



The President of the European Commission Ursula von der Leyen, in a [press release](#) dated September 4th, announced that the European Commission will propose a law downgrading the wolf's protection level – currently regulated under the Habitats Directive (Directive 92/43). The supposed justification for this apparent need for considering a downgrading of legal protection is that *“the return of the wolf to EU regions where it has been absent for a long time is increasingly leading to conflicts with local farming and hunting communities, especially where measures to prevent attacks on livestock are not widely implemented”*, with the bizarre allegation that *“the concentration of wolf packs in some European regions has become a real danger for livestock and potentially also for humans”*. In the press release, the Commission called for an update of all data regarding wolf populations from the Member States, providing an email address and a period of 18 days to do so.

From ASCEL, the Association for the Study and Conservation of the Wolf in Spain, we have contemplated this press release with a mixture of stupor and a tinge of vicarious embarrassment (fremdschämen, in German).

Firstly, we need to address the statement by Ms. von der Leyen referring to the “real danger” that wolves pose to “livestock [sic]”. We prefer the term ‘farmed animals’ because the word livestock somehow sounds like they are merely economic units, which they are not. **The statement that wolves may be potentially a “real danger” for humans is self-evidently false so we will simply dismiss it as a faux pas by Ms. Von der Leyen.** Humans kill globally 100 billion captive animals (mainly farmed animals) every year, for food, clothing, research and other purposes and, in addition to these, humans also kill more than 1 trillion wild animals globally per year for similar purposes (we are sure that the EU Commission is more than aware of these numbers). In the EU in 2022 the population of farmed bovine, ovine and caprine animals was approximately of 145 million animals, and around 6 million equines. The number of farmed animal losses attributed to predation by wolves (considering here the evidence we have in Spain of the continued high prevalence of fraud in reporting and compensation mechanisms) has always been, and continues to be, far inferior to the losses caused by many preventable pathological conditions and deficiencies suffered by farmed animals on a daily basis (please compare on-farm mortality rates in farmed animals for a number of different causes across the EU, we are confident that you have all these data). Nevertheless, if you wanted to present statistics, an annual average of 19,500 sheep were reportedly killed by wolves within 19 EU countries in the period 2012-2016, according to a [report made to AGRI Committee in 2018](#). The total sheep population in the EU is circa 86 million, 31 million of which from the 19 EU Member States in that report: overall loss of sheep by large carnivores (including bears, wolves, wolverines and lynx) are limited to 0.05% of this total 31 million sheep. This proportion is negligible when considered as a whole for compensation payment purposes, especially when farmers are amply provided with public funding every year precisely to allow them to farm animals while protecting biodiversity, including protected species (ie. *a priori* conditional payments via CAP). The evidence available and backed up by the EU Commission demonstrates that the large majority of these losses, although preventable, are not usually prevented by farmers even when they are supposed to have the required knowledge, capacity and public funding needed to do so, since farmers have a duty to comply with [legal requirements](#) (Directive 98/58/EC) that provide farm animal keepers must do everything reasonable in their power to protect the welfare of their animals

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(pertinent here to remember EU farmers' obligation to comply with this legislation as a condition to receive EU public funding).

So, given that,

- there is proven evidence that killing wolves is inefficient to avoid or reduce predation on farmed animals,
- that the number of wolves is far less relevant to incidence of predation than the level of protections provided to farmed animals and
- that farmers are legally obliged to put in place existing measures that have proven effective in preventing or significantly reducing predation risks, when properly implemented and tailored to the specific context,

It seems clear that most incidence of predation is preventable to a large extent. In other words, a large majority of the 0.05% losses in sheep in that report could have been avoided if farmers had complied with the legislation, as they should have. Therefore, saying that wolves pose “a real danger” to farmed animals can only be interpreted as either, a failure of those preventative measures that have been proven ineffective, or a failure of farmers to implement those measures. Based on our extensive experience, and because of the availability of sufficient scientific evidence on effectiveness of preventative measures, acknowledging that preventable loss of farm animals are attributed to protected wild predators can only be the admission of the fact that farmers systematically, and intentionally, fail to adequately protect their animals, those for which they are responsible by law, and for whose adequate and lawful care all EU citizens subsidise them copiously every year. This may well be as a result of competent authorities in Member States not being diligent enough to timely provide farmers with technical and / or financial assistance to facilitate legal compliance. It is quite something coming from the EU Commission to publicly face the reality of the prevalent non-compliance of their own legislation across the EU, something that many EU citizens know very well but, in any case, quite problematic precisely because the EU has done a great deal to fund projects to promote coexistence (for example, EU LIFE projects) and also to *gently encourage* farmers to comply with the law.

