

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM INSTRUCTIONS:

NB: Submitting a complaint to the Bern Convention is a serious accusation against the concerned Contracting Party(ies). Complaints must demonstrate a sufficient degree of seriousness or urgency related to species or habitats of European importance, and the complainant must demonstrate that the issue has already been raised at local and/or national level.

Complaint forms must be submitted in electronic word format, in English or French, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis. Anonymous complaints are not admissible; however the Secretariat will take measures to keep the personal details of the complainant confidential.

Please, fill in this form and send it to the attention of:

Bern Convention Secretariat

Directorate of Democratic Participation
Council of Europe
F-67075 Strasbourg Cedex

E-mail: Bern.convention@coe.int

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On behalf of (if
applicable):

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Date: 31.10.2024

Electronic Signature

1. Please state the reason of your complaint (refer also to the Contracting Party/ies involved and the Articles of the Convention which might be violated)

Decision of the Council of the European Union of 26/09/2024 concerning the Change of the protected status of the wolf (Canis lupus) from Appendix II ('strictly protected') to Appendix III ('protected') of the Bern Convention on the Conservation of European Wildlife and Natural Habitats.

The decision by the Council of the European Union is based on a proposal by the European Commission to amend Appendices II and III to the Bern Convention by transferring the wolf (Canis lupus) from Appendix II to Appendix III (T-PVS/Inf(2024)15). Lowering the level of protection for the wolf (Canis lupus) on the basis of this proposal violates the Bern Convention in several respects:

1. The proposal ignores scientific knowledge and principles concerning the status of the wolf in Europe.

In its introduction this proposal of the European Commission stresses the ecological and scientific factors and requirements the Bern Convention is based on (I General considerations, tops 3 and 4). However, in the justification part (II Reasons for justifying the proposal) the scientific and ecological facts are neglected.

In contrary to Article 2 of the Bern Convention, the proposal is therefore not based on reliable scientific and cultural requirements. It draws false conclusions and does not take account of ecological and cultural requirements and social circumstances.

Data quality: While it seems generally true that wolves in Europe have increased in numbers and have partially expanded their ranges, it is a fact, that the quality of wolf monitoring is heterogenous over the different member states of the EU. In contrast to the relatively professional wolf monitoring in Sweden, France and Germany (Blanco & Sundseth 2023), data in other countries, such as Austria, are mainly generated by hunters and are not independently checked. Such data are not reliable in a scientific sense and are therefore not an appropriate basis for this proposal. As Bern Convention-Appendix III species are still 'protected', but subject to regulation (i.e. by hunting), reliable, scientifically guided monitoring procedures are a necessary precondition for shifting a species from Appendix II to III.

The proposal of the European Commission heavily relies on the argument of a general increase in wolf numbers and range expansions over Europe (tops 6, 7, 9, 10). But the nine European wolf populations develop heterogeneously within and between populations and states. Thereby,

this sweeping quantitative justification of the present proposal to the Bern Convention also violates Council Directive 92/43/EEC (below).

Of the nine currently existing European populations, six were considered as non-threatened and the three remaining were still listed as vulnerable. In fact, the number of Europe-wide assessments of wolves with unfavourable conservation status (U1 + U2) increased from 13 to 19 in the recent period (Blanco & Sundseth 2023). The Council Directive 92/43/EEC (below) demands favourable states of preservation within EU states and their provinces. In most member states of the EU wolf populations do not meet these requirements. For example, whereas the development of wolves in Northern Germany may be considered favourable, this is by far not the case in the Southern federal states, such as Bavaria. In Austria, the condition of wolves is far from favourable at both, the state and federal state levels and wolves actually decreased in numbers from 2023 to 2024 (Österreichzentrum Bär, Wolf, Luchs 2024).

For these reasons, the sweeping justification of the present proposal, that wolves in Europe are generally increasing and expand their ranges is both misleading and wrong. In the light of these facts and in alignment with Council Directive 92/43/EEC, shifting the wolf from Bern Convention Appendix II to III would be premature and would severely threaten the successful recovery of this species in Europe. Actually, the recovery of wolf populations was the goal of legal protection matters, including the Bern Convention (by placing the species in Appendix II) and the Council Directive 92/43/EEC. Now, as the recovery of European wolves in parts of their former ranges is on its way (with still great differences in regional conservation status), these efforts must not be stopped half way, or even turned around.

