

# Briefing for Commissioner WOJCIECHOWSKI

## **Wolves attacks in Tyrol - Meeting with Deputy Governor ÖR Josef Geisler**

**24 November 2021, 14:15-15:15**

**Brussels (online meeting)**

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## Large carnivores

### SCENE SETTER

Deputy Governor ÖR Josef Geisler (Austria), [Art.4(1)b - privacy] and [Art.4(1)b - privacy] will present a petition from the Tyrolean farmers and would like to discuss with you the CAP from these points of view. (See letter from Deputy Governor ÖR Josef Geisler of 12/11/2021 in the annex)

Tyrol is a federal state of the Republic of Austria and forms the Alpine crossing between Germany and Italy. Agriculture in Tyrol is characterized by mountain farming (the country is mainly characterized by mountains). Most of the farms are part-time businesses with a small number of animals. The pasture on the alpine pastures provides about a third of the feed base for the animals of the farms in Tyrol.

In addition to facing other challenges, agriculture in the alpine pastures is in danger due to the increasing attacks by wolves. There have been so far significant attempts to protect farm animals. Due to the difficult mountain locations, they have not yielded the desired effect.

#### DG AGRI:

Article 4.1(b)/privacy

Article 4.1(b)/privacy

## KEY MESSAGES

- The Commission is fully aware that the ongoing recovery and the return of the large carnivores, in particular the wolf, to areas where they have been absent for a long time, represents a **significant challenge and especially for pastoralism** in alpine mountain areas.
- Achieving a **balanced coexistence with large carnivores**, reconciling the protection of biodiversity with human activities, should be our common goal.
- For achieving this balance, various EU policy instruments are available to Member States and we should strive to use them appropriately [at national and regional level].
- The **European Agricultural Fund for Rural Development (EAFRD)** provides the possibility to program support for **preventive actions** aimed at mitigating the risk of damages done by large carnivores to livestock farming and to help resolving conflicts associated with the conservation of protected species. Several Member States have programmed these preventive actions in their respective Rural Development Programmes.
- EAFRD funding is also available for training, advice and cooperation between rural actors aimed at reconciling biodiversity conservation with farming. The European Network for Rural Development (ENRD) also supports the exchanges of best practices among stakeholders and between regions in this regard.
- Additionally, on 3 November 2021, Commissioner Sinkevicius and I have addressed a letter to all national ministers for Agriculture and Environment. This letter encourages Member States to make use of the EU level tools that can assist in ensuring coexistence with protected large carnivores under the current legal, policy and financial framework.
- All the current possibilities for support under the Rural Development Programmes will be maintained under the future CAP Strategic Plans. The future CAP, with its additional flexibility, would allow Member States to design interventions that are most appropriate in each regional context.
- You may also find useful to consult the **updated version of the Commission guidance on the strict protection of animal species of EU interest under the Habitats Directive**<sup>1</sup>, adopted on 12 October 2021. In addition to legal clarifications, reflecting the latest interpretations of the EU

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<sup>1</sup> [https://ec.europa.eu/environment/nature/conservation/species/guidance/index\\_en.htm](https://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm)

Court of Justice, the guidance includes information, advice and good practices on how to address conflicts between protected species and human activities.

- It is important to apply the **appropriate management approaches** that ensure coexistence of wildlife, including wolves, which are part of our common European biodiversity heritage, with viability of livestock farming.
- Experience shows that when the **appropriate protection measures** are adopted and correctly implemented, the damage from livestock depredation can be prevented or radically reduced.
- As always, the Commission is ready to help national authorities to find possible solutions and believes that it is indeed possible to maintain and restore, **in coexistence with people and with farming activities**, viable populations of large carnivores as an integral part of ecosystems across Europe.

## DEFENSIVES

### **What types of livestock management would be most appropriate to improve coexistence of large predators and human activities?**

- The ongoing recovery of wolf in the Alps may generate conflicts with livestock breeding in those areas where the traditional pastoralism knowledge and practices on how to manage livestock in the presence of large carnivores have been lost. In such areas, unsupervised and free-ranging livestock grazing systems have partly or totally replaced traditional practices such as shepherding, night-time recovery and use of livestock guarding dogs that had been used for centuries to reduce predation risks. The recent recovery of the wolf means that those traditional practices need to be reintroduced.
- Herd protection measures are already successfully implemented in many parts of the EU. Member States have indeed the possibility to fully reimburse the costs for herd protection measures, such as active shepherding, different types of fencing or livestock guarding dogs. Such measures could either be financed through the CAP or through national state aid. The Commission services encourage the Austrian authorities to ensure that their CAP strategic plan will support all the necessary measures to prevent wolf-related damages to livestock.

