 2.1. Inadequacy to achieve reduction of farm animal attacks

C.V. 2.1.1. Inadequacy of hunting

In its judgment of 14 June 2007 (Case C-342/05), the Court of Justice of the European Union held that there was no evidence that hunting was suitable for preventing serious damage to livestock (paragraphs 42 and 47). Since then, science has not confirmed the suitability of hunting to reduce animal attacks. As shown in the section of the facts, p. 11 et seq., and as can be inferred from Appendices A.23, A.36, A.44 and A.52, even a short-term effect can only be assumed if the local wolf population is greatly minimized or even wiped out. However, this is also not permitted under the protection regime of Article 14 of the Habitats Directive. Even then, there is evidence that killing wolves can even increase the number of farm animal attacks locally, calling into question the assumption of short-term efficiency, see pp. 11 et seq. and Appendices A.36, A.38 and A.39. In addition, territories are usually quickly repopulated, so that a medium to long-term suitability is to be denied. For all this, reference is made to the detailed description of the scientific findings on pp. 11 et seq., together with Annexes A.23, A.36, A.21, A.38, A.39 and A.14. The LCIE opinion of 2024 (Annex A.44) also points to the unproven efficiency of killings to reduce farm animal attacks.

C.V. 2.1. 2. Inadequacy of selective killings

Moreover, the suitability of selective killing of wolf individuals or packs to reduce farm animal attacks has not been scientifically proven either in the short term, medium term or in the long term. Reference is made to the comments on pages 13 et seq. in addition to the annexes referred to therein, in particular Annexes A.23 and A.36. In summary, in the short term, the effect of selective killing due to a possible increase in attacks due to the change in the pack structure and the pressure on the leading parent (see above, p. 11,14 with Annex A.36) is questionable. In the medium to long term, the ability to shoot down individual animals who have learned that farm animals are good prey and who may be able to overcome herd protection measures is, in any case, not possible if the herd protection is not applied and, if necessary, expanded across the board. Because without the application of herd protection, it is only a matter of time before the next wolf learns to kill pasture animals. Wolves learn, on the basis of increased opportunities, not or not sufficiently protected grazing animals and also the overcoming of fences. They literally train the technique of overcoming herd protection. Reinhardt et al. 2023 (Annex A.36) summarises the state of science on the issue of the health of selective killings as follows (p. 242, emphasis not in the original):

“Will the targeted removal of this animal solve the problem?”

*First of all, it must be examined whether and to what extent the farm animals were protected against wolf attacks. A removal will only have the desired sustainable effect if a wolf has learned to overcome recommended herd protection methods in the affected area despite professionally protected farm animals, and this individual is then deliberately killed. Thus, the implementation of effective herd protection measures has played a decisive role. **On the other hand, in an area with many unprotected farm animals, selective shooting will have, if at all, only a short-term effect. Here it is only a matter of time before the next wolf kills unprotected or poorly protected farm animals. In such a situation, it is not the wolf killing that brings the desired sustainable reduction of damage, but the area-covering application of effective herd protection measures.***

C.V. 2.1. 3. Inadequacy of disturbances and impairment of habitats

It is not apparent that intentional disturbances or the impairment of life stages could be capable of reducing animal attacks. So far, nothing has been said about this. With regard to the reduction of the population density

of wolves or the prevention of their settlement by disturbances or the impairment of habitats, the above comments on hunting and selective killings and their unsuitability can also be referred to.

C.V. 2. 2. No need to reduce protection status

The reduction of the protection status is also not necessary to achieve the objective of minimising herd protection. There are milder means available. In particular, **the area-covering expansion of herd protection measures** is both a more appropriate and a means of minimising animal attacks than the liberalisation of killings, disturbances and deterioration of habitats. Under the previous protection regime of Article 12 in conjunction with Article 16 of the Habitats Directive, the means of protecting herds could already be supplemented as an ultima ratio by selective killings. Overall, this herd protection system, complemented by individual selective killings, is milder and more appropriate than the downgrading of the protection status. Blanco & Sundseth 2023, Annex A.14, write on page 14:

"In other words, the existing rules on derogations make it possible to balance different interests against the Conservation aims of the Directive. The Directive thus authorizes Member States to take action to derogate from certain provisions in order to address the specific challenges they are currently facing in relation to the wolf population. In this context, Member States have at their disposal the appropriate means to address local conflicts and circumstances, in line with the principle of subsidiarity."

The EU institutions have not put forward anything that could shake this assessment.