2. The proposal ignores the core role of apex predators in ecosystems and their restoration in the interest of improving biodiversity and controlling greenhouse gases.

Species deserve protection for their own sake and for their ecosystem services (summarized in Kotrschal 2022). Wolves as apex predators are better than human hunters (Lennox RJ et al. 2022) to keep wildlife, particularly ungulates, healthy and are capable of mildly regulating them and shifting their grazing habits in the interest of ecosystem and forest development, thereby even economically benefitting forestry (Schumann & Weber 2022;). Not the least, wolves have the potential to inhibit the spread of African swine fever among boar (Strnadova J 2000). Mainly due to mesopredator control by wolves, faunal diversity tends to increase in areas with resident wolves.

Experts agree, that on a global scale, it is necessary to protect/renature/rewild 30% of the world's land and sea areas (30/30) to halt the rapid decline of wildlife abundance (Strassburg et al. 2020; Greenspoon et al. 2023) and biodiversity and to support greenhouse gas reduction through carbon sink areas for climate stabilization (Roberts et al. 2020). That temperate zones need to contribute has been acknowledged in the EU renaturalization plan (Regulation (EU) 2024/1991). Efforts to reach these goals crucially need the contributions of apex predators such as wolf.

3. The proposal neglects the rules and regulations of the “Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora”.

The European Union “Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora” per se is not topic of the proposal of the EU to shift the wolf from

Appendix II to Appendix III of the Bern Convention. However such a shift will be precondition to establish a legal hunting regime (“wolf management”) in the frame of 92/43/EEC – with all the consequences discussed above. Moreover, acknowledged wildlife experts and NGOs concerned with the protection of nature and wildlife (many of them have filed their complaints) see reasons to assume that such a move in the case of wolf will open the gates for decisively weakening the protection of habitats and species in Europe. In the light of our responsibility to stop biodiversity loss and to stabilize the climate, shifting the wolf from BC appendix II to III could kick off undesirable consequences at a considerably large scale.

4. The proposal neglects the will of approx. 70 % of the European citizens.

Representative surveys among European citizens over the past two decades reveal that a constant 70% of the Europeans support the recovery of wolves and their protection. A survey among 10.000 European citizens living mainly in rural areas in 10 member states of the EU from November 2023 confirmed this result (Savanta: 2023), as did a survey via email, solicited by the EC in September 2023 (survey per email 2023).

5. The Council's proposal is formally inadmissible due to the absence of a decision by the EU Environment Council, which bears responsibility for this.

In order to meet the application deadline in accordance with Articles 16 and 17 BC, a decision was reached on 25 September 2024 by the Competitiveness Council. The proposal put forth by the European Union and the subsequent decision of the Council of the European Union are, at least formally, not in accordance with the requisite procedures and therefore not legally binding. This is due to the fact that the responsible EU council of environment ministers was not involved in the process.

This proposal by the EU is biologically, ecologically, legally and democratically problematic. We therefore urge the Standing Committee of the Bern Convention recommend not to approve it. In fact, the decisions of the Standing Committee of the Bern Convention also need to consider “cultural needs and requirements” for their listing decisions. At the centre of such cultural needs and requirements are democratic principles. As such, is highly problematic to positively consider approving the present EU proposal because it neglects the political will of the majority of Europeans.

References :

- Blanco JC and Sundseth K (2023). *The situation of the wolf (Canis lupus) in the European Union – An In-depth Analysis. A report of the N2K Group for DG Environment, European Commission.*
- Greenspoon L et al. (2023). *The global biomass of wild mammals. Proceedings of the National Academy of Sciences, 120(10), e2204892120.*
- Kotrschal K (2022). *Der Wolf und wir. Wie aus ihm unser erstes Haustier wurde – und warum seine Rückkehr Chancen bietet. Wien: Brandstätter.*
- Lennox RJ et al. (2022). *The roles of humans and apex predators in sustaining ecosystem structure and function: Contrast, complementarity and coexistence. People and Nature 4/5: 1071-1082.*
- Österreichzentrum Bär, Wolf, Luchs 2024: <https://baer-wolf-luchs.at/verbreitungskarten/wolf-verbretung>.
- Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1991&qid=1722240349976>
- Roberts CM O'leary BC and Hawkins JP (2020). *Climate change mitigation and nature conservation both require higher protected area targets. Philosophical Transactions of the Royal Society B, 375(1794), 20190121.*
- Schumann E and Weber A (2022). *Entwicklung der Schalenwildbestände im Fläming vor dem Hintergrund der Besiedlung durch den euopäischen Wolf. Diss. Hochschule Eberswalde.*