### **Why has the alpine region not yet been declared a wolf-free zone, and what steps need to be taken to ensure that in regions, where alternative flock protection methods cannot be used, wolf-free zones are established?**

- A species protected under the Habitats Directive, such as the wolf, cannot be permanently excluded or prevented from recolonising any parts of its natural range.
- Regional wolf-free zones cannot be established under EC law for several reasons. Among others, there are alternative measures to prevent or reduce damage, or compensate for it. Furthermore, such zones can potentially have negative impacts on the species' conservation status. . Based on positive experiences with existing livestock damage prevention measures, the Commission supports their wider application including in the Alpine region.

### **Are there any further projects or good practices to support co-existence?**

- The LIFE programme can also be used to promote joint approaches for transboundary populations, as it is the case with the ongoing LIFE WolfAlps EU project, involving France, Italy, Austria and Slovenia, aiming to implement coordinated actions to improve coexistence for the wolf population across the Alpine region.

### **What is the overall budgetary figure under the CAP for protection against large predators in the EU?**

- There is no existing aggregated information at EU level on Rural Development Programmes (RDP) measures and related EAFRD support on wolf and other large carnivores. Basically, the RDP types of measures and indicators are not disaggregated enough to single out these types of activities.
- During the **current transition period** (which will bring the implementation of rural development programmes until the end of 2025, due to the “+3 years” for implementation), no changes as to the regulations are foreseen. It provides for an extension of the current rural development programmes for two more budget years and additional budget. However, the Member States can use this period to reinforce existing measures or introduce new ones, in case new needs are identified.
- Also under the future CAP Strategic Plan Regulation, the design of respective interventions will be possible.

## **BACKGROUND**

### **LARGE CARNIVORE SPECIES IN THE EU**

Large carnivores like wolf, bear or lynx are wild animal species of Community interest for which Member States have committed to ensure the Favourable Conservation Status, in accordance with the provisions of the Habitats Directive. This Directive allows for certain flexibility, acknowledging that management approaches as well as public attitudes to large carnivores may differ between Member States, reflecting different ecological conditions and conservation status of the concerned populations, as well as different social and economic implications associated with the presence of large carnivores in different regions.

### **CONFLICTS ACTIVITIES**

The Commission is aware that the successful recovery of a number of threatened wildlife species has in some cases generated conflicts with certain human activities, especially at local level.

On one hand, agriculture, and extensive livestock farming in particular has an important role for the economy and also for its potential contribution to preserving nature and providing environmental services to the society. On the other hand large carnivores are protected species under the Habitats Directive.

The Commission believes that it is indeed possible to maintain and restore, in coexistence with people, viable populations of large carnivores across Europe<sup>2</sup>. People need to apply the appropriate approaches that ensure coexistence of wildlife with human activities.

### **POSSIBLE SOLUTIONS**

In this context, the Commission promotes a range of measures to encourage cooperation and promote best management practices.

A wide range of solutions<sup>3</sup> have been developed: among the most effective practices are the use of shepherds, livestock guarding dogs, and night-time enclosures. Modern techniques, like electric fences and several visual or acoustic scaring devices, are also available and can be combined with one another. The challenge is to integrate these solutions, into existing agricultural practices and policies.

The experience shows that when the appropriate protection measures are adopted and correctly implemented, the damage from livestock depredation can be prevented or radically reduced

The EU Platform on Coexistence between People and Large Carnivores is a grouping of organisations representing different interests groups aiming to promote ways and means to minimize conflicts between human interests and the presence of large carnivore.

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<sup>2</sup>[http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/coexisting\\_with\\_large\\_carnivores\\_catalogue\\_s.pdf](http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/coexisting_with_large_carnivores_catalogue_s.pdf)

<sup>3</sup>[http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/livestock%20guarding%20dogs\\_web.pdf](http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/livestock%20guarding%20dogs_web.pdf)

## **RURAL DEVELOPMENT SUPPORT**

The rural development programmes under EAFRD provide support for preventive actions aimed at mitigating the risk of damages done by large carnivores (protected species) through investments intended to protect against damages from large carnivores (e.g. fences, guard dogs).