As explained in detail on pp. 15 et seq., the suitability of herd protection measures is scientifically proven and can effectively reduce livestock attacks in any case - if at all - only in the form of selective killings and in connection with the widespread application of herd protection. The expansion and widespread application of herd protection are therefore - even under the lowered protection regime – without termination. Therefore, the costs for this are also incurred under both protection regimes - whether under Article 12 or Article 14 of the Habitats Directive. As a milder means of reducing farm animal attacks, the improvement and further expansion of herd protection through the expansion demanded by science for a long time is an alternative to lowering the protection status.

financial support and advice on the application of herd protection (vgl. p. 16 and Annexes A.36, A.14). The technical know-how for the further improvement of herd protection, also in different contexts, is available (Linnell & Cretois 2018, pp. 67, 69, Annex A.23, Reinhardt et al. 2023, p.250).

In addition, the EU institutions could help to make the application of Article 16 of the Habitats Directive (or its national implementing provisions) more legally secure. For this purpose, it would have to be analysed which obstacles exist for the Member States in the application of Article 16 of the Habitats Directive - if at all. For example, guidelines or applications could be given for monitoring and determining and justifying the conservation status of the populations within the meaning of Article 16 of the Habitats Directive in accordance with the case-law of the Court of Justice of the European Union. Some derogations were revoked by courts because the identification and assessment of the conservation status of the populations did not meet the requirements of the CJEU. Another reason that has sometimes led to the judicial repeal of exceptions under Article 16 of the Habitats Directive is the lack of sufficient herd protection measures. In this regard, it has already been argued that this is both preferable as a means of reducing farm animal attacks, since it would be more suitable and milder, as well as without alternative, since it is in any case a prerequisite for the suitability of selective killings (which - if at all - is only given in combination with the comprehensive expansion of herd protection measures).

Nor have the EU institutions examined the milder means of downgrading the protection status only in certain regions (cf. LCIE 2024 Opinion, Annex A.44), which would be thematically conceivable if it were scientifically proven that there was a favourable conservation status, that this would also be ensured for the future and under reduced protection status, and that this would not jeopardise the achievement of a favourable conservation status of the wolf in other regions. In this context, however, it is pointed out that, on the one hand, the conditions are currently not met and, on the other hand, that means, although milder than a downgrading at the level of the entire Union, would not be an appropriate means of reducing animal attacks for the reasons set out above.

C.V. 2. 3. Inadequate relationship between regulatory disadvantages and aspirational objective

The profit generated by the scheme is clearly disproportionate to its disadvantages. It has already been explained in detail that due to the inappropriateness of the liberalisation of killings and impairments for the reduction of livestock attacks, no profit is actually to be expected. Even if one were to assume a profit, however, there would be an inappropriate relationship between after- and benefits.

The disadvantages of the downgrading of the protection status are both for the species wolf-his state of health will deteriorate significantly compared to the current protection regime - as well as for the ecosystem and humans enormously. The expected reduction of wolves as a direct and indirect consequence of the liberalisation of killings will enable the role of the wolf in the ecosystem to be exercised to a much lesser extent, which - compared to the scenario of continued strict protection under Article 12 of the Habitats Directive and the expected developments in wolf populations under this protection regime - will lead to deterioration in the condition of forests, biodiversity and the capacity of forests as CO₂ sinks, as well as to a greater spread of animal diseases and diseases to wild and farmed animals and to an increase in the number of traffic accidents involving wild animals. Bite damage and costs for the control of animal diseases as well as for the protection of young trees from bite damage will be significantly increased.

It should also be borne in mind that the downgrading of protection status has fostered policies based on historical animosities and poaching. These two factors were the main reasons for the eradication of the wolf (see Blanco & Sundseth 2023, Annex A.14, p. 12). The EU has abandoned its leading role as guardian of species protection in the EU through the scientifically unindicated downgrade. At least for the period until the enforcement of the protection regime under Article 14 of the Habitats Directive by the Commission or the Court of Justice, it is to be expected that some Member States will introduce policies and/or establish corresponding practices beyond the reduced protection system to the detriment of the wolf and nature conservation (see p.

24 and Annexes A.50, A.51 and A.51a).

These disadvantages far outweigh the (assumed hypothesis) advantages of any quantifiable reduction in damage due to farm animal attacks. The costs of herd protection measures must not be included here, as they also occur under the reduced protection status, because killings alone do not protect farm animals. According to the case-law of the CJEU and the CJEU, economic interests in the environmental field must not be decisive (CJEU T-745/20, judgment of 31.1.2024, paragraph 276, with further evidence).

Moreover, the EU institutions did not carry out this balancing exercise. They did not even begin to quantify the quantities given here, nor did they compare them qualitatively.

In the light of the foregoing, the disadvantages of the downgrading of the protection status are also disproportionate to its advantages.

In summary, the legislation infringes the principle of proportionality and is therefore unlawful.

C.V. 2. 4. Disproportionality to ward off supposed dangers for humans

The potential danger to humans initially claimed by the Commission was not taken up in the later course of the procedure. It can therefore be assumed that the defence against this (actually non-existent) danger was no longer the aim of the downgrade. Moreover, the rules would not be proportionate in this respect either. It has already been proven that such a risk does not exist or is so low that there is no need for action (see Di Bernardi et al. 2025, Annex A.21, p. 6 with further references, Blanco & Sundseth 2023, Annex A.14, p. 55). Therefore, this is not a legitimate aim of a regulation.

Nor would the liberalisation of the killing of wolves and their habitats resulting from the downgrading be suitable for achieving that objective. This is especially true for hunting. Dangerous behaviour for humans in the rare known cases is caused by wolves that have been habituated to humans or are rabid (cf. Di Bernardi et al. 2025, Annex A.21, p. 6 with further evidence, Blanco & Sundseth 2023, Annex A.14, p. 55). Hunting as a non-selective method cannot do anything about this. Selective killings are the proven means here as the ultima ratio following the unsuccessful adoption of other milder measures (cf. Blanco & Sundseth 2023, Annex A.14, p. 70 et seq. with further evidence).

The downgrade is not required. As a more lenient means, it is already possible, as an ultima ratio, to issue an exception under Article 16 of the Habitats Directive in individual cases. This is an adequate means in this context (see Blanco & Sundseth 2023, Annex A.14, p. 14).

The downgrade is also not appropriate to address this "problem". As already explained and scientifically proven (see above), the risk for people is so low that the significant consequences of a downgrading of the protection status go well beyond what is appropriate. As already explained in detail, the downgrading is likely to have a significant impact both on the 'individual' protection status of wolves and on the conservation status of the wolf populations as a whole. Considering the extremely low risk that wolves could pose a threat to humans, these disadvantages are unreasonably great for the conservation of the species.

For these reasons, the applicant claims that the Court should:

review Directive (EU) 2025/1237. The review should be carried out as a matter of urgency and should conclude that this act is unlawful. I therefore request that it be annulled or that the necessary procedure be initiated.

Two requests for internal review, which essentially correspond to this request, are also addressed to Parliament and the Commission.

Yours sincerely,

Kerstin Kühn
lawyer



List of Annexes

In the case No.	description
A.01	Excerpt from the register of associations for the applicant
A.02	Applicant's statutes
A.03	Exemption certificate proving the non-profit status of the applicant
A.04	Recognition of the applicant as an environmental association within the meaning of the German Environmental Law Remedies Act
A.05	Applicant's annual report for 2023
A.06	Applicant's 2024 annual report
A.07	Applicant's powers of attorney
A.08	Admission certificate of the lawyer to the legal profession
A.09	Directive (EU) 2025/1237
A.10	Commission proposal COM(2025) 106 final/2
A.11	Map of the historical and current (as of 2008), distribution area of the wolf
A.12	Gerber et al. 2024, Do colonizing wolves trigger non-consumptive effects in European ecosystems
A.13	Ripple et al. 2025, The strength of the Yellowstone trophic cascade after wolf reintroduction, with Corrigendum
A.14	Blanco & Sundseth 2023, The Situation of the wolf (canis lupus) in the European Union. An in-depth analysis
A.15	Schumann 2022, Development of the shellfish population in Fläming under the influence of the wolf, Bachelor thesis
A.16	Van Beek Kalkoen et al. 2022, Influence of large predators on the foraging of red deer
A.17	Spracklen et al. 2025, Wolf reintroduction to Scotland could support extensive woodland expansion and associated carbon Sequestration
A.18	Wojcicki & Borowski 2023, Presence of wolves leads to spatial differentiation in deer browsing pressure on forest regeneration
A.19	Wenting et al. 2024, Influence of Human Hunting Strategies and Large Carnivore Presence on Population Dynamics of European Facultative Scavengers
A.20	Schmitz et al. 2023, Trophic rewilding can expand natural climate Solutions
A.21	Di Bernardi et al. 2025, Continuing recovery of wolves in Europe
A.23	Linnell & Cretois 2018, Research for AGRI Committee-The revival of wolves and other large predators and its impact on farmers and their livelihood in rural regions of Europe
A.24	Petridou & Kati 2025, Are Wolves the Real Problem? Challenges faced by Livestock Farmers Living Alongside Wolves in Northwestern Greece
A.25	Boitani et al. 2022, Assessment of the Conservation Status of the Wolf (Canis lupus) in Europe