Looking at the timeline of events, a [joint letter sent by Commissioner Sinkevičius and Commissioner Wojciechowski](#) of November 2021 to all EU Ministers for Agriculture and Environment provided an updated guidance and advice (based on extensive consultations with governments and stakeholders) to ensure coexistence with wolves “under the current legal, policy and financial framework”. That is, advice to be followed by Member States to ensure that farmers who carry out their private business in the natural environment, a natural environment that belongs to us all EU citizens, can continue to rear farmed animals for their private profit provided that this is not done at the expense of degrading our natural environment. This is nothing more than what our current legal framework provides, farmers can rear farmed animals, but they must guarantee that they can do so in full compliance with current legislation which protects our common public good: biodiversity and wolves as an essential part of our biodiversity.

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Then, on 24 November 2022 the published [European Parliament Resolution of 24 November 2022](#) highlighted that the legal requirement for Member States to provide periodic reports on the status of wolves lacked consistency in quality and quantity of data, obtained by using non-standardised and highly variable methodology across countries, implying that any estimates of populations were associated with a high level of uncertainty. The EU Parliament called on the EU Commission to properly assess and monitor the population of wolves at biogeographical region and/or EU-wide levels, insisting that the Commission develop an assessment procedure, with the objective of reducing the protection status of those populations in some regions as soon as favourable conservation status has been reached, in accordance with Article 19 of the Habitats Directive. In response to this, the EU Commission addressed the EU Parliament Resolution with a subsequent [Council Decision \(EU\) 2022/2489](#) on its position:

*“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 (3) 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”*

In the press release of 4 September, the Commission stated the work that had been taking place since April this year to meet the call from the EU Parliament of November 2022, and so there has been collection of data on wolf populations from expert groups and stakeholders as well as from national authorities. The Commission however deems that these data are insufficient to provide a full picture and now wants local communities and other interested parties to provide data on impacts of wolf populations. This request for public information does not meet the rules of Better Regulation or the basic principles of a fair public consultation – if this is what the Commission intends it to be (?). To ensure compliance with these, a fair public consultation must (i) include sufficient reasons for specific proposals to allow consultees to give intelligent consideration and relevant responses, (ii) the period of consultation must be sufficient for consultees to respond and (iii) consultation responses must be paid full regard and taken into account before a decision is made. It is clear to us that neither (i) nor (ii) are being met. The period granted for responses is barely 18 days when normally public consultations have a period for responses of up to 2 months.

With regards to (i), the issue of sufficient reasons for the proposal consulted on, the proposal here is to consider reducing the current legal protection of wolves in some areas, as per Habitats Directive, as soon as estimated data on populations indicate that the species has reached favourable conservation status in those areas. We see two structural problems with this proposal:

- Firstly, if the Commission declared in November 2022 that the conservation status of wolf metapopulation in the EU was unfavourable and that the species was still subject to numerous threats, have the deficiencies with the uncertainty in the data collection been rectified? And, based on the estimations now, has the situation dramatically changed in the

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last 10 months or so since then? Would it be reasonable to think that wolf populations could now be in a favourable status in all 39 national parts of biogeographical regions? Knowing as we all know that wolf populations are fragmented and transboundary, that the species is highly territorial and has an evolutionary-adaptive inherent mechanism to regulate their own population sizes, it seems quite unlikely that their status would have changed much since November 2022. Especially when we consider that the threats to their survival continue to be present and have probably intensified (i.e. illegal killing in Spain) due to very lax governance of enforcement and even publicly declared acceptance of illegal killing occurrence by some Spanish politicians.

- Secondly, even in the hypothetical case that the status of populations in most or all regions in the EU was now favourable, and the Commission saw it justified to propose an amendment to the Annexes of the Habitats Directive for wolves, based on scientific and technical progress, it is pertinent and necessary to ask where this would lead us, given the current biodiversity and climate change crises and the legal context in the EU, quite different to those existing at the time of the enactment of the Habitats Directive. The stated aim of the [EU Habitats Directive](#) (1992) is that of contributing to ensure biodiversity in the European Union by the conservation of natural habitats, and wild fauna and flora species. We now know much more about biodiversity than we did back in 1992, we do know the importance of ecological integrity, of trophic cascades and ecological processes and we have learned about the essential importance of apex predators in ecosystems, and in particular, wolves. We also have evidence of the dire situation of our [state of nature](#) in 2020. The EU now has the [Biodiversity Strategy 2030](#), a key element of which is a proposal for a Nature Restoration Law, aiming to restore ecosystems for people, the climate and the planet.

If a protected essential species such as the wolf is now starting to recover its populations and recolonising its past territorial ranges, this surely proves that the precarious conservation status of the species was a direct result of human action, it was the rampant over-exploitation, persecution and habitat degradation that prevented a thriving population of key species in our ecosystems. It also proves that, without the legal protections in place, any favourable conservation status achieved would rapidly disappear and revert to unfavourable. Using their incipient recovery as justification for starting the process of their future degradation takes us all back to the starting point and makes a mockery of the Habitats Directive and our future legislation on biodiversity – how would a degrading conservation status for wolves sit within an EU Biodiversity Strategy and how would this align with the future Restoration Law?. Would we be able to restore habitats and species knowing the EU condones and promotes maintaining wolf populations in unfavourable conservation status?. Would the EU Commission be content to preside over the demise of wolves in Europe, after an incipient and timid recovery, making steps backwards when what is critically needed are gigantic steps forward in recovering nature? If the underlying spirit of the Habitats Directive was (and still is) ensuring biodiversity in the EU, then downgrading legal protections for wolves anywhere in the EU will unequivocally lead to betraying that spirit. What would be the point of the Habitats Directive, or any other biodiversity protection legislation, if it allowed for biodiversity degradation once the first signs of recovery have appeared?

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One of the best examples of the consequences of a “flexible” application of the EU Habitats Directive on wolves is clearly visible in Spain. Lethal control has been the only tool implemented for decades by regional officials in Castile and Leon, Galicia, Asturias, Cantabria, the Basque Country, Aragon and La Rioja regions. This is what has led to the current stagnation of the Iberian wolf population which continues to suffer from a worrying genetic bottleneck, causing the subsequent negative transboundary effects on the Portuguese population. The systematic removal of wolves in Spain has done nothing to reduce predation, nor has it improved social conflict or tolerance. According to the best available evidence compiled in [a recent report commissioned by the EU Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the PETI Committee in 2018](#), preventive measures present the most rational, effective, fair and the least controversial way to decrease and prevent large carnivore predation and damage, and thus the best mitigation against conflict. Our recommendation to the EU Commission is that if the aim is to improve the situation of farmers across the EU, more attention should be placed on the prevalent fraud in governance of predation reporting and compensation in some Member States (i.e. Spain), as well as dramatically improve competitiveness of the sector, by significantly increasing levels of animal health and welfare in farmed animals. And an important component for this to become a reality would be to improve enforcement of the current legislation, rewarding good farmers for their good practices while disincentivising bad farmers from continuing to compromise animal welfare and biodiversity.

Wolves have a right to thrive in natural numbers and in their socio-spatial structures as determined by an already constrained ecological capacity. We have laws to harmonise and compatibilise our human activities with their existence in their habitats, without our constant interference. Our children and grandchildren have the right to enjoy biodiversity and a natural environment that has thriving populations of wolves. It would be morally questionable to prioritise the short-term financial profit of private businesses that flaunt the law at the expense of the rights of our future generations. The EU has, so far, demonstrated leadership in biodiversity protection in the international arena. It is up to the EU Commission to not dilapidate and erode the credibility and integrity that we all associate with the European institutions - credibility and integrity are earned qualities, it takes a long time to acquire them but they can easily be lost in one split second.

Sincerely,

ASCEL.

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