



To:

Mr Alain Berset, Secretary General of the Council of Europe
Mr Mikaël Poutiers, Secretary of the Bern Convention

CC:

Bureau Chair, Standing Committee, Bern Convention
Secretary General of the Council of Europe
Secretary General of the European Commission
Ambassadors of the Permanent Representations of the EU Member States
Focal Points, National authorities, Bern Convention
Director – General, DG Environment, European Commission
Staff in charge of the EU Proposal to downlist wolf at DG Environment, European Commission
Chief Scientists, Joint Research Center
Head, EU Biodiversity Knowledge Center
Director, European Environment Agency
EU Ombudsman

Open Letter, 26 November 2024

The EU Proposal on Wolf downlisting is unlawful and therefore unfit for being voted at the 2024 December, Standing Committee meeting of the Bern Convention.

*The Proposal of the European Union (EU), initiated by the European Commission [1], to downgrade the conservation status of **wolves** is widely regarded as unlawful, lacking scientific justification, and violating principles of democratic participation and rule of law in policymaking. Consequently, it should not be considered for a vote at the Standing Committee Meeting of the Bern Convention in December 2024. **Given the current circumstances, a reputational risk for the Bern Convention could arise if a vote is allowed.***

[1] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6752
https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330

Dear Mr Berset and Mr Poutiers,

It is now widely recognized, with substantial information available in the public domain, that the European Union's Proposal to **downlist the wolf** under the Bern Convention - *strongly promoted by the European Commission even against the expressed will of a large community of organized civil society and scientists* - is **unlawful**.

The EU Proposal [2] fails to meet the fundamental mandatory requirement of the Bern Convention [3] and the EU laws to present scientific evidence that could be recognized and accepted by the international scientific community as the basis for a decision.

A non-science-based alert started with the September 2023 press statement [4] from President of the European Commission 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 where necessary. Indeed, current EU legislation already enables them to do so”. Clearly, this is not justified by any data and so the need for the consequent recommendation (the Commission's legal competence for urging national authorities to take 'action' in this respect is also questionable). The EU-funded LIFE+ project 'LIFEWOLFALPS' addresses **misconceptions** [5] (faulty ideas that are not grounded on science or facts) such as that the 'concentration of wolf packs increases locally' (No, it does not) and that wolves are a threat to humans (there have been no fatal attacks on humans reported in Europe in the 21st century). The November 2024 LCIE/IUCN Specialist Group Statement [6] stresses that “*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*”.

The EU Proposal relies on some information provided by a single, non-peer-reviewed report [7] produced by a consultancy under a service contract, contracted out and funded by the European Commission (DG Environment). This report does not recommend downlisting and more importantly, it does not meet the standards required by the scientific community to serve as the unique scientific foundation for such a significant decision impacting EU citizens, the conservation of wolves,

[2] **Council Decision 13258/24** on the submission, on behalf of the European Union, of a proposal for the amendment of Appendices II and III to the Convention on the Conservation of European Wildlife and natural habitats and on the position to be adopted, on behalf of the Union, at the 44th meeting of the Standing Committee to that Convention: <https://data.consilium.europa.eu/doc/document/ST-13258-2024-INIT/en/pdf>

[3] **Recommendation N. 56 (1997)** prescribes that amendments to the Convention's Appendixes should be taken into account when presented “*in a coherent manner, based on best available science*”

[4] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330

[5] <https://www.lifewolfalps.eu/en/wolf-faq/>

[6] <https://www.greenimpact.it/wp-content/uploads/2024/11/Nov.-2024.-Statement-LCIE.-WOLVES.pdf>

[7] The situation of the wolf (*Canis lupus*) in the European Union, <https://op.europa.eu/en/publication-detail/-/publication/5d017e4e-9efc-11ee-b164-01aa75ed71a1/language-en>

and the health of ecosystems across Europe.

Moreover, as you are certainly aware, **the international scientific community has explicitly recommended against the downlisting of the wolf, providing, instead, well-founded and robust scientific evidence to support their position – evidence that cannot and must not be disregarded by the leaders of inter-governmental organisations.**

The EU Treaty ([Article 191 TFEU](#)^[8]) requires the best available scientific knowledge, determined with due care and taking into account the precautionary principle – also when dealing with International negotiations and Agreements - the article has been ignored by the European Commission when presenting the Proposal to the EU Council.

Proceeding to put this EU proposal to a vote under the current circumstances—knowing that it would likely pass, simply due to the EU’s disproportionate voting power (27 votes) at the Bern Convention—would undermine the Convention’s principles. Such a move would represent a concession to political motives, violating the Convention’s core rules, diminishing its vital role in Europe, and eroding the trust of European citizens.

This situation should not have arisen in the first place, as the EU ought to demonstrate greater respect for the Bern Convention. It is deeply regrettable that the European Commission has urged EU Member States to support the downlisting of wolves when lacking adequate scientific justification.

However, **this matter can still be rectified through your intervention, before further damage is caused.**

It is important to note that the EU Decision [9] to support the Commission’s proposal was adopted with some reticence and not unanimously. Spain and Ireland voted against it, while Belgium, Malta, Slovenia, and Cyprus abstained. Additionally, some countries, including Germany and Poland, were not fully convinced until the final stages of the process leading up to the vote, and Belgium, when holding the EU Presidency, expressed doubts about the scientific and legal grounds of the proposal ahead of the discussion.

Considering this, we urge you to follow the scientific advice of the international scientific community, apply the Convention’s rules, and prevent a vote on the EU Proposal to downlist the wolf, given the lack of solid scientific evidence to justify such a move. Instead, we recommend postponing discussions on this critical topic to a later stage.

[8] <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX%3A12008E191%3AEN%3AHTML>

[9] <https://data.consilium.europa.eu/doc/document/ST-13258-2024-INIT/en/pdf>

The broader scientific community has openly criticized the Commission's Proposal—later transformed into an EU Proposal to the Bern Convention—and **has strongly advocated against the downlisting.**

Supporting evidence for this opposition includes the Scientific Statement issued in November 2024 by the **Large Carnivore Initiative for Europe (LCIE), a specialist group under the IUCN.** This group is regularly consulted by the Bern Convention and the European Commission on such matters; however, it is noteworthy—and puzzling—that they were not consulted on this occasion. The Statement concludes that:

*“...The current downlisting proposal.. appears to be premature and faulty ...and the LCIE does not recommend its adoption”. The Statement highlights, among other things “... 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 population compiled by the LCIE.... 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[10]. 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. It is remarkable also that the specific arguments that were raised by the EU itself to vote against the Swiss downlisting proposal in 2022 continued to apply at the same the **EU decided to propose such downlisting itself[11]”.***

Additionally, **hundreds of scientists and academics (500+ signatures as of today) have signed two Statements [12] opposing the downlisting. Here a few extracts:**

*...the data (presented by the European Commission) does not prove that the wolf has recovered to the extent that scientifically justifies lowering protection, **nor has the ecological landscape recovered at large.** The IUCN's Green Status of Species assessment proposes combining Red List data with Green Status calculations to guide decision making for long term conservation impact, combining viability, range and functionality considerations, to assess current and future*

[10] 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, for the European Commission, 2023.

[11] **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”.*

[12] <https://drive.google.com/drive/folders/13Y4fuG3OpUKY7Wtw9Y2dMbfpBVeGuyMy>

conservation needs. Biodiversity globally, is threatened by habitat loss, over-exploitation, invasive species, climate change and pollution. Ecological trends continue to worsen... The wolf remains vulnerable to these key drivers of destruction, both directly and indirectly ...

We would also like to inform you that in 2023 the European Commission organised an online public consultation on the matter and that **a vast majority of respondents opposed the downlisting.**

71% of respondents expressed an opinion **in favor** of maintaining the EU's **existing protection regime** (again, *against* downlisting).

Moreover, hundreds of civil society organizations (300+) have similarly signed Letters to the European Commission urging it not to proceed with the downlisting, and **their opinions and scientific arguments (like the ones of citizens) have been simply ignored [13].**

Despite this overwhelming opposition from citizens and scientists alike, the Commission decided to advance the Proposal based solely on a single, non-peer-reviewed report, launching an **unnecessary and questionable legal decision-making process.**

Moreover, the Scientific community is also criticizing the **European Commission's U-turn on the Green Deal** (an already voted and agreed programmatic plan for the EU). 700+ Scientists are particularly concerned about a series of unjustified, poorly informed, and rushed deregulations that fail to align with the dire need for transformative changes toward sustainability, including the approach toward biodiversity. The U-turn on the Green Deal set already a dangerous precedent, which has never occurred in the past.

Furthermore, in relation to public attitude, a November 2023 European Survey [14] organized by a group of NGOs (Eurogroup for Animals and others) highlighted that many rural inhabitants are supportive of protecting wolves and other large carnivores, with **68% stating that they should be strictly protected and over two-thirds (72%) agreeing that they have a right to co-exist; and an open Avaaz petition** against the killing of wolves has already collected 300.000 + signatures.

Democracy and the rule of law are fundamental principles of the Council of Europe, and we call upon you to ensure that these principles are upheld in this case. Relying on **solid scientific supportive evidence, when dealing with decision-making, is an integral part of the rule of law mechanism.**

[13] Annex, 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, for the European Commission, 2023.

[14] https://www.eurogroupforanimals.org/files/eurogroupforanimals/2023-11/20231129_Survey%20Report%20Large%20carnivores.pdf

We also wish to inform you that this matter has been accepted for **investigation by the EU Ombudsman** [15], and a forthcoming **request for annulment** of the EU Proposal to the Bern Convention to be put forward by Green Impact and other associations before the **European Court of Justice (ECJ)** is herewith anticipated.

The most recent judgments of the European Court of Justice (ECJ) concerning wolves have been notably based on the best available science and opposing wolves killing. These rulings, including those from last July [16] involving cases in Austria and Spain, have repeatedly highlighted the lack of scientific basis for permitting wolf culling.

As ECJ judgments are legally binding, they must be adhered to by all EU institutions, including the EU Council and the European Commission, and cannot be disregarded.

Allowing the vote to proceed under the current dramatic circumstances should not be considered an option. It is widely recognized that the EU has sufficient votes to secure a majority, however, such a victory would come at the cost of disregarding the will and interests of European citizens, potentially posing **a reputational risk to the Bern Convention**.

Last but not least, if the Bern Convention moves wolves from Appendix II to Appendix III, wolves will no longer be covered by Article 6 of the Convention. A consequence of removing wolves from Appendix II will not only be that hunting is allowed, (repealing Article 6 a) but also that the provisions in Article 6 (b) and (c) on the prohibition of destruction of breeding sites and the prohibition on deliberate disturbance during the breeding season will also be repealed. **This will apply to all European Parties' territories and the matter has not been discussed at the EU Council at all. It is a matter of responsibility and precautionary approach which has been simply ignored.**

The reality we face often differs significantly from what is outlined in official documents, including legislative frameworks. In an increasingly violent world, **it is imperative that we act as Guardians of the 'Commons' – protecting the remaining wilderness and wild species – rather than persecuting them, as it has been suggested.**

[15] https://www.ombudsman.europa.eu/en/opening-summary/en/194686#_ftn2

[16] The European Court of Justice (ECJ) ruling stipulated that the wolf may not be designated as a species for killing at a regional level as long as its conservation status at a national level is "unfavorable" as it is at the moment.

Ref: CJEU C-436/22 – 29 July 2024

July 2024 – Spain

In decision C-601/22 published on 11 July 2024, the European Court of Justice ("ECJ") ruled that wolf killing remains prohibited in Austria. According to the court, an exception to this ban can only be granted if the wolf population is in a favourable conservation status, which is currently not the case in Austria.

Ref: CJEU C-601/22 – 11 July 2024

Coexistence and peace with Nature should serve as the guiding principles for future European wildlife policies. The Council of Europe, as one of the most respected institutions globally, is uniquely positioned to lead the way in addressing these critical issues.

We remain at your disposal should you require any further information. We have full confidence that the Bern Convention will uphold its commitment to the protection of wolves within the framework of a science-based international agreement. This is particularly important given **the clear recommendations of the scientific community against any downgrading of their protection.**

We trust that you will ensure that **only proposals guided by robust scientific evidence will be put to a vote at the Bern Convention.**

Note: although we would have liked to, we have been unable to report in this letter all the initiatives to protect wolves and maintain the current legal protection organized in EU Member States by civil society and scientists.

Annex: references, Scientific Statements, Initiatives, Cases.

Yours sincerely,
the undersigned organisations:

Gaia Angelini, president, [Green Impact](#), Italy

Zoltan Kun, president, [Great Lakes and Wetlands](#), Hungary

Muriel Arnal, president, [One Voice](#), France

Gyula Major, president, [Friends of Fertő lake Association](#), Hungary

Roberto Ferrigno, co-founder, [European Bioeconomy Bureau](#) (EBB), Belgium

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Annex:

Web link: <https://www.greenimpact.it/a-call-for-scientists-please-take-action-for-wolves-by-30-november-2024/>

with the following information:

- 2024 Large Carnivore Initiative for Europe/ IUCN Specialist Group Statement recommending **against the downlisting**;
- 2024 Scientific Statements of Scientists and Academics (hundreds-collection open) recommending **against the downlisting** (covering the wolf population and the ecosystem recovery);
- Scientific Statement (already signed by 700+ and still open) advocating **for a come-back of the already democratically adopted Green Deal** (also touching upon the EU Habitat Directive);
- 2024 **Open investigation at the EU Ombudsman** on the European Commission's **Proposal to Downlist Wolves**;
- Letters of hundreds of NGOs calling on the European Commission **not to** propose a downlist of wolves;
- Letters of hundreds of NGOs calling for rejection of the Commission Proposal to downlist the wolf;
- Avaaz Petition against downlisting of wolves, signed by 300.000 + Citizens;
- Other running initiatives.