



C/2025/5359

13.10.2025

Action brought on 15 August 2025 – Green Impact and Others v Parliament and Others

(Case T-563/25)

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Language of the case: Italian

Parties

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

Defendants: European Parliament, Council of the European Union, European Commission

Form of order sought

The applicants claim that the Court should:

- annul Directive (EU) 2025/1237 ⁽¹⁾ of the European Parliament and of the Council of 17 June 2025 amending Council Directive 92/43/EEC as regards the protection status of the wolf (*Canis lupus*) and all previous and/or subsequent connected and consequential measures on the grounds relied upon in the present action;
- order the defendant institutions to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging failure to observe the substantive formal requirements and a procedural error due to a misidentification of the legal basis and an alteration of the voting procedure.
 - The applicants allege a serious error rendering the directive invalid – something which the Court may also raise of its own motion – as a result of the legal basis for the adoption of the contested directive being misidentified. Instead of the specific procedure provided for in second paragraph of Article 19 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, ⁽²⁾ which requires the Council to act unanimously on a proposal from the Commission if it wishes to amend Annex IV, the European legislature used the ordinary legislative procedure under Article 192(1) TFEU.

The 'aggravated' procedure under Article 19 constitutes a *lex specialis* vis-à-vis the general regime and can be circumvented only by means of a prior amendment of the Habitats Directive.

In addition, the procedure selected had an effect not only on the method of approval, but also on the legal form of the act, which ought to have taken the form of a decision and not a directive. That error was made worse by the European Parliament's choice to have recourse to the urgent procedure under Article 170 of its Rules of Procedure, without there being any publically known reason for doing so, thereby giving rise to a further limitation on procedural guarantees.

2. Second plea in law, alleging a failure to hear interested parties and infringement of Article 9 of Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies. ⁽³⁾

⁽¹⁾ OJ L, 2025/1237, p.1.

⁽²⁾ OJ 1992 L 206, p. 7.

⁽³⁾ OJ 2006 L 264, p. 13.

The applicants allege a procedural error in the form of the failure to hear interested environmental associations in breach of the right to participate enshrined in Article 9 of Regulation (EC) No 1367/2006, which gave effect to the Aarhus Convention under EU law. According to case-law and in line with the purpose of the regulation, environmental associations are to be entitled to participate in the process of making decisions relating to the environment in so far as the interested parties have a qualifying and recognised interest.

The right to be heard comprises an obligation, incumbent on the European institutions, to guarantee the effective involvement of interested parties in the decision-making process, so that they can contribute, with their own technical and scientific competencies, to the assessment of the environmental impact and to the weighting of the interests involved.

That obligation was entirely disregarded in the procedure that led to the adoption of the contested directive. The institutions, in particular the Commission, knowingly denied the applicant associations any form of dialogue, despite those associations having formally requested to be heard.

3. Third plea in law, alleging a failure to state reasons or inadequate statement of reasons in respect of Article 191(3) TFEU and Article 19 of the Habitats Directive.

The applicants allege that Directive (EU) 2025/1237 of the European Parliament and of the Council of 17 June 2025 amending Council Directive 92/43/EEC as regards the protection status of the wolf (*Canis lupus*)⁽⁴⁾ contains either no statement of reasons or an inadequate statement of reasons, which constitutes a substantial formal error entailing the annulment of the directive.

Article 191(3) TFEU and Article 19 of the Habitats Directive require that every amendment of the lists of protected species be founded on technical and scientific bases; any such basis is absent from the contested directive.

The statement of reasons is also lacking vis-à-vis the participation of the public in the process of making decisions relating to the environment, in breach of Article 9 of Regulation (EC) No 1367/2006. The contested directive neither sets out anywhere how the institutions have discharged their obligation to state reasons nor gives any justifications for failing to do so.

4. Fourth plea in law, alleging infringements of Regulation (EC) 1367/2006 and of the applicant associations' right to participate.

The applicants allege a failure to discharge the obligation to guarantee the participation of the public in the preparation and modification of environmental plans or programmes, as required by Article 9 of Regulation (EC) 1367/2006.

The EU institutions have not prepared any measure to enable the effective participation of environmental associations, nor have they provided information regarding timing, details or relevant addressees, which is in breach of each of paragraphs 3, 4 and 5 of Article 9.

The applicants stress that no dialogue, consultation or discussion mechanism was put in place either during the preparation phase for the amendment of the Bern Convention or during the adoption of Directive (EU) 2025/1237.

5. Fifth plea in law, alleging infringement of the best available science principle laid down in Article 191(3) TFEU and failure to carry out an up-to-date and independent scientific assessment.

The applicants allege an infringement of the best available science principle, enshrined in Article 191(3) TFEU and recognised in the case-law of the Court of Justice, under which decisions relating to the environment must be based on reliable, up-to-date and objective scientific data.

The contested directive was not accompanied by any scientific assessment attesting to the fact that the wolf has reached a favourable conservation status within the European Union, nor was an up-to date and independent study produced on behalf of the Commission, the Parliament and the Council.

⁽⁴⁾ OJ L, 2025/1237.

On the contrary, the proposal to remove the wolf from the annex is based on general, unverifiable assumptions and on a political narrative devoid of any strict ecological analysis. It follows that Directive (EU) 2025/1237 is founded on arbitrary bases and is not in line with the fundamental environmental protection principles of the European Union, which include the precautionary principle, the principle that preventive action should be taken, and, above all, the best available science principle, which requires a strict precautionary assessment of whether the measures adopted are technically well founded.

In the absence of that assessment, the whole decision-making process is flawed and the contested directive must be held to be unlawful for failing to observe a cardinal principle of EU environmental law.