The rural development policy does not include support to compensate damages already done to the livestock by large carnivores.

The most common actions used to fund damage prevention are:

- installation of electric fencing to protect the livestock,
- distribution of livestock guarding dogs,
- installation of alert systems and video surveillance,
- adaptation of grazing patterns, when livestock had been exposed to the risk of wolf depredation, and
- additional agri-environment area payments in areas where the presence of wolf might prevent delivery of environmentally beneficial grazing practices.

In practice, four rural development measures have direct relevance for supporting the above-mentioned actions:

- M4.1 Investment in physical assets,
- M4.4 Non-productive investment,
- M7.6 Studies / investments in preserving natural heritage, and
- M10.1 Agri-environment-climate.

There are some rural development measures which have broader cross-cutting aims and may also contribute to improving the coexistence with large carnivores:

- M01 Knowledge transfer and information actions (awareness raising on the importance of securing the coexistence with large carnivores),
- M02 Advisory services (advice to farmers and other livestock owners/ managers on the possibilities of preventive actions and on the funding options available to them), and
- M19 LEADER (investment and non-investment actions on a local scale).

## **STATE AID SUPPORT**

The Commission recognises that damage to farm animals caused by protected large carnivores, such as wolves, has been a growing concern and that the effective management of conflicts between protected animals and farmers is crucial for both the viability of livestock farming and the success of EU conservation policy.

The Commission has always been ready to help Member States to tackle such conflicts. Financial and technical support has been provided in many European regions to help the adaptation of livestock husbandry practices to the risk of predation by large carnivores. EU support through several funds (e.g. LIFE and the Rural Development funds), has been used in many cases and is available for Member States' authorities<sup>4</sup>.

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<sup>4</sup> [http://ec.europa.eu/environment/nature/conservation/species/carnivores/promoting\\_best\\_practices.htm](http://ec.europa.eu/environment/nature/conservation/species/carnivores/promoting_best_practices.htm)  
[http://ec.europa.eu/environment/nature/conservation/species/carnivores/case\\_studies.htm#Provision%20of%20financial%20support](http://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies.htm#Provision%20of%20financial%20support) ;

For example, over the past two decades, the EU LIFE programme has helped finance more than 70 projects related to large carnivores, often demonstrating practices that help people to coexist with large carnivores<sup>5</sup>. The Commission has also financed in 2013-2014 a set of pilot actions addressing areas of conflict between large carnivores and people.

The Rural Development Regulation (EAFRD) provides for the possibility to grant support for preventive actions aimed at mitigating the risk of damages done by large carnivores to livestock farming. However, the Regulation does not foresee payments to compensate damages done by carnivores.

Furthermore, when a State aid is notified by a Member State, the Commission may, under certain conditions, authorise aid to compensate for the damage caused by protected animals, including wolves, up to 100 % of the eligible damage<sup>6</sup>. The specific rules for such authorisations are contained in the European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020<sup>3</sup>.

The de minimis aid rules in agriculture<sup>4</sup> are straightforward and simple rules that give the Member State the possibility to grant aid to farmers without prior notification and authorisation by the Commission. Such aid is however limited to a certain threshold which is deemed not to distort competition and the internal market (15 000 Euro per beneficiary every 3 fiscal years). In cases where this amount is not sufficient to cover the costs, as explained above, the Member States may notify the aid to the Commission.

The relevant rules (EU Guidelines applicable to State aid in agriculture, forestry and rural areas 2014 to 2020) have been modified in November 2018 in order to address the need for support to livestock farmers due to the increased number of wolf attacks.

Under State aid rules it is now possible to finance up to 100% (before only 80%) preventive measures, such as investments in the purchase of protective fences or purchase of guard dogs as non-productive investments, in alignment with the conditions under the Rural Development Regulation.

Support can be also given to compensate up to 100% for the material damage caused to livestock and farm assets or up to 100% (before only 80%) for veterinary costs or costs related to the search for missing animals.

Support for restoring destroyed agricultural potential, such as investments in replacing livestock that was killed by wolves, can be covered up to 100 %.