A.26	Smeds et al. 2022, From high masked to high realized genetic load in inbred Scandinavian wolves
A.27	Hansen et al. 2011, Evaluation of the Conservation genetic basis of management of grey wolves in Sweden
A.28	Nowak et al. 2024, Wolves In the borderland - changes in population an wolf diet in Romincka Forest along the Polish-Russian-Lithuanian state borders
A.29	Krumenacker 2025, Environment Minister Schneider transitions his own people in the evaluation of the wolf, available at https://www.riffrepor-ter.de/en/umwelt/wolf-deutschland-erhaltsstatus-artenschutz-ffh-Directive
A.30	Kramer-Schadt et al. 2024, population risk analysis for the species Wolf (Annex II and IV Habitats Directive), BfN documents 715/2024
A.31	Fisher & Randi 2025, Uncertain and outdated data should not be used to push for the downgrading of European wolf (Canis lupus) populations. Some comments on Blanco & Sundseth (2023) report for the European Commission, available at https://www.greenimpact.it/wp-content/uploads/2025/04/Wolf-Blanco-Sundseth-2023-Review-01.04.25,.pdf
A.32	Kaczensky et al. 2024, Large Carnivore Range and Population Estimates Update 2017-2022
A.33	Linnell & Boitani 2025, Developing methodology for setting Favourable Reference Values for large carnivores in Europe
A.34	Recommendation P9_TA(2022)0423 of the European Parliament
A.35	Commission reply of 7.3.2023 to European Parliament recommendation P9_TA(2022)0423, available at https://oeil.secure.europa.eu/oeil/en/Procedure-file?reference=2022%2F2952%28RSP%29
A.36	Reinhardt et al. 2023, How can livestock attacks by wolves be sustainably minimized? - A literature review with recommendations for Germany, in: Voigt (Eds.), Evidence-based wildlife management
A.37	Singer et al. 2023, The spatial distribution and temporal trends of livestock damages caused by wolves in Europe
A.38.	Ternandez-Gil et al. 2016, Conflict Misleads Large Carnivore Management and Conservation: Brown Bears and Wolves in Spain
A.39	Santiago-Avila et al. 2018 Killing wolves to prevent predation on livestock may protect one farm but harm neighbors
A.40	Federal Documentation and Advisory Centre on Wolf, Wolf Damage, Prevention and Compensation in Germany 2024
A.41	Commission press release of 4.9.2023, available at https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330

A.42	Open letter of 11/09/2023 from NGOs to Commission President Von der Leyen, available at https://www.wwf.eu/711704941/Qpen-letter-to-Commission-President-von-der-Leyen-on-protection-status-of-wolves
A.43	Commission proposal COM(2023) 799 final of 20.12.2023 on the downgrading of the wolf in the Berne Convention
A.44	Opinion of the Large Carnivore Initiative for Europe (LCIE) of 13.11.2024 on the proposal to downgrade the wolf in the Bern Convention
A.45	Recommendation No 56 (1997) of the Standing Committee of the Berne Convention
A.46	Letter of 700 scientists to the Secretary General of the Bern Convention of 30.11.2024
A.47	Letter of 3 April 2025 from NGOs to the Polish Presidency of the Council
A.48	Parliament legislative resolution P10_TA(2025)0100 of 8.5.2025
A.49	Council of the European Union, vote on 5.6.2025
A.50	BZ from 10.8.2025, Brandenburg wants to shoot 330 wolves
A.51	Press release of the Bavarian State Ministry for Economic Affairs, Regional Development and Energy dated 6.8.2025
A.51a	Pirsch.de from 5.8.2025 about the situation in Hessen
A.52	Kutal et al. 2025, Deeply Political and Populist Decisions on Large Carnivores in Europe in Recent Times
A.53	Aarhus Compliance Committee, Findings and recommendations of the Compliance Committee with regard to communication ACCC/C/2008/32 (part II) concerning compliance by the European Union, 17.3.2017
A.54	Aarhus Compliance Committee, Findings and recommendations with regard to communication ACCC/C/2008/32 (Part 1) concerning compliance by the European Union, 14.4.2011
A.55	Aarhus Compliance Committee, Findings on communication ACCC/C/2004/8 (Armenia), ECE/MP.PP/C. 1/2006/2/Add. 1
A.56	Aarhus Compliance Committee, Findings on communication ACCC/C/2008/31 (Germany), ECE/MP.PP/C.1/2014/8
A.57	Chapron & Treves 2016, Blood does not buy goodwill: allowing culling in- creases poaching of large carnivores
A.58	Santiago-Avila et al. 2020, Liberalizing the killing of endangered wolves was associated with more disappearances of collared individuals in Wisconsin, USA
A.59	Cassidy et al. 2023, Human-caused mortality triggers pack instability in gray wolves
A.60	Brainerd et al. 2008 The Effects of Breeder Loss on Wolves

MAIL REGISTRATION

From: TRANSPARENCY Access to documents (COMM)
Sent: mercredi 13 août 2025 16:43
To: MAIL REGISTRATION
Subject: Pis register the incoming letter in attachment
Attachments: 2025-08-13 Application according to Aarhus-VO

Dear colleagues,

Please register the incoming letter attached and send the registration number to COMM.2.C.001 - Transparency/Information to the public.

Kind regards,

Nicole