



13 November 2024

## **Statement on the proposed downlisting of the wolf under the Bern Convention and the EU Habitats Directive**

The Large Carnivore Initiative for Europe (LCIE)<sup>1</sup> hereby expresses its concern regarding the current proposal<sup>2</sup> of the European Union (EU) to move the wolf (*Canis lupus*) from Appendix II to Appendix III of the Bern Convention,<sup>3</sup> and the associated intention to subsequently move the species from Annex IV to Annex V of the EU Habitats Directive.<sup>4</sup>

The LCIE does not oppose the notion of downlisting species (or populations) as such. However, the current proposal raises serious questions, *inter alia* in light of the important principle that decisions on the conservation and management of wildlife be based on sound science, not (just) on political reasons. As elaborated below, at this time, the proposed generic downlisting of the wolf across the continent does not appear warranted.

If the proposal were to be accepted by the Standing Committee of the Bern Convention, this could create a troubling precedent, potentially affecting future (down- and de-)listing decisions regarding other species.

As the Standing Committee has stressed in Recommendation No. 56 (1997), amendments of the Convention's appendices ought to take place "in a coherent manner, based on best available science."<sup>5</sup>

Accordingly, a proposal by Switzerland in 2022 to downlist the wolf was not adopted by the Standing Committee, in light *inter alia* of a report on the conservation status of European wolf populations compiled by the LCIE.<sup>6</sup> Between then and the EU decision to pursue downlisting, the situation had not significantly changed, as corroborated also by a report compiled for the European Commission in 2023.<sup>7</sup>

In light of the need for sufficient coherence and scientific basis it is worrisome, therefore, to see the same 2022 LCIE report now being invoked in the EU proposal as *supporting* downlisting. Incidentally, the 2023 report invoked alongside it only rendered marginally higher wolf numbers. It is remarkable also that the specific arguments that were raised by the EU itself to vote against the Swiss

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<sup>1</sup> The LCIE is a Specialist Group of the IUCN Species Survival Commission.

<sup>2</sup> Proposal to amend Appendices II and III of the Bern Convention on the Conservation of European Wildlife and Natural Habitats by moving the wolf (*Canis lupus*) from Appendix II to Appendix III, 2024, T-PVS/Inf(2024)15.

<sup>3</sup> Convention on the Conservation of European Wildlife and Natural Habitats, 1979.

<sup>4</sup> Directive 92/43/EC on the Conservation of Natural Habitats and of Wild Fauna and Flora, 1992.

<sup>5</sup> Recommendation No. 56 (1997) concerning guidelines to be taken into account while making proposals for amendment of Appendices I and II of the Convention and while adopting amendments.

<sup>6</sup> LCIE, Assessment of the conservation status of the wolf (*Canis lupus*) in Europe, September 2022, T-PVS/Inf(2022)45.

<sup>7</sup> Blanco & Sundseth, The situation of the wolf (*Canis lupus*) in the European Union – an in-depth analysis, report of The N2K Group for DG Environment, European Commission 2023.

downlisting proposal in 2022 continued to apply at the time the EU decided to propose such downlisting itself.<sup>8</sup>

In addition to considering wolf numbers and trends, the EU proposal contends that downlisting would “add flexibility” to address “increasing socio-economic challenges with regard to coexistence with human activities” that are “due, in particular, to harm to livestock, which has reached significant levels, affecting more and more regions.”<sup>9</sup> However, there does not seem to have been a notable increase in livestock damages caused by wolves since 2022, and the same applies to public safety risks, for that matter. Again, this is substantiated in the 2023 report.<sup>10</sup>

Moreover, the current strict protection regime of Bern Convention Appendix II and Habitats Directive Annex IV already allows for the killing of wolves when necessary to prevent serious livestock damage or human safety risks. The LCIE is not aware of scientific evidence convincingly supporting the assumption that downlisting can be expected to alleviate social and economic conflicts associated with wolves. In fact, the deeper social conflicts that appear to be the real drivers of the present discussions over wolf management (rather than livestock damages as such) are unlikely to be resolved by downlisting, as this will predictably please some stakeholders while upsetting others.

The LCIE expresses the hope that in the future, the conservation status of all European wolf populations, and the threats they face – and the same applies to other species, for that matter – will be such that they are no longer in need of strict protection. However, eventual downlisting should occur only when supported by sound evidence and accompanied by a clear and coherent set of objectives, commitments and evaluations governing the subsequent period.

Indeed, there seems to be a need to develop, *before* any downlisting decisions regarding the wolf or other species are taken, a standardized and science-based framework for listing, downlisting and delisting,<sup>11</sup> to ensure that decisions are taken in a coherent and transparent manner, whereby the influence on the process of politicization and lobbying is minimized.

Due attention ought to be paid in this regard to the specific status and conservation needs of each distinct population, and to how its future prospects are connected to prevailing socio-economic circumstances. Indeed, it may be that at some stage the downlisting of certain wolf populations is justified but not others, as an alternative to a generic continental listing in either Appendix. This option of tailor-made, differentiated listing would seem to deserve further attention.<sup>12</sup>

Furthermore, before downlisting occurs, it appears essential to first obtain more clarity on the implications of the Appendix III (Bern Convention) and Annex V (Habitats Directive) regimes, especially regarding a species like the wolf which is the subject of controversy and strong political disagreement in parts of its range.

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<sup>8</sup> EU Council Decision 2022/2489: "Based on current data, lowering the protection status of all wolf populations is not justified from a scientific and conservation point of view. The conservation status of the species remains divergent across the continent, with a favourable conservation status assessment in only 18 out of 39 national parts of biogeographical regions in the Union. This is confirmed by the latest available scientific information on conservation status of the species, resulting from the reporting under Article 17 of Council Directive 92/43/EEC and under Resolution No 8 (2012) of the Bern Convention. Continuing threats to the species, including emerging ones such as border fences and wolf-dog hybridisation, also call for maintaining the strict protection status. Therefore, the Union should oppose the proposal from Switzerland."

<sup>9</sup> EU proposal, T-PVS/Inf(2024)15, par. 14-16.

<sup>10</sup> As noted in the key findings of Blanco & Sundseth, *ibid.*, “the overall impact of wolves on livestock in the EU is very small [and] no fatal wolf attacks on people have been recorded in Europe in the last 40 years.” See also Marsden et al., *Livestock depredation and large carnivores in Europe: overview for the EU platform*, Adelphi Consult GmbH 2023.

<sup>11</sup> This would build and expand on Standing Committee Recommendation No. 56 (1997).

<sup>12</sup> Differentiated listing currently applies to various subspecies. Besides, a significant degree of differentiation for the wolf presently results from reservations and exceptions applicable to various countries.

For instance, it appears necessary to highlight and reconfirm that a downlisting must not result in a reduction of the current size, range and connectivity of wolf populations. That would, after all, be at odds with the objectives, obligations and logic of the different protection regimes associated with Appendices II and III, respectively (and, in parallel, Annex IV and V of the Habitats Directive).

When wolves are downlisted also under the Habitats Directive, the obligation to safeguard a favourable conservation status (FCS) will remain the sole substantive legal requirement. This lends further importance to the development of consistent, common guidelines to aid countries in translating their legal obligations to ensure a FCS for wolves into practice.

After all, the success of large carnivore conservation, and durable coexistence, is likely to hinge to a significant degree on the extent to which management planning is adjusted in a meaningful, workable and enforceable way to multiple scales, from local to transboundary populations. The Court of Justice of the EU has recently clarified that a FCS is to be achieved at local and national levels.<sup>13</sup> However, given the low densities and large spatial requirements of wolves (and other large carnivores), transboundary population-level cooperation, as consistently recommended by the Standing Committee and the European Commission, is likely to remain of the essence in this regard.<sup>14</sup>

In light of global and European policies aimed at reversing biodiversity loss, restoring ecosystems and promoting human-wildlife coexistence, it seems important that wolves (and other large carnivores) be enabled to live as functional, interactive and dynamic components of European ecosystems to the greatest extent possible, with due consideration for perceptions, livelihoods and activities of local human communities.<sup>15</sup>

The positive development of most wolf populations in Europe is therefore an encouraging conservation success, and cause for celebration. The latest estimate by the LCIE, completed very recently, puts the total number of wolves in Europe at 23,000, with most populations showing an upward trend.<sup>16</sup>

The current downlisting proposal, however, appears to be premature and faulty, for the reasons outlined above, and the LCIE does not recommend its adoption.

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<sup>13</sup> Court of Justice of the EU, Case C-601/22, 11 July 2024.

<sup>14</sup> Standing Committee Recommendation No. 137 (2008); Linnell et al., Guidelines for population level management plans for large carnivores in Europe, LCIE report for European Commission, 2008.

<sup>15</sup> See also the LCIE's Manifesto for large carnivore conservation and management in Europe, as last revised in 2023: [https://lciepub.nina.no/pdf/638593145004513356\\_LCIE\\_Manifesto\\_final\\_261123.pdf](https://lciepub.nina.no/pdf/638593145004513356_LCIE_Manifesto_final_261123.pdf).

<sup>16</sup> Kaczensky et al., Large carnivore distribution maps and population updates 2017-2022/23, LCIE & IEA 2024.