



C/2025/922

17.2.2025

Action brought on 6 December 2024 – Green Impact and Others v Council and Commission

(Case T-634/24)

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Language of the case: Italian

Parties

Applicants: Green Impact ETS (Rome, Italy), Earth ODV (Rome), Nagy Tavak és Vizes Élőhelyek Szövetsége (Alsóörs, Hungary), LNDC Animal Protection APS (Milan, Italy), One Voice (Strasbourg, France) (represented by: L. D'Agostino, lawyer)

Defendants: Council of the European Union, European Commission

Form of order sought

The applicants claim that the Court should:

- annul Council Decision (EU) 2024/2669 of 26 September 2024 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; the annulment is sought of that proposal and of the vote cast in the 44th meeting of the Standing Committee to the Bern Convention of 3 December 2024, as well as every subsequent act connected with and relating to Decision (EU) 2024/2669, including those of which the applicants are unaware;
- order the defendant institutions to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging infringement of the Treaties and, in particular, of Article 191(3) TFEU, of Article 6(1) TEU in conjunction with Article 37 of the Charter of Fundamental Rights of the European Union, in so far as the Council approved the contested decision without having adequate regard to the available scientific and technical data.

In that regard, in the preparatory phase for the decision, the Council ignored or undervalued a series of scientific reports of international relevance, including those drawn up by the *Large Carnivore Initiative for Europe*, and by other authoritative academic organisations, which show that the population of wolves in Europe is still at significant risk.

The Council decided to propose at the Bern Convention the downlisting of the grey wolf, referring to the same scientific data which, in 2022, led the European Union to vote to the opposite effect in a similar proposal put forward by Switzerland.

When drawing up and presenting the proposal, the fundamental principles of transparency and objectivity required under EU law were not observed, as is demonstrated by the fact that an inquiry by the European Ombudsman was opened (Case 1758/2024/FA).

In conclusion, the downlisting of the wolf approved by the Council is based on a misreading of the conservation status of the species and ignores the scientifically demonstrated risks for biodiversity and ecosystems.

2. Second plea in law, alleging infringement of the proportionality principle and of the precautionary principle, misuse of powers and acting *ultra vires*, failure to conduct a proper investigation on the basis that the principle of best available science was not observed, as well as infringement of the express principles of the Court of Justice regarding derogations from the protection regime for the common wolf.

In that regard, the applicants refer to a number of leading cases of the Court of Justice regarding the regime of derogations under the Habitats Directive, ⁽¹⁾ to show that it is absolutely necessary to maintain 'the populations of the species concerned at a favourable conservation status in their natural range' and that the choice of protection must follow a 'preventive approach aimed at guaranteeing the effective protection of the populations of the species concerned'.

The contested decision also runs counter to the guidelines in Recommendation No. 56 (1997) of the Standing Committee of the Bern Convention. That recommendation provides that amendments to Appendices I and II of the Convention must be made in a coherent manner, based on the best available science.

Since its presentation, the Council's proposal has been based on a political compromise seeking to strike a balance between the protection of wolves and the demands of rural communities. However, such an approach, while legitimate in broader political contexts, is entirely inappropriate for a decision regarding the conservation of biodiversity, the basis for which must necessarily be the best available science and the precautionary principle.

The Council failed to consider alternatives that have a smaller impact and are based on science to ensure the effective protection of the grey wolf.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7).