- Strassburg BN, et al. (2020) Global priority areas for ecosystem restoration. *Nature* 586.7831 724-729.
- Strnadova J (2000). *Die Beziehung Wölfe-Wildschweine-Schweinepest in der Slowakei 1994-1998*
- Survey per email 2023: <https://www.tierschutz-austria.at/wp-content/uploads/2024/01/TARGETED-DATA-COLLECTION-ON-THE-WOLF-POPULATION-AND-ITS-IMPACTS-IN-THE-EU-4-September-2023-Inoffizielle-Ubersetzung-DEEPL-German.pdf>

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention that are potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

European grey wolf (*Canis lupus*) in Austria, continental and alpine areas.

3. What might be the negative effects for the specie/s or habitat/s concerned?

As noted above, the recovery of european wolves in parts of their former ranges is on its way. Shifting the wolf from Bern Convention Appendix II to III would be premature and would severely threaten the successful recovery of this species in Europe.

Potential consequences of shifting the wolf from BC Appendix II to III include:

1) constraining measures in the interest of counteracting global biodiversity loss and of stabilizing the climate, by challenging the ecosystem services potentially provided by wolves, and by preventing the establishing of habitats and areas for the protection of the wolf (required for species in appendices I and II, but not III) and

2) will necessarily open the door for “regulation” of wolf populations by hunting. This will lead to “wolf-free zones”, will activate traditional hunter mentalities considering wolves as vermin (in German “Raubzeug”, competing with human hunters for ungulates), leading to overhunting and local extinction of wolves. This will also allow for wolf-inadequate hunting methods, such as indiscriminate killing without consideration of the social context. Such prosecution continuously disturbs pack structures, decreasing their potentials of “density-dependent regulation” (ref) which ensures that local wolf densities remain constant and constraining the forming of pack traditions to prey on ungulates rather than on livestock. Such indiscriminate legal hunting will also lead to increased poaching as has been repeatedly shown in scientific contributions (all reviewed in Kotschal 2022).

3) Last but not least it needs to be taken into account that facilitated shooting will decrease the efforts to coexist with wolves, e.g. by devaluating livestock protection measures (as for example experiences in Austria, caused by the “Wolfsabschussverordnungen” of the different federal states since 2023), will generally be counterproductive for developing big-predator-tolerant attitudes, all of which will lead to local re-extinction and will support a mentality of violence and violent problem solving in the co-existence with potetially conflict-prone wildlife.

Hence, opening the floor for legal hunting will have dire consequences for nature protection and re-naturization in general, particularly for the wolves in Europe, increasing the likelihood of re-extinction over wide areas. Actually, the fate of a promising bear population in the Austrian Ötscher area at the turn of the millenium serves as a warning example: within a short time period all bears disappeared due to illegally killing (approx. 30 individuals). Now, low-

threshold “legal” killing of wolves in Austria in the frame of the “Wolfabschussverordnungen” of the federal states Tyrol, Carinthia, Upper and Lower Austria and Salzburg since 2023 which also massively increased illegal killing of wolves; if they are shifted from Appendix II to III, all dams will break. The Austrian example and the increasing illegal wolf killings in Germany underline that in the real world, the obligation to keep wolves in a favourable conservation status even as Appendix III species will not be obeyed.

References :

Kotrschal K (2022). *Der Wolf und wir. Wie aus ihm unser erstes Haustier wurde – und warum seine Rückkehr Chancen bietet.* Wien: Brandstätter.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald Network, UNESCO site? Are there pending procedures within another international institution?

not known

5. Have you attempted to address this issue with the relevant local and national authorities? Please describe. Are there any pending procedures at national level regarding the object of your complaint?

Austria is currently facing an infringement case for violating the provisions set forth in the Aarhus Convention. The Austrian federal states have a history of issuing regulations that effectively prevent environmental organisations from exercising their right of access to justice under the terms of the Aarhus Convention. In Austria, non-governmental organisations are no longer permitted to engage in the protection of wolves and other animals that are categorised as strictly protected.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc) (for large files, please add a separate annex document, as mentioned in the above instructions)

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