The Commission has already authorised several aid schemes to compensate for damages caused by protected animals (including wolves) that are implemented in different German regions (Bavaria, Saxony, Brandenburg).

## **PARLIAMENTARY QUESTIONS**

### **Parliamentary questions**

**17 June 2020**

**Question for written answer E-003629/2020  
to the Commission**

<sup>5</sup>[http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/life\\_and\\_human\\_coexistence\\_with\\_large\\_carnivores.pdf](http://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/life_and_human_coexistence_with_large_carnivores.pdf)

<sup>6</sup> see points 390 to 403 of the guidelines (OJ C 204, 1.7.2014, p. 1)

<sup>4</sup> EU Regulation 1408/2013

**Rule 138****Alexander Bernhuber (PPE), Simone Schmiedtbauer (PPE), Barbara Thaler (PPE), Herbert Dorfmann (PPE)****Subject: Large predators - the wolf in Tyrol**

Since being granted protection under the Fauna-Flora-Habitats Directive, some species previously identified as particularly vulnerable have now achieved a favourable conservation status throughout the EU. The wolf population has also been stabilised across Europe, and in many regions it even exceeds the thresholds set. According to an expert opinion drawn up by the University of Natural Resources and Life Sciences in Vienna, in biological terms all the subpopulations of wolves in Europe now together constitute a pan-European population. In some European regions, in particular Tyrol, expert reports have already found that on many high Alpine pastures using fences, shepherd and dogs to protect flocks is impossible owing to the small-scale farming methods employed (disproportionately large size of alpine pastures and herds), the topography and tourism. This is posing a threat to the Alpine region.

1. Why has the Alpine region not yet been declared a wolf-free zone, and what steps need to be taken to ensure that in regions where alternative flock protection methods cannot be used wolf-free zones are established?
2. Why does the definition of 'favourable conservation status' refer to individual countries when the wolf population is a pan-European one, and would the removal of individual wolves have an adverse impact on the favourable conservation status?
3. Can the Commission say what steps it plans to take to safeguard traditional farming practices, such as pastoralism and alpine pastoralism, and protect herds against wolves, and does it plan to revise the FFH Directive?

1. Regional wolf-free zones cannot be established under EC law for several reasons. These include the existence of alternative measures to prevent or reduce damage, or compensate for it, possible negative impacts of such zones on the species' conservation status and the legal requirement for derogations to be assessed on a case-by-case basis. Based on positive experiences with existing livestock damage prevention measures, the Commission supports their wider application including in the Alpine region.
2. The conservation status of any species covered by the Habitats Directive<sup>(1)</sup> is assessed at the level of each biogeographic region within a Member State as well as at EU biogeographical level. Whether or not the removal of an individual wolf would affect the species' conservation status can only be established on the basis of a case by case assessment.
3. Through its environmental and agricultural policies, the Commission is actively supporting Member States to reduce conflicts and improve coexistence with large carnivores by means of the European Agricultural Fund for Rural Development<sup>(2)</sup> (if programmed in the relevant plan) and the EU programme for the environment and climate action (LIFE)<sup>(3)</sup>, namely for damage prevention, as well as through stakeholders' dialogue platforms at EU and regional levels<sup>(4)</sup>. The Commission services are also currently preparing guidelines to facilitate the application of the provisions of the Habitats Directive by Member States. This will not deal with a revision of its Annexes but will aim to improve clarity and consistency in the interpretation of the existing provisions of the directive, including the use of derogations, having full regard to the case law of the Court of Justice of the European Union.

**(1)** Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.

**(2)** [https://ec.europa.eu/regional\\_policy/en/policy/what/glossary/e/european-agricultural-fund-for-rural-development](https://ec.europa.eu/regional_policy/en/policy/what/glossary/e/european-agricultural-fund-for-rural-development)

**(3)** <https://ec.europa.eu/easme/en/life>

**(4)** [https://ec.europa.eu/environment/nature/conservation/species/carnivores/coexistence\\_platform.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/coexistence_platform.htm)

