TECHNICAL NOTE

Why the EU's downlisting of the wolf (Canis lupus) lacks a scientific basis and breaches EU law

3 August 2026

1. Executive summary

This technical note supports EU-facing policy briefing on the downlisting of the wolf (Canis lupus) under the Habitats Directive. Its central argument, drawn from Green Impact ETS's policy briefing "From the Green Deal to the Stress Test: The Progressive Dismantling of Nature Protection in the EU", is that the downlisting was adopted without an adequate scientific basis and therefore in breach of the Habitats Directive's own substantive criteria, the precautionary principle, and provisions of the Treaties and the Charter of Fundamental Rights. The note sets out the legal and political chronology, the specific legal grounds on which the decision is being challenged, and the systemic risks that this precedent creates for EU nature law more broadly.

2. Legal and political chronology

- 2022 – An earlier, structurally identical proposal to downlist the wolf – tabled by Switzerland at the Bern Convention – is examined and rejected by the Bern Convention Standing Committee, on the ground that it lacked scientific justification.
- 22 August 2023 – Frans Timmermans, Executive Vice-President for the European Green Deal, resigns from the Commission; Maroš Šefčovič takes over the Green Deal portfolio on an interim basis (Von der Leyen I Commission).
- 20 December 2023 – The Commission formally proposes to reclassify the wolf under the Bern Convention – substantively the same proposal rejected by the Standing Committee in 2022 when tabled by Switzerland, for lack of scientific basis. The underlying population data had not materially changed between 2022 and 2023.
- 26 September 2024 – The Council adopts Decision (EU) 2024/2669 authorising the Union's proposal to the Bern Convention Standing Committee.
- 1 December 2024 – The Von der Leyen II Commission takes office; Teresa Ribera becomes Executive Vice-President for the Green Deal, with "competitiveness" and "simplification" becoming the operative terms of the mandate.
- 6 December 2024 – The Bern Convention Standing Committee (44th meeting) approves moving the wolf from Appendix II (strictly protected) to Appendix III (protected).
- 7 March 2025 – The change to the wolf's status under the Bern Convention enters into force.
- 17 June 2025 – The European Parliament and the Council adopt Directive (EU) 2025/1237, moving the wolf from Annex IV (strict protection) to Annex V (protected, with management flexibility) of the Habitats Directive.
- 14 July 2025 – Directive (EU) 2025/1237 enters into force.
- 15 January 2027 – Deadline for national transposition; Member States remain free to maintain a stricter protection status under national law.
- Since the Directive's entry into force, several Member States – including Belgium, the Czech Republic, Hungary, the Netherlands, Poland and Portugal – have indicated that they will not follow the downlisting and will maintain the wolf's strict protection under national law.

This is the first regressive amendment to the Habitats Directive since its adoption in 1992: no species had previously been downgraded under its annex system. The sequence – Bern Convention first, Habitats Directive

second, national legislation to follow – operates as a cascading mechanism in which each upstream step is used to justify the next, making the process progressively harder to challenge once underway.

3. The core legal argument: a decision without a scientific basis

The central legal weakness of the downlisting is that it was not grounded in an adequate, independent scientific assessment of the wolf's conservation status – a requirement built into the Habitats Directive itself and into general principles of EU environmental law. This is not merely a policy criticism; it is the basis of the pending litigation before the General Court (see Section 4).

3.1 No material change in the scientific evidence

The same population data used by the IUCN Large Carnivore Initiative for Europe (LCIE) in 2023 to oppose downlisting were subsequently used in 2024 to justify it, without any significant change in the underlying conservation status. The 2023 figures showed only a marginal population increase – insufficient, on the IUCN/LCIE's own assessment, to justify a reduction in protection. Most wolf populations across the EU have still not reached “favourable conservation status” as required by the Directive. The scientific evidence base did not materially change between the 2022 rejection and the 2023 proposal; what had evolved, in this same period, was the political context: intensifying farmer protests, the approach of the June 2024 European elections, and the departure of the Green Deal's principal political sponsor.

3.2 Breach of the precautionary principle and of Treaty provisions

The litigation against the downlisting is framed around breaches of primary EU law rather than mere procedural irregularity. The pleas raised include: infringement of Article 191(3) TFEU (the principles governing Union environmental policy, including the precautionary principle); infringement of Article 6(1) TEU in conjunction with Article 37 of the Charter of Fundamental Rights (the right to a high level of environmental protection); failure to apply the best available scientific evidence, a standard consistently required by the case law of the Court of Justice on derogations concerning the wolf – notably Case C-674/17, Tapiola (2019), which held that a Member State must refrain from granting a derogation where, after examining the best scientific data available, uncertainty remains as to its effect on favourable conservation status, and Case C-601/22, WWF Österreich (2024), which applied the same precautionary standard to the strict-protection regime itself; and misuse of powers (détournement de pouvoir), on the basis that the decision responded to political and lobbying pressure rather than to an independent conservation assessment.

3.3 A flawed procedural and legal basis

The Commission relied on Article 192(1) TFEU (ordinary legislative procedure, qualified majority) to adopt the amendment, rather than the Habitats Directive's own dedicated procedure for amending Annex IV, which requires unanimity in Council. That heightened threshold exists precisely to prevent the downgrading of strictly protected species without unanimous agreement that a favourable conservation status has genuinely been achieved. Choosing the lower procedural threshold allowed the amendment to proceed despite the absence of such consensus.

This procedural choice is reinforced by the Court of Justice's case law on non-regression: in Case C-601/22 (WWF Österreich), the Court held that protected species which have achieved a favourable conservation status must be protected against any deterioration of that status. Since the scientific evidence does not establish that EU wolf populations have achieved such a status, the legal basis for removing strict protection is correspondingly weak.

3.4 Political capture rather than independent assessment

The policy briefing documents a direct chain connecting the downlisting to organised agricultural lobbying rather than to an evidence-led process. The downlisting was an explicit demand in farmer-protest platforms (e.g. the five-point programme published by Land schafft Verbindung Germany on 14 January 2024). As reported by the Financial Times and The Irish Times, Copa-Cogeca publicly welcomed the Commission's December 2023 proposal as a win for the farming lobby. Separately, peer-reviewed research (Kutal, Dul’a, Haring and López-Bao, 2025, Conservation Letters 18: e13125) explicitly characterises comparable large-carnivore downlisting decisions across Europe as politically and populist-driven rather than evidence-based, noting that rural political alliances have used exaggerated or misleading claims to justify increased wolf culling.

3.5 A structural governance flaw at Bern Convention level

A further weakness lies in the forum where the change originated. The Bern Convention's Standing Committee has no standing scientific body empowered to independently assess, and if warranted override, a Contracting Party's proposal to amend the Appendices: a proposal is examined and then simply put to a vote of the Parties, adopted if it secures a two-thirds majority of the votes cast, with no equivalent to a binding scientific opinion capable of blocking a proposal that lacks an adequate evidence base.

This gap is compounded by the distribution of voting power. Under Article 13(2) of the Convention, the EU casts a bloc of votes equal to the number of its Member States that are Contracting Parties – currently 27 – out of 51 Contracting Parties in total (the EU itself, all Council of Europe States other than San Marino, and four African States). A bloc of that size, cast in a coordinated fashion, is by construction larger than any grouping the remaining Parties could realistically assemble against it, and is on its own sufficient to block any proposal the EU opposes. The practical asymmetry this creates is illustrated by the sequence of the wolf votes themselves: in 2022, a structurally identical proposal to downlist the wolf – tabled by Switzerland – was examined and rejected by the Standing Committee; the same substantive change was adopted in December 2024 once the Commission itself tabled the proposal and EU Member States committed to supporting it as a unified bloc. The same proposal thus produced opposite outcomes depending on whether the EU stood behind it – an outcome that owes more to the Convention's voting architecture than to any change in the underlying conservation science, and one that a genuinely independent scientific review mechanism would have been designed to prevent.

3.6 A unified scientific front against the downlisting

Opposition to the downlisting has not been limited to individual statements: it is documented in the peer-reviewed literature, in a mass sign-on by the scientific community, and in the formal positions of the two bodies most directly responsible for assessing large-carnivore conservation status in Europe.

- Randi, E. et al. (2025), 'Restore strict protection for wolves in Europe', Science 390: 452–453, doi:10.1126/science.aeb0660. Published in one of the world's leading scientific journals, the article calls on the EU to reinstate full protection for the species, arguing that the downlisting was not supported by the underlying population data and risks undermining decades of conservation progress.
- Di Bernardi, C., Chapron, G. et al. (2025), 'Continuing recovery of wolves in Europe', PLOS Sustainability and Transformation 4(2): e0000158, doi:10.1371/journal.pstr.0000158. Co-authored by more than 30 large-carnivore researchers across Europe, including several LCIE coordinators, the study documents a 58% increase in the wolf population between 2012 and 2022 (to over 21,500 individuals) while cautioning that this recovery remains uneven and fragile across populations – a nuance the downlisting decision did not reflect.
- Approximately 700 scientists and academics across Europe signed two scientific statements opposing the downgrading, addressed to the Secretary-General of the Bern Convention ahead of the Standing Committee's December 2024 vote. The statements, open to signature by scientists and academics only, were hosted by Green Impact ETS and gathered signatories in the weeks before the vote.
- IUCN Large Carnivore Initiative for Europe (LCIE), Statement of 13 November 2024: the LCIE stated that it was not aware of scientific evidence convincingly supporting the assumption that downlisting would alleviate the social and economic conflicts associated with wolves, and concluded that the downlisting proposal was premature and flawed, recommending against its adoption.
- IUCN, statement of December 2024, raising parallel concerns about the absence of an adequate scientific basis for the proposal and about the process by which it had been brought to a vote.

Taken together, this body of scientific opinion – spanning two peer-reviewed publications (in Science and PLOS Sustainability and Transformation), a sign-on letter by roughly 700 individual scientists, and the formal positions of the IUCN and its specialist large-carnivore body – represents a materially unified scientific position against the downlisting. The consistency of that position across independent channels is itself relevant to the litigation in Cases T-634/24 and T-563/25: it supports the contention that the decision departed from, rather than followed, the best available scientific evidence that EU institutions were required to apply.

3.7 The Commission's own evidentiary basis does not itself recommend downlisting

The Commission's December 2023 proposal relied principally on Blanco, J.C. and Sundseth, K. (2023), 'The situation of the wolf (Canis lupus) in the European Union – An in-depth analysis', a report produced by the N2K Group EEIG (Ecosystems LTD) for DG Environment and published by the Publications Office of the EU

(doi:10.2779/187513). This document is a consultancy report commissioned and funded by the Commission itself, and explicitly disclaimed by the Commission as reflecting only the views of its authors. The publication itself does not report having undergone an independent peer-review process.

Crucially, the report does not itself conclude that downlisting is warranted. It compiles the Member States' Article 17 conservation-status reporting – which shows favourable status in only a minority of national biogeographical populations – together with the results of the Commission's own three-week online survey, in which 71% of the roughly 18,500 analysable responses favoured maintaining the wolf's current protection status, against 28% favouring a reduction. Independent commentary has noted that the political messaging around the downlisting proceeded as if this evidentiary basis pointed the other way, and that the Commission's own technical reports (both this one and the 2022 LCIE assessment) were effectively set aside once the political decision to proceed had been taken.

3.8 The missing baseline: decades of non-enforcement and uncounted mortality

This gap in the evidentiary basis needs to be read against the species' recent history. By the early 1970s, the wolf had been eradicated from most of Central and Northern Europe by centuries of persecution, and even in Italy – the country that would go on to host the species' main refuge on the continent – the population had collapsed to only around 100 individuals, confined to isolated pockets of the central-southern Apennines. Legal protection introduced in Italy in 1971, and under the Habitats Directive from 1992, allowed a slow, still-incomplete recovery from that near-extinction. It is against this recent and fragile recovery, rather than against a securely restored species, that the adequacy of current mortality data must be assessed.

A further gap in the evidentiary basis for the downlisting concerns enforcement and mortality data that were never systematically assembled. For decades, several Member States have not fully applied the strict protection regime that Article 12 of the Habitats Directive requires for Annex IV species: derogations have in practice been granted more liberally than the Directive allows, and enforcement against the illegal killing of nominally strictly protected wolves has, in a number of Member States, been inconsistent or largely absent – a pattern reflected in the infringement procedures already opened against Italy (2015 and 2019), Portugal and Spain over shortcomings in the implementation of the Directive.

This enforcement gap extends to the network of protected areas the Directive itself relies on. The wolf is also listed in Annex II of the Habitats Directive, which requires Member States to designate Special Areas of Conservation (SACs) for the species and to apply the site-specific conservation measures required by Article 6(1). By the end of 2023, 1,963 of the EU's 27,165 Natura 2000 sites (9.1%) had still not been formally designated as SACs, in breach of the Directive's own six-year designation deadline, and independent assessments indicate that fewer than half of Natura 2000 sites across the EU have an operational management plan in place, with many of those that exist delayed or incomplete. In Italy, delays in SAC designation led to a formal warning from the Commission in October 2015 and a further warning in January 2019 over continued non-compliance; comparable infringement proceedings were opened against Portugal and Spain over the same period. A downlisting decided without first ensuring that the site-based protections the Directive itself requires are properly designated and managed leaves unaddressed one half of the legal framework on which the wolf's conservation depends.

More fundamentally, the Commission has never compiled or systematically organised EU-wide data on wolf mortality from poaching, poisoning, snaring and road accidents. The population assessments underpinning the downlisting proposal drew on Member States' Article 17 reporting of live population estimates, not on a harmonised, EU-wide accounting of the causes and scale of wolf deaths. Where independent researchers and civil-society organisations have stepped in to fill this gap at national level, the picture that emerges is one of substantial, previously uncounted mortality.

Italy provides the most complete national-level illustration to date. The association Io non ho paura del lupo APS compiled the report ‘La mortalità del lupo in Italia 2019–2023’, based on freedom-of-information requests to Italy's Regions, Autonomous Provinces, local health authorities (ASL), Istituti Zooprofilattici and ISPRA – the first attempt to reconstruct a national-level minimum baseline for wolf mortality, in the continued absence of any such baseline maintained by public authorities themselves. The report documents 1,639 dead wolves recovered between 2019 and 2023, rising from 210 in 2019 to 449 in 2023 – an average of more than one dead wolf found per day in the final year covered. Over 70% of the known deaths were attributable to human activity, of which roughly 60% were indirectly human-caused (chiefly road and rail collisions) and around 12% were direct poaching; a further 19% had undetermined causes. The association explicitly cautions that these figures represent only a floor: poaching and deaths from natural causes are inherently the hardest to detect and are

therefore likely under-represented, and the report also documents a marked, ecologically unexplained asymmetry in reported deaths between neighbouring regions with comparable wolf populations – itself evidence of how uneven monitoring and reporting are across the country. Subsequent monitoring by the same association recorded at least 30 further wolf deaths in the first two months of 2026 alone.

This Italian case is corroborated by comparable, if less systematic, findings elsewhere. In the Netherlands, a report by wildlife-crime researcher Pauline Verheij, 'Back in Focus – Wolf Poaching in the Netherlands' (2026), found that of 259 wolves genetically identified in the country between 2015 and December 2025, 38 disappeared from monitoring data for more than six months with no explanation consistent with natural mortality or migration – leading the author to conclude that at least 41 wolves, or roughly one in every seven confirmed in the country, had most likely been illegally killed since 2021. In Poland, simulations based on GPS-collared individuals estimate that several hundred to over a thousand wolves are illegally shot or snared every year; and in Scandinavia, poaching has been estimated to account for roughly half of total wolf mortality, to the point that the population would be nearly four times larger in its absence. None of these national findings – Italian, Dutch, Polish or Scandinavian – were consolidated into a single EU-wide mortality baseline before the downlisting decision was taken.

The practical consequence is that the downlisting was decided without the Commission or the Council having before them a reliable, aggregated picture of how many wolves are already dying each year across the Union from causes unrelated to any lawful derogation. Those losses occur in addition to, not instead of, any further culling that a lowered protection status now makes easier to authorise. Against that backdrop, relaxing the legal protection further, without first establishing what the existing – largely unrecorded – mortality already amounts to, is difficult to distinguish in practice from authorising an additional wolf hunt on top of losses that were never counted.

3.9 No single population, and no demonstrated favourable conservation status

A number of Member States have already signalled that they do not intend to follow the downlisting: Belgium, the Czech Republic, Hungary, the Netherlands, Poland and Portugal have indicated that they will maintain the wolf's strict protection under national law, exercising the option the Directive itself preserves. Their position is consistent with the underlying science: no Member State is today in a position to demonstrate, on a scientifically rigorous basis, that the wolf has reached favourable conservation status on its territory, because monitoring remains fragmented across the Union and, where it exists at all, is frequently based on statistical projections rather than on direct, standardised counts.

This is not a matter of a few isolated gaps. The EU's own 2020 assessment under Article 17 of the Habitats Directive found the wolf in unfavourable-inadequate conservation status in six of the seven EU biogeographical regions, with a favourable assessment recorded in only 18 of 39 national biogeographical-region combinations. The species is not a single, uniform EU population: the Commission's own institutions recognise nine distinct transboundary populations, of which a majority have failed to reach favourable conservation status. Within this patchwork, several sub-populations – including those in parts of Spain, Portugal, Austria and Sweden – are assessed as vulnerable, near-threatened or endangered. Where certain sub-populations have grown in recent years, that recent growth is not, by itself, evidence of long-term stability: favourable conservation status under the Directive requires a viable population with a stable or increasing range and adequate habitat over the long term, not merely a short-term rebound from a historic bottleneck.

The genetic dimension compounds this further. Canis lupus in Europe is not a single interchangeable stock: it comprises genetically and morphologically distinct lineages, two of which – the Italian or Apennine wolf (Canis lupus italicus) and the Iberian wolf (Canis lupus signatus) – are recognised as unique subspecies found nowhere else in the world. A blanket, EU-wide downlisting that applies the same reduced protection standard to genetically and demographically non-equivalent populations, without population-specific scientific justification, is difficult to reconcile with the Habitats Directive's own premise that conservation measures must be tailored to the conservation status of the specific population concerned. This consideration adds to, rather than substitutes for, the deficiencies already identified in this note, and reinforces the overall conclusion that the downlisting of Canis lupus in the EU has no adequate scientific basis.

3.10 Extraterritorial consequences for non-EU Bern Convention Parties

The EU's use of its voting weight at Bern Convention level (Section 3.5) did not only affect its own Member States. Because the Convention operates as a single international instrument binding all Contracting Parties, moving the wolf from Appendix II to Appendix III lowered the baseline protection status applicable to the

Convention's non-EU Parties as well – several of which host wolf populations considerably smaller, more isolated and more genetically compromised than most EU populations, and which had no comparable voting weight to resist the change.

Norway is the clearest illustration. The Norwegian wolf is red-listed nationally as 'critically endangered': the latest reporting to the Bern Convention identifies only 42–44 wolves whose territory lies wholly within Norway, plus a further approximately 32 wolves in the area straddling the Norwegian–Swedish border. Successive government culling quotas have removed as many as 192 wolves over the past eight years, against quotas set as high as 306, and the population's viability is further constrained by severe inbreeding, since it descends from only a handful of founding individuals that re-colonised the Scandinavian peninsula from Finland and Russia in the 1980s. As a Contracting Party casting a single vote – not a coordinated bloc of 27 – Norway had no realistic ability to prevent the EU-driven downgrade of the Convention-wide baseline, even though its own wolf population is in a substantially more precarious condition than most of the EU populations the downlisting was designed to accommodate.

Switzerland is a comparable case: a small, still-recovering national wolf population of roughly 300 individuals has been made subject to a government plan to cull it by up to 70%, a measure conservation groups have described as radical enough to threaten the species' survival not only in Switzerland but in neighbouring parts of the Alps. As with Norway, this national policy proceeds against the backdrop of an international-level baseline shaped overwhelmingly by the EU's own bloc vote, with the Convention's non-EU Parties collectively unable to offer an effective counterweight.

A further point sharpens this picture: in both Norway and Switzerland, the overall level of wolf mortality that the Bern Convention downlisting now retroactively sanctions – comprising poaching, poisoning, and culling authorised by state authorities that itself sat in tension with the Convention's own obligations – was already occurring beforehand, under national policies that neither country had to alter in any way to benefit from the change. Norway's government-set culling quotas – which removed 192 wolves over the preceding eight years against quotas of up to 306, on top of continued poaching – and Switzerland's plan to reduce its population by up to 70% were both already in place, or already planned, under the pre-2024 Convention regime, in some cases prompting complaints to the Bern Convention itself that this state-authorised practice was incompatible with the wolf's then-strictly-protected status. The downlisting did not respond to, or require, any change in either country's approach to lethal management, whether lawful or unlawful: it simply lowered the international legal standard to match a level of killing – legal and illegal alike – that was already taking place. Framed this way, the Bern Convention decision functioned less as a science-based reassessment of conservation status than as an after-the-fact endorsement of pre-existing national practice, including practice of doubtful legality under the Convention itself – which is difficult to reconcile with the claim that it reflected an improved conservation outlook for the species.

In substance, the EU used its structural voting majority at Bern Convention level to set a lowered international baseline that extends well beyond its own territory and its own, comparatively larger and more secure wolf populations, to countries whose wolf populations are smaller, more inbred and more vulnerable – without those countries having had a meaningful say in the outcome. This extraterritorial effect is a further respect in which the downlisting cannot be said to rest on a population-specific scientific assessment of conservation need.

3.11 CJEU case law on the Habitats Directive and the wolf

The Court of Justice has, in a consistent line of case law specifically concerning the wolf, confirmed that the Habitats Directive's substantive standards do not relax simply because a Member State or the Union wishes them to: Case C-674/17, Tapiola (2019), held that a derogation from strict protection under Article 16 must be refused where, after examination of the best available scientific data, uncertainty remains as to whether it would be detrimental to the species' favourable conservation status. Case C-601/22, WWF Österreich (2024), concerning a wolf that had killed livestock in Tyrol, Austria, confirmed that species which have achieved a favourable conservation status must be protected against any deterioration of that status, and that the precautionary principle applies with equal force to decisions capable of affecting that status. Case C-436/22, ASCEL (29 July 2024), concerning wolf hunting plans in Castile and León, held that a wolf population cannot lawfully be exploited – even under the more flexible Annex V regime – where its conservation status at national level is unfavourable, and that all of the most recent scientific data must be taken into account in that assessment; the Spanish regional wolf-hunting plan at issue was subsequently annulled by the referring court on this basis. Case C-629/23, Eesti Suurkiskjad (2025), concerning wolf hunting quotas in Estonia, further clarified that conservation status must first be assessed at local and national level, that populations in third countries may be taken into account only where there is genuine cross-border movement, and that the precautionary principle

may require authorities to decline to rely on the most optimistic population estimates; the Estonian Supreme Court applied this ruling to strike down a wolf hunting quota as unlawful, expressly noting that the post-2025 lower protection regime under the Habitats Directive did not change the assessment that was required.

Taken together, this case law establishes that the "favourable conservation status" standard and the precautionary principle are autonomous concepts of EU law that apply with the same rigour regardless of whether a population sits under Annex IV or Annex V, and regardless of whether the decision in question is taken by a Member State or by the EU legislature itself – a consideration directly relevant to the outcome of Cases T-634/24 and T-563/25.

4. Litigation before the General Court of the EU

Green Impact ETS and a coalition of four other European associations have brought a two-stage legal challenge before the General Court, targeting the downlisting process at both the international and the EU legislative level. Together, the two cases constitute the most comprehensive legal challenge to the wolf downlisting currently before the EU courts. More than 40 additional associations have filed applications to intervene in support of the applicants in the two cases.

4.1 Case T-634/24

- Filed: 6 December 2024; published in the Official Journal (C/2025/922) on 17 February 2025.
- Applicants: Green Impact ETS (Rome), Earth ODV (Rome), Nagy Tavak és Vizes Élőhelyek Szövetsége (Hungary), LNDC Animal Protection APS (Milan) and One Voice (Strasbourg).
- Defendants: Council of the EU, European Commission.
- Subject: annulment of Council Decision (EU) 2024/2669 authorising the EU proposal to the Bern Convention, and annulment of the vote and of the proposal adopted at the 44th meeting of the Standing Committee of 3 December 2024, together with all subsequent connected acts.
- First plea in law: infringement of the Treaties, in particular Article 191(3) TFEU and Article 6(1) TEU in conjunction with Article 37 of the Charter of Fundamental Rights, on the ground that the Council approved the decision without adequate regard to the available scientific and technical data, including reports by the LCIE and other academic bodies, and relied on the same 2022 population data that had led the EU to vote the opposite way on a similar Swiss proposal; the applicants also point to the European Ombudsman's inquiry (Case 1758/2024/FA) as evidence of a lack of transparency and objectivity in the process.
- Second plea in law: infringement of the proportionality and precautionary principles, misuse of powers and acting ultra vires, failure to conduct a proper investigation based on the best available science, and infringement of the Court of Justice's case law on derogations under the Habitats Directive requiring that populations be maintained at favourable conservation status through a preventive approach; the applicants also invoke Recommendation No. 56 (1997) of the Bern Convention Standing Committee, which requires amendments to the Convention's Appendices to be coherent and science-based.

This case is the upstream companion to Case T-563/25 (Section 4.2), which challenges the downstream EU legislative act giving effect to the same downlisting.

4.2 Case T-563/25

- Filed: 15 August 2025; published in the Official Journal (C/2025/5359) on 13 October 2025.
- Applicants: the same five associations as in Case T-634/24.
- Defendants: European Parliament, Council of the EU, European Commission.
- Subject: annulment of Directive (EU) 2025/1237 of 17 June 2025, which downgraded the wolf's protection status from "strictly protected" to "protected", together with all related consequential measures.
- The applicants rely on five pleas in law, including: misuse of the legal basis, on the ground that the measure should have taken the form of an individual decision rather than a directive amending the Annexes; denial of the participatory rights guaranteed under the Aarhus Regulation; inadequate reasoning; and failure to rely on updated and independent scientific evidence, together with further pleas mirroring the precautionary-principle and best-available-science.

5. The scientific evidence: biodiversity in decline, and the case for more protection, not less

The wolf downlisting, and the broader Nature Directives stress test discussed below, proceed against a scientific backdrop that points in the opposite direction. Independent monitoring by the European Environment Agency (EEA) and the international commitments the EU has made under the Convention on Biological Diversity (CBD) both indicate that European biodiversity is in continued decline and that current protection is already insufficient – not excessive.

5.1 The EEA's own monitoring: most protected habitats and species are not in good condition

The EEA's landmark ‘State of Nature in the EU 2020’ report, based on Member States' reporting for 2013–2018 under the Birds and Habitats Directives, found that only 15% of the 818 EU-level habitat assessments showed good conservation status, with 81% unfavourable (45% poor, 36% bad) and only 9% showing an improving trend against 36% still deteriorating. For species, only 27% of the 2,825 EU-level assessments showed good conservation status, with 63% unfavourable (42% poor, 21% bad) and only 6% improving against 35% still deteriorating. The EU did not meet its own 2020 target of improving the conservation status of protected species and habitats. This is the same EEA monitoring framework, and the same underlying trend of continued deterioration, against which the wolf's downlisting from Annex IV to Annex V was decided.

5.2 Binding international commitments under the CBD Kunming-Montreal Framework

In December 2022, 196 Parties to the Convention on Biological Diversity, including all EU Member States, adopted the Kunming-Montreal Global Biodiversity Framework at COP15. Among its binding-in-substance commitments are Target 3 (protect and effectively manage at least 30% of land and sea areas by 2030) and Target 2 (restore at least 30% of degraded ecosystems by 2030), together with the overarching goal of halting and reversing biodiversity loss by 2030. Weakening the Birds and Habitats Directives – the EU's principal domestic instruments for implementing these international obligations – places the Union in direct tension with commitments it has itself undertaken in international law. A downlisting decision that removes protection from a recovering apex predator, at a time when the EU's own monitoring shows most habitats and species still failing to reach good conservation status, moves in the opposite direction to what both the EEA's evidence and the Kunming-Montreal commitments require.

5.3 A structural mismatch: the Directives were designed for an earlier stage of conservation science

A further, more fundamental point concerns the scientific framework underpinning the Directives themselves, first adopted in 1979 (Birds) and 1992 (Habitats). Conservation science has moved substantially towards ecosystem- and landscape-scale approaches since then, and the wolf is a central illustration of the mismatch this creates: as a keystone species and ecosystem engineer, its presence restructures trophic cascades, controls herbivore populations and increases biodiversity at multiple levels, in ways that a species-by-species annex system is not designed to capture. The table below summarises this shift:

Table: the Directives' original approach compared with what contemporary conservation science requires

The Directives' approach (1979/1992)	What contemporary science requires
Species-by-species protection lists (annexes)	**Ecosystem- and macrosystem-scale approaches**
Habitat-type inventories (Annex I)	**Functional connectivity across landscapes and borders**
Site-based protection (Natura 2000)	**Dynamic ecological processes, not static lists**
Species management within defined territories	**Trophic cascades and keystone-species roles (e.g. the wolf)**
Favourable conservation status as a binary target	**Climate-adapted conservation planning**
Limited connectivity and corridor provisions	**Integration of biodiversity, carbon and water cycles**

The conclusion this table supports is not that the Directives should remain frozen, nor that they should be relaxed on economic or competitiveness grounds. It is that any reform should update the annex-based system to reflect ecosystem-scale, connectivity-based science – strengthening implementation and closing the macrosystem and connectivity gaps identified in Section 3 – rather than lowering protection for a recovering species while the EEA's own data show most habitats and species still failing to reach good conservation status. A science-based reform and a deregulatory downlisting are not the same exercise, and the downlisting of the wolf is an instance of the latter dressed in the language of the former.

6. Why this matters beyond the wolf: a harmful regulatory precedent

The downlisting is significant not only for the wolf itself but as a precedent for the wider architecture of EU nature law. Once it is established that a strictly protected species can be downgraded through political pressure rather than independent scientific assessment, the same mechanism becomes available for future cases involving other species. The proportionality rhetoric used to justify the wolf's downlisting – that it is unrealistic to protect everything equally – opens the door to future hierarchies among species, with large carnivores structurally the most exposed.

This precedent is directly relevant to the Nature Directives “stress test” launched by the Commission in 2026 (public consultation open 12 May – 4 August 2026), which explicitly references “predatory species” and evaluates the Birds and Habitats Directives against criteria of cost-effectiveness and competitiveness rather than conservation outcomes. Both processes raise the same underlying legal question: whether instruments designed to implement binding international biodiversity commitments can lawfully be subordinated to economic and simplification criteria.

7. Conclusion

The wolf downlisting was adopted through a legally lower procedural threshold than the Habitats Directive's own rules would otherwise require, even though the underlying scientific evidence was substantially the same evidence on which an equivalent proposal had been rejected in 2022, and in a political context in which organised agricultural lobbying explicitly claimed the outcome as a win. On this basis, the downlisting is challenged as being in breach of the precautionary principle, of Article 191(3) TFEU, of Article 6(1) TEU read with Article 37 of the Charter, and of the Court of Justice's non-regression case law on species that have not achieved favourable conservation status.

References

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). https://eur-lex.europa.eu/eli/dir/2025/1237/oj/eng/pdf

European Environment Agency (2020). State of Nature in the EU 2020: 15% of EU habitat assessments and 27% of species assessments show good conservation status (2013–2018 reporting under the Birds and Habitats Directives). https://www.eea.europa.eu/en/topics/in-depth/nature-protection-and-restoration

Convention on Biological Diversity, Kunming-Montreal Global Biodiversity Framework, adopted at COP15, December 2022, by 196 Parties including all EU Member States; Target 2 (restore 30% of degraded ecosystems by 2030) and Target 3 (protect 30% of land and sea by 2030). https://www.cbd.int/gbf

Council Decision (EU) 2024/2669 of 26 September 2024.

Court of Justice of the European Union, Case C-601/22, WWF Österreich (2024).

Court of Justice of the European Union, Case C-674/17, Tapiola (2019), on the precautionary principle and derogations under Article 16 of the Habitats Directive.

Arie Trouwborst, Professor of Nature Conservation Law, Tilburg University (Netherlands); member, IUCN Large Carnivore Initiative for Europe; author of published research on the Bern Convention, the Habitats Directive and wolf-protection law cited above. https://www.linkedin.com/in/arie-trouwborst-342a61110/

Court of Justice of the European Union, Case C-436/22, ASCEL (29 July 2024), on the exploitation of wolf populations under Annex V and the requirement to consider all recent scientific data. https://eur-lex.europa.eu/eli/C/2024/5591/oj/eng

Court of Justice of the European Union, Case C-629/23, Eesti Suurkiskjad (2025), on the assessment of conservation status at local/national level and the precautionary principle applied to wolf hunting quotas in Estonia.

General Court of the EU, Case T-634/24, Green Impact and others v Council of the EU and European Commission, lodged 6 December 2024, OJ C/2025/922. https://www.greenimpact.it/wp-content/uploads/2025/02/OJ_C_202500922_EN_TXT.pdf

General Court of the EU, Case T-563/25, Green Impact and others v European Parliament, Council of the EU and European Commission, lodged 15 August 2025, OJ C/2025/5359. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C_202505359

Kutal, M., Duľa, M., Haring, M., López-Bao, J.V. (2025). Deeply Political and Populist Decisions on Large Carnivores in Europe in Recent Times. Conservation Letters, 18, e13125. https://doi.org/10.1111/conl.13125

Randi, E. et al. (2025). Restore strict protection for wolves in Europe. Science, 390, 452–453. doi:10.1126/science.aeb0660. https://www.science.org/doi/10.1126/science.aeb0660

Di Bernardi, C., Chapron, G. et al. (2025). Continuing recovery of wolves in Europe. PLOS Sustainability and Transformation, 4(2), e0000158. https://doi.org/10.1371/journal.pstr.0000158

Blanco, J.C., Sundseth, K. (2023). The situation of the wolf (Canis lupus) in the European Union – An in-depth analysis. Report of the N2K Group EEIG for DG Environment, European Commission. Publications Office of the EU, doi:10.2779/187513. https://data.europa.eu/doi/10.2779/187513

Nowak, S. et al. (2021). The illegal shooting and snaring of legally protected wolves in Poland. Biological Conservation, estimating 147–1134 wolves illegally shot annually in Poland (99% HDI). https://www.sciencedirect.com/science/article/pii/S0006320721004195

Io non ho paura del lupo APS (2025). La mortalità del lupo in Italia 2019–2023. National report compiled from freedom-of-information requests to Italian Regions, Autonomous Provinces, ASL, Istituti Zooprofilattici and ISPRA; 1,639 dead wolves recorded 2019–2023, rising from 210 to 449 per year, over 70% attributable to human activity. https://www.bellunopress.it/2025/11/27/lupi-in-italia-oltre-1-600-esemplari-morti-in-5-anni-lo-studio-di-io-non-ho-paura-del-lupo/

Verheij, P. (2026). Back in Focus – Wolf Poaching in the Netherlands. Co-authored with N. Louchouarn; at least 41 of 259 genetically identified wolves (2015–Dec. 2025) likely illegally killed since 2021. https://nltimes.nl/2026/06/23/report-says-least-41-wolves-likely-poached-netherlands-since-2021

European Commission, EU-level assessment of wolf conservation status under Article 17 of the Habitats Directive (2020): unfavourable-inadequate status in 6 of 7 EU biogeographical regions; favourable status recorded in only 18 of 39 national biogeographical-region combinations. https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0543

Open letter ‘Stand up for science, stand with wolves’ (July 2025), noting that Belgium, the Czech Republic, Hungary, the Netherlands, Poland and Portugal have indicated they will maintain the wolf's strict protection

under national law. https://www.cap-loup.fr/wp-content/uploads/Open-letter-Stand-up-for-science-stand-with-wolves-July-2025.pdf

Caniglia, R. et al., on the genetic and morphological distinctiveness of Canis lupus italicus (Italian/Apennine wolf) as a subspecies found nowhere else in the world. https://www.nature.com/articles/s41598-024-84319-x

Historical population low of approximately 100 individuals in the central-southern Apennines in the early 1970s, following near-eradication of the species across Central and Northern Europe; legal protection introduced in Italy in 1971. https://www.nature.com/articles/s41598-024-84319-x

Council of Europe, Bern Convention Standing Committee, complaint file T-PVS/Files(2024)63 on wolf management in Norway; Norwegian wolf population reported at 42–44 individuals wholly within Norway plus approximately 32 in the Norway–Sweden border area; 192 wolves culled over the preceding eight years against quotas of up to 306; species listed as 'critically endangered' on the Norwegian Red List. https://rm.coe.int/files63-2024-wolf-management-norway-compl-report-2758-4005-4538-1/1680b15229

Science (AAAS), reporting on Switzerland's plan to reduce its wolf population by up to 70%, and on conservation groups' warnings that the measure could threaten the species' survival in Switzerland and neighbouring Alpine regions. https://www.science.org/content/article/plan-allow-wolf-hunting-europe-protect-livestock-could-backfire-some-scientists-say

Liberg, O. et al. (2012). Shoot, shovel and shut up: cryptic poaching slows restoration of a large carnivore in Europe. Proceedings of the Royal Society B, on poaching's impact on Scandinavian wolf population growth.

Pellegrini, M. et al. (2020). Obstacles to the effective implementation of the Habitats Directive in Italy. Sustainability 12(6):2335, doi:10.3390/su12062335, on infringement procedures No. 2015-2163 (Italy) and related cases. https://doi.org/10.3390/su12062335

European Environment Agency, Natura 2000 sites designated under the EU Habitats and Birds Directives (2023): 27,165 sites covering 18.6% of EU land and 10.5% of marine territory; 1,963 sites (9.1%) not yet designated as SACs by end of 2023. https://www.eea.europa.eu/en/analysis/indicators/natura-2000-sites-designated-under

Oceana Europe, How are Natura 2000 sites designated? (2025): fewer than half of assessed Natura 2000 sites in the EU have a management plan in place. https://europe.oceana.org/blog/how-are-natura-2000-sites-designated/

IUCN Large Carnivore Initiative for Europe (LCIE), Statement on the proposed downlisting of the wolf, 13 November 2024. https://www.ecojust.eu/the-eu-proposal-to-downlist-the-wolf-under-the-bern-convention-is-flawed-and-cannot-be-adopted/

IUCN, statement of concern regarding the EU wolf downlisting proposal, December 2024.

Two Scientific Statements against the wolf downlisting, signed by approximately 700 scientists and academics across Europe, addressed to the Secretary-General of the Bern Convention, hosted by Green Impact ETS, November–December 2024. https://www.greenimpact.it/science-policy-and-laws-to-prevent-the-killing-of-wolves-in-europe/

European Ombudsman, inquiry Case 1758/2024/FA concerning the Commission's consultation process on the wolf downlisting.

Land schafft Verbindung (Germany), five-point protest platform, 14 January 2024.

Financial Times / The Irish Times, coverage of Copa-Cogeca's response to the Commission's December 2023 downlisting proposal.

Green Impact ETS (2026), Policy Briefing "From the Green Deal to the Stress Test: The Progressive Dismantling of Nature Protection in the EU", June 2026.