



PROP-KOG/2025-03

28th March 2025

OPINION¹

on the position of the Government of the Republic of Poland regarding the downgrading of the protection status of the wolf *Canis lupus* in the European Union

The State Council for Nature Conservation- Commission for Species Protection expresses deep concern over the Polish government's support for actions initiated by the European Commission to lower the protection status of the wolf (*Canis lupus*) under the Bern Convention and the Habitats Directive.

These actions have deliberately disregarded the existing scientific evidence and raise serious legal doubts. The European Ombudsman has initiated an enquiry into the European Commission's decision-making process, while the Court of Justice of the European Union has opened a case against the European Commission for law infringement. It is the first time in the history of the European Union that nature conservation law is being rolled back and this is going to happen during the Polish Presidency of the Council of the European Union.

Under the mandate and on behalf of the State Council for Nature Protection, carrying out the functions resulting from Article 96, paragraph 3, point 5 of the Law on Nature Protection, the Commission for the Protection of Species recommends to the Polish Government to withhold the procedure of the European Commission's proposal to amend Annexes IV and V of the Habitats Directive, until the outcome of the ongoing proceedings investigating the legality of the actions taken so far will be available, as well as the reports on the conservation status of wolves prepared by member states every six years under Article 17 of the directive are completed- in July 2025.

JUSTIFICATION

The nature directives of the European Union (EU) have contributed to the recovery of European biodiversity, including large carnivore populations, which were decimated after centuries of persecution. This joint conservation success will be jeopardized by the European Commission's proposal of 7th March 2025 to amend the EU Habitats Directive (92/43/EEC) and to move the wolf from Annex IV to Annex V of the Directive². This follows the EU initiative and further decision of the Standing Committee of the Bern Convention from 6th December 2024 to move the species from Annex II to Annex III of the Convention³. These measures lower the protection status of the wolf, allowing the regular hunting of the species.

¹ Unofficial translation, original version available here: https://prop.gov.pl/wp-content/uploads/2025/03/PROP-KOG_Opinia-Wilk-UE.pdf

² https://environment.ec.europa.eu/document/download/8ec6689c-a7d8-422e-829d-c4231fc32872_en?filename=Competent_Authorities_EN_7_MAR_2025.pdf

³ <https://rm.coe.int/tpvs21e-2024-report-44th-standing-committee-2761-0196-4299-1/1680b40bc9>

The European Commission has recently started a dangerous shift from the established science-based decisions⁴, to decisions based on the interests of political parties, particularly of the European People's Party. In September 2023, the Commission claimed that wolves "have become a real danger for livestock and potentially also for humans" and requested that anyone with any type of related data submit it as part of a review of the wolf's conservation status⁵. This "targeted data collection" raised concerns about the lack of scientific basis, inadequate public consultation, and potential impartiality issues in the Commission's approach. It was followed by an inquiry, opened on 28th October 2024 and still ongoing, by the European Ombudsman (Case 1758/2024/FA)⁶ into the Commission's procedure regarding the proposal to downgrade the wolf's protection status.

On 6th December 2024, the Court of Justice of the European Union challenged the wolf downlisting decision and opened a case (Case T-634/24)⁷ against the European Commission and the Council of Europe. The first plea argues that the Council violated EU law (Treaty on the Functioning of the European Union, Treaty on European Union) and fundamental rights provisions by approving the downgrading of the wolf protection without properly considering scientific evidence. It disregarded key reports⁸ indicating that wolf populations remain at risk, and that for half of the European wolf subpopulations, the criterion of 'effective population size'⁹, included in the Global Biodiversity Framework, adopted by the parties to the Convention on Biological Diversity at the United Nations Conference in December 2022¹⁰, is not yet met. Furthermore, the Council's decision to propose at the Bern Convention the downlisting of the wolf was based on the same scientific data which, in 2022 led the European Union to vote against the Swiss downlisting proposal, raising concerns about transparency and objectivity. The EU Council Decision 2022/2489¹¹ of 25th November 2022 states "Based on current data, lowering the protection status of all wolf populations is not justified from a scientific and conservation point of view". The second plea alleges infringement of the proportionality and precautionary principles, misused of authority, and failure to base the decision on the best available science. The Council's decision also contradicts Recommendation No. 56 (1997) of the Bern Convention's Standing Committee, which provides that amendments to Appendices I and II of the Convention must be made in a coherent manner, based on the best available science.

The European Commission proposed on 7th March 2025¹² to align the protection status of the wolf in EU legislation with the Bern Convention. As a result, the protection status of the wolf across the whole of Europe will be changed from "strictly protected" (Annex IV) to

⁴ Durá-Alemañ C J, López-Bao JV. 2025. Stop regression of EU conservation laws. *Science* 387(6737): 935-937.
<https://doi.org/10.1126/science.adu1943>

⁵ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330

⁶ https://www.ombudsman.europa.eu/en/opening-summary/en/194686#_ftn4

⁷ <https://eur-lex.europa.eu/eli/C/2025/922/oj/eng>

⁸ Boitani L et al. 2022. Assessment of the conservation status of the Wolf (*Canis lupus*) in Europe. Document prepared for the Convention on the Conservation of European Wildlife and Natural Habitats by Large Carnivore Initiative for Europe, a Specialist Group of the IUCN Species Survival Commission, with assistance of the Istituto Ecologia Applicata, Roma.
<https://rm.coe.int/inf45e-2022-wolf-assessment-bern-convention-2791-5979-4182-1-2/1680a7fa47>

⁹ Mergey J, Smet S, Collet S, Nowak S, Reinhardt I, Kluth G, Szweczyk M, Godhino R, Nowak C, Mysłajek RW, Rolshausen G. 2024. Estimating the effective size of European wolf populations. *Evolutionary Applications* 17 (10): e70021. <https://onlinelibrary.wiley.com/doi/full/10.1111/eva.70021>

¹⁰ <https://www.gbf-indicators.org/>

¹¹ <https://eur-lex.europa.eu/eli/dec/2022/2489/oj/eng>

¹² https://europa.eu/newsroom/ecpc-failover/pdf/ip-25-711_en.pdf

“protected” (Annex V)¹. This means that the Art. 12 of the Habitats Directive, prohibiting the deliberate capture, killing, disturbance and deterioration or destruction of breeding and resting sites, will cease to apply for wolves. One of the main arguments of the European Commission to support this change is that wolves pose a real danger to livestock (and potentially also to humans). However, the current protection status of the wolf, listed on the Bern Convention Appendix II and Habitats Directive Annex IV (with the exception of the Bulgarian, Latvian, Lithuanian, Estonian, Polish and Slovak populations and parts of the Spanish, Greek and Finnish populations, which are included in Annex V of that directive) already allows, under derogation, for the killing of wolves when necessary to prevent serious livestock damage or human safety risks¹³. Moreover, the overall impact of wolves on livestock in the EU is very small-considering that there are about 60 million sheep in the EU, only 0.065% of them are annually lost due to wolf predation¹⁴. Incidents of wolf aggression towards humans, on the other hand, are extremely rare in Europe and are the result of irresponsible human behaviour, such as deliberate feeding and taming of these animals¹⁵. In spite that the wolf has expanded its range in Europe, with an estimate of 23,000 individuals in 2023¹⁶, about half of the 39 conservation status assessments for the last reporting period (2013-2018) were unfavourable¹³. According to the 2018 assessments by the International Union for Conservation of Nature (IUCN), three wolf populations were “Near Threatened” (Iberian, Italian peninsula, and Karelian populations), and the other three were classified as “Vulnerable” (the Western-Central Alps, the Scandinavian, and the Central Europe populations)¹⁷.

Poland has an important responsibility as it currently holds the presidency of the Council of Europe. For over three decades, the EU’s flagship Habitats Directive has protected hundreds of European species and habitats. Wolves are essential components of European ecosystems. They play a fundamental role in disease dynamics of prey populations, regulation of herbivore densities, seed dispersal processes, configuration of the landscape and vegetation structure and composition or securing food for a wide range of species under climate change^{18,19,20,21,22}. They

¹³ https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive/large-carnivores_en

¹⁴ Blanco JC, Sundseth K. 2023. The situation of the wolf (*Canis lupus*) in the European Union – An In-depth Analysis. A report of the N2K Group for DG Environment, European Commission. <https://data.europa.eu/doi/10.2779/187513>

¹⁵ Linnell JDC, Kovtun E, Rouart I. 2021. Wolf attacks on humans: an update for 2002–2020. NINA Report 1944 Norwegian Institute for Nature Research, Trondheim. <https://brage.nina.no/nina-xmlui/handle/11250/2729772>

¹⁶ Kaczensky P et al. 2024. Large carnivore distribution maps and population updates 2017 – 2022/23. Report to the European Commission under contract N° 09.0201/2023/907799/SER/ENV.D.3 “Support for Coexistence with Large Carnivores”, “B.4 Update of the distribution maps”. IUCN/SSC Large Carnivore Initiative for Europe (LCIE) and Istituto di Ecologia Applicata (IEA). https://lciepub.nina.no/pdf/638672209981921829_2024_11_14_Large_Carnivore_range%2520and%2520population%2520estimate%2520update%25202017-2022_1.2.pdf

¹⁷ Boitani L. 2018. *Canis lupus* (Europe assessment) (errata version published in 2019). *The IUCN Red List of Threatened Species* 2018: e.T3746A144226239. Accessed on 23 March 2025.

¹⁸ Jędrzejewski W, Schmidt K., Theuerkauf J, Jędrzejewska B, Selva N, Zub K, Szymura L. 2002. Kill rates and predation by wolves on ungulate populations in Białowieża Primeval Forest (Poland). *Ecology* 83:1341-1356. [https://doi.org/10.1890/0012-9658\(2002\)083\[1341:KRAPBW\]2.0.CO;2](https://doi.org/10.1890/0012-9658(2002)083[1341:KRAPBW]2.0.CO;2)

¹⁹ van Ginkel HAL, Kuijper DPJ, Schotanus J, Smit C. 2019. Wolves and tree logs: landscape-scale and fine-scale risk factors interactively influence tree regeneration. *Ecosystems* 22: 202-212. <https://doi.org/10.1007/s10021-018-0263-z>

²⁰ Tanner E, White A, Acevedo P, Balseiro A, Marcos J, Gortázar C. 2019. Wolves contribute to disease control in a multi-host system. *Scientific Reports* 9:7940. <https://doi.org/10.1038/s41598-019-44148-9>

²¹ Selva N, Jędrzejewska B, Jędrzejewski W, Wajrak A. 2005. Factors affecting carcass use by a guild of scavengers in European temperate woodland. *Canadian Journal of Zoology* 83: 1590-1601. <https://doi.org/10.1139/z05-158>

also contribute to mitigating damage to silviculture and agriculture caused by herbivores, and reduce wildlife-vehicle collisions, indirectly saving human lives²³.

The decision to downgrade wolf protection is of questionable legality²⁴ and should be approached with caution. Before taking any further steps, we recommend waiting for the ruling of the Court of Justice of the European Union. Allowing this legally questionable decision-making process by EU institutions to proceed is a risky precedent, which will allow the Habitats Directive to be easily amended, weakening foundational nature protection law, violating international commitments, like the Kunming-Montreal Global Biodiversity Framework,²⁵ and undermining the goals of the European Biodiversity Strategy 2030.

We, therefore, express our strongly negative opinion regarding the European Commission's current efforts to downgrade the protection status of the wolf in the Habitats Directive. They raise serious legal concerns, lack scientific support, and set a dangerous precedent. We urge the Government not to support these actions and to take initiatives to:

- depoliticize wolf conservation and management in Europe;
- combat disinformation regarding wolves, their role in ecosystems, and their impact on human activities;
- base decisions on up-to-date scientific knowledge and comply with the legal frameworks developed over the last four decades of cooperation between EU Member States.

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The State Council for Nature Conservation

Recipients:

- Prime Minister's Office
- Minister of Climate and Environment
- a/a

²² Wilmers CC, Getz WM (2005) Gray Wolves as Climate Change Buffers in Yellowstone. PLoS Biol 3(4): e92. <https://doi.org/10.1371/journal.pbio.0030092>

²³ Sèbe M, Briton F, Kinds A. 2022. Does predation by wolves reduce collisions between ungulates and vehicles in France? Human Dimensions of Wildlife 28:281-293. <https://doi.org/10.1080/10871209.2022.2036391>

²⁴ <https://www.europeanlawblog.eu/pub/7w4ku9b6/release/1>

²⁵ <https://www.cbd.int/gbf/targets>