## Parliamentary questions

7 October 2020

Question for written answer E-005493/2020  
to the Commission

Rule 138

Art.4(1)b - privacy

**Subject: Call for EU intervention to protect Alpine cultural heritage from predation by wolves**

**Pastoralism, which is the key to the sustainable management of mountain areas and the preservation of biodiversity and rural landscapes, has been recognised as intangible cultural heritage of humanity owing to migratory herding (transhumance).**

**Recognising that livestock farming is central to the depopulation of mountain areas, UNESCO stresses that this practice is respectful of animal welfare and an extraordinary example of a sustainable approach.**

**Continuous wolf attacks in recent years, however, have led to a gradual and unstoppable abandonment of this activity by farmers in rural Alpine areas.**

**Wolves are massacring grazing animals, or those in cowsheds, stables or courtyards – they are even killing pets.**

**The damage caused by predatory wolf attacks is huge, but not always quantifiable, especially in areas such as Veneto and Trentino where amateur livestock rearing is widespread and where each family has continued the habit of rearing its own animals for the maintenance of meadows and woodland.**

**Once these animals have been killed by wolves, they are not replaced, thus bringing to an end a centuries-old tradition.**

**In order to protect the endangered rural Alpine culture, safeguard measures aimed at striking the right balance between local communities and wildlife need to be revised as a matter of urgency, with a particular focus on the difficult relationship with wolves.**

**In the light of the above, can the Commission say how it intends to safeguard the intangible cultural heritage of the Alpine regions?**

As a native species of European fauna, the wolf is an integral part of biodiversity and natural heritage and plays an important ecological role in ecosystems. It is therefore protected under the Habitats Directive<sup>(1)</sup>.

The ongoing recovery of wolf in the Alps may generate conflicts with livestock breeding in those areas where the traditional pastoralism knowledge and practices on how to manage livestock in the presence of large carnivores have been lost.

The Commission will therefore continue to support<sup>(2)</sup> Member States and stakeholders to design and implement suitable solutions to reduce livestock vulnerability to predation, including the restoration of traditional pastoralism's practices (such as shepherding). This would preserve both the cultural and the natural heritage: traditional pastoralist systems and thriving wolf populations are not mutually exclusive<sup>(3)</sup>.

Significant financial support for farmers is available under the Rural Development Programmes, co-financed by the European Agricultural Fund for Rural Development (EAFRD)<sup>(4)</sup>. This may cover preventive investments, for instance, into protective fences and costs for their maintenance, purchase of guard dogs and associated costs, etc. The labour cost of livestock guarding is also eligible for support.

Compensation for direct and indirect damage cannot be granted from the EAFRD. However, Member States may grant state aid to compensate up to 100% of direct costs (such as the economic value of the killed animals and damage to farm assets) and indirect costs (veterinary and labour costs for searching the missing animals).

Under the current state aid rules, it is also possible to finance up to 100% of preventive investments, whereas compensation for income losses is excluded.

- (1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.
- (2) [https://ec.europa.eu/environment/nature/conservation/species/carnivores/promoting\\_best\\_practices.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/promoting_best_practices.htm) —  
[https://ec.europa.eu/environment/nature/conservation/species/carnivores/case\\_studies\\_sub\\_rural\\_development\\_programmes.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies_sub_rural_development_programmes.htm)
- (3) [https://ec.europa.eu/environment/nature/natura2000/awards/application-2020/winners/socioeconomic-benefit/index\\_en.htm](https://ec.europa.eu/environment/nature/natura2000/awards/application-2020/winners/socioeconomic-benefit/index_en.htm)
- (4) [https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/rural-development\\_en](https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/rural-development_en)

## **PETITIONS**

**Petition No 0827/2020 by Article 4.1(b)/privacy (Austrian), bearing 5 signatures, on the regulation of the wolf population in the European Union**

**Petition No 1102/2020 by J.G. (Austrian), on behalf of the Province of Tyrol, on the risks posed to alpine farming by the wolf population**

### **1. Summary of petition 0827/2020**

According to the petitioners, small-scale farming is endangered by the increasing presence of the wolf population. Consequently, many farmers are considering abandoning the largely widespread grazing practices. In addition, numerous farmers no longer walk their animals to the alpine pastures because they have no way of preventing wolf attacks on animals. The petitioners furthermore point out that without the alpine farming, alpine pastures and hiking trails would overgrow, which would severely affect the tourism industry in Austria and ultimately in the European Union. Furthermore, the petitioners call for the protection of the small-structured, traditional sheep and goat husbandry, of grazing practices by the local farmers as well as of mountain areas. In conclusion, they ask that the protection of the people and farm animals in the alpine areas as well as the preservation of the Austrian and European unique alpine landscape must have priority over the wolf. For this purpose, they request that the removal of wolves should be allowed and that the protection status of the wolf in the Habitats Directive should be reassessed.

### **Summary of petition 1102/2020**

The petitioner believes that the return of the large predator poses a risk to traditional farming practices in the Alps. He claims that DNA analysis of savaged sheep has confirmed the involvement of wolves. He states that the management of large predators falls within the perimeter of EU legislation, and consequently calls for the scope of action regarding wolf management to be expanded significantly, and for the conservation status to be examined at EU level. PE681.006v01-00 2/3 CM\1224582EN.docx EN 2.

### **2. Admissibility**

Petition 0827/2020 declared admissible on 13 November 2020.

Petition 1102/2020 declared admissible on 21 January 2021.

Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 10 February 2021

#### Petitions 0827/2020 and 1102/2020

The wolf is a large carnivore species of Community interest protected under the Habitats Directive<sup>7</sup>. EU Member States have committed to restore and maintain its populations to a favourable conservation status.

The Commission is aware that the successful recovery of large carnivores may in some cases generate conflicts with activities such as farming and livestock breeding, in particular in those areas, such as the Austrian Alps, where the traditional knowledge on how to manage livestock in the presence of large carnivores has been lost since their historical extermination. The EU policy on large carnivores is based on the concept of coexistence between large carnivores and people, sharing the same multi-functional landscapes. The Commission has been actively supporting Member States and stakeholders to design and implement suitable solutions to reconcile the conservation of these species with the interests and needs of people. Successful examples from many Member States<sup>8 9</sup> show that co-existence of large carnivores and livestock on Alpine pastures is indeed possible, provided that appropriate and tailored measures to protect livestock are effectively implemented. Where proper measures such as electric fences or livestock guarding dogs are applied effectively, the incidence of damage by wolves is greatly reduced. According to the 2014 European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas, as amended including on 8 November 2018<sup>10</sup>, and applicable until 31 December 2022<sup>11</sup>, Member States can provide State aid to cover for up to 100% of the cost of any investment that is needed to prevent damage caused by protected animals, such as wolves. The maximum aid to compensate for damage (both direct and indirect) by protected animals has also been increased to 100%. Under the EU Common Agricultural Policy, rural development programmes can support, if Member States so choose, the costs for effective preventive measures to prevent or reduce the risks of damage by large carnivores<sup>12</sup>. Such measures may include financial support to the installation of electrified fences, training to shepherds on best practices in the environment populated by wild animals, purchase of guard dogs, construction of shelters for shepherds staying near to herds as well as studies to analyse methods of extensive animal rearing in the presence of carnivores. Support may also be directed to the maintenance of protective fences and/or guard dogs, if such maintenance is done regularly and leads to recurring costs, as well as to compensate costs for surveillance work. Article 16 of the Habitats Directive offers the possibility for Member States to take additional measures including, if necessary, the killing of individual wolves that would display abnormal and potentially dangerous behaviour, provided there is no satisfactory alternative and the derogation is not detrimental to the maintenance or achievement of favourable conservation status of the species in its natural range.

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<sup>7</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

<sup>8</sup> [http://ec.europa.eu/environment/nature/conservation/species/carnivores/case\\_studies.htm](http://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies.htm)

<sup>9</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/596844/IPOL\\_STU\(2018\)596844\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/596844/IPOL_STU(2018)596844_EN.pdf)

<sup>10</sup> [https://ec.europa.eu/info/news/amendments-state-aid-guidelines-agriculture-sector-better-address-damages-caused-wolves-and-other-protected-animals-2018-nov-08\\_en](https://ec.europa.eu/info/news/amendments-state-aid-guidelines-agriculture-sector-better-address-damages-caused-wolves-and-other-protected-animals-2018-nov-08_en)

<sup>11</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1208\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1208(03)&from=EN)

<sup>12</sup> [https://ec.europa.eu/environment/nature/conservation/species/carnivores/case\\_studies\\_sub\\_rural\\_development\\_programmes.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies_sub_rural_development_programmes.htm)

The list of reasons under Article 16 for the application of such derogations includes the need to ensure public safety or any other imperative reasons of overriding public interest and also, explicitly, the prevention of serious damage to livestock. Appropriate measures in line with the current EU policy and legislation are therefore available in relation to all issues mentioned by the petitioner. The Commission is planning to further help national authorities and relevant stakeholders with financial support, guidance, exchange of information and good practices; nonetheless, it is for the competent national authorities to decide on the specific measures or approach that are most appropriate in each regional and national context. In this regard, while Member States may make use of the flexibility offered by the Habitats Directive, any measure adopted by Member States' authorities need to be scientifically well-founded and in line with EU legislation. Most European citizens consider that the recent comeback of large carnivores is a conservation success story. Furthermore, positive examples from other Member States with a similar natural setting demonstrate that the recovery of a wolf population should also be feasible in Austria, without any need for adapting the current legal framework, and that this can be achieved in a way that is fully compatible with the needs and aspirations of rural communities. In this context, it is also recalled that the wolf is not known to pose any objective risk to human safety. The EU policy that protects the wolf and other native large carnivores remains relevant to ensure its recovery, including in Austria where the species' conservation status is still very unfavourable, including in comparison with neighbouring Member States. Conclusion The Commission considers that the current legal framework under the Habitats Directive, which lists the wolf as a strictly protected species, but provides national authorities with the possibility to issue derogations in certain situations, remains fit for purpose. With regard to livestock farming, current State aid rules provide the possibility for Member States to cover fully the costs for prevention or compensation of damage incurred. EU rural development programmes can also support preventive and livestock protection measures. Appropriate measures in line with the current EU policy are therefore available in relation to all issues mentioned by the petitioner and should be proactively applied by the Member States.

**The petition No 1055/19 (linked to petitions 0074/20, 1102/20, 0827/2020)**

According to the petitioners, small-scale farming is endangered by the increasing presence of the wolf population. Consequently, many farmers are considering abandoning the largely widespread grazing practices. In addition, numerous farmers no longer walk their animals to the alpine pastures because they have no way of preventing wolf attacks on animals. The petitioners furthermore point out that without the alpine farming, alpine pastures and hiking trails would overgrow, which would severely affect the tourism industry in Austria and ultimately in the European Union. Furthermore, the petitioners call for the protection of the small-structured, traditional sheep and goat husbandry, of grazing practices by the local farmers as well as of mountain areas. In conclusion, they ask that the protection of the people and farm animals in the alpine areas as well as the preservation of the Austrian and European unique alpine landscape must have priority over the wolf. For this purpose, they request that the removal of wolves should be allowed and that the protection status of the wolf in the Habitats Directive should be reassessed.

## **The Commission's observations and Conclusion**

As a complement to information provided earlier in reply to these petitions, the Commission can now inform the petitioners that it recently adopted an updated version of its guidance on the strict protection of animal species of EU interest under the Habitats Directive<sup>13</sup>. The updated guidance reflects the latest legal interpretations of the Court of Justice of the European Union, replacing the initial version of 2007. In addition to legal interpretation and clarifications, the guidance includes information, advice and good practices on how to address conflicts between strictly protected species and human activities, including in relation to the possible use of derogations and lethal control, within the legal framework of the strict species protection provisions set by the Directive. In this guidance, particular attention is given to the challenges generated by the ongoing recovery of wolf populations and to the existing Commission initiatives and funding opportunities to support coexistence with the wolf under the current legal, policy and financial framework. **(See attached copy of the letter sent to EU national ministers for Agriculture and Environment in Annex).**

The Commission will continue to support the building up of a comprehensive and effective coexistence system, suitable for Europe's multi-functional landscapes. This implies accompanying the restoration and conservation of wolf populations to a favourable conservation status with targeted initiatives to address the impacts of the species' recovery on economic and social activities. This requires investments, at several levels, to support information, education, livestock damage prevention and compensation, technical assistance, dialogue and involvement with and among the concerned stakeholders.

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<sup>13</sup> [https://ec.europa.eu/environment/nature/conservation/species/guidance/index\\_en.htm](https://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm)

## ANNEXES

### Letter from Deputy Governor ÖR Josef Geisler of 12/11/2021

Pan  
Janusz Czesław Wojciechowski  
Komisarz ds. rolnictwa i  
rozwoju obszarów wiejskich  
Rue de la Loi / Wetstraat 200  
1049 Bruksela

Wicepremier Kraju Związkowego  
ÖR Josef Geisler

Article 4.1(b)/privacy

Article 4.1(b)/privacy

Article 4.1(b)/privacy

Oznaczenie pisma - proszę podać w odpowiedzi  
LHStvJG-11/41-2021  
Innsbruck , 11.11.2021 r.

Article 4.1(b)/privacy @tirol.gv.at  
www.tirol.gv.at

#### **Wilki - Doręczanie petycji**

Informacje o zgodnym z prawem umieszczaniu danych i ich  
ochronie na stronie [www.tirol.gv.at/information](http://www.tirol.gv.at/information)

Szanowny Panie Komisarzu!

W związku z coraz częstszymi atakami wilków produkcja rolna na alpejskich pastwiskach jest zagrożona. Podjęto już ogromne starania w zakresie ochrony zwierząt hodowlanych. Jednak ze względu na trudne górskie położenie, nie udaje się to.

Tyrol jest krajem związkowym Republiki Austrii i stanowi alpejską przełęcz łączącą Niemcy i Włochy. Rolnictwo w Tyrolu ma charakter górski. Gospodarstwa rolnicze są tutaj w większości gospodarstwami stanowiącymi dodatkowe źródło dochodu i posiadającymi niewielką liczbę zwierząt. Jeśli przyjrzymy się rozmieszczeniu gruntów w Tyrolu, oczywiste stanie się znaczenie alpejskich pastwisk. Dostarczają one około jednej trzeciej paszy dla zwierząt w gospodarstwach rolnych w Tyrolu. UE, Republika Austrii i kraj związkowy Tyrol zabezpieczają ogromnym wysiłkiem istnienie tych gospodarstw.

Obszar Tyrolu można podzielić w następujący sposób:

- Całkowita powierzchnia 12,649 km<sup>2</sup> (100 %)
- **Stała powierzchnia osadnicza (tereny budowlane, ogrody, tereny komunikacyjne...) 228 km<sup>2</sup> (1,8 %)**
- Wody 141 km<sup>2</sup> (1,12 %)
- Obszar wykorzystywany rolniczo 1117 km<sup>2</sup> (8,83 %)
- **Pastwiska alpejskie 2877 km<sup>2</sup> (22,75 %)**
- Lasy 4.957 km<sup>2</sup> (39,19 %)
- Inne obszary (głównie góry) 3.385 km<sup>2</sup> (26,76 %)

Ze względu na przeważnie górskie ukształtowanie terenu Tyrolu, rolnictwo ma, oprócz produkcji żywności, podstawowe znaczenie w zakresie zarządzania kłeskami żywiołowymi i dla turystyki.

Szanowny Panie Komisarzu! Bardzo chcielibyśmy omówić wspólną politykę rolną (WPR) pod tym kątem i przekazać państwu petycję od tyrolskich rolników.

Z tego powodu prosimy o udzielenia jak najszybszego terminu spotkania.

Article 4.1(b)/privacy

Article 4.1(b)/privacy

PS: W umówionym spotkaniu ma uczestniczyć:

Wicepremier Kraju Związkowego ÖR Josef Geisler

Article 4.1(b)/privacy

Art.4(1)b - privacy

### **Letter + Annex sent on 3.11.2021 to EU national ministers for Agriculture and Environment**

EU Ministers for Environment and Agriculture

Dear Minister,

We are pleased to inform you that the Commission has recently adopted its updated guidance on the strict protection of animal species of EU interest under the Habitats Directive<sup>14</sup>. The guidance concerns the protection regime applicable to more than a thousand species protected under the Directive.

Some among them, such as large carnivores and the wolf in particular, have returned after a long time to areas in which they were absent for decades. This raises coexistence issues and sometimes opposes different stakeholders. In particular, wolf predation on grazing livestock is often reported, namely from those regions where shepherding or other traditional systems to manage and protect livestock were abandoned after the eradication of wolves. We therefore hope you will find it useful to receive this update on EU level tools that can assist the Member States in ensuring coexistence with large carnivores under the current legal, policy and financial framework.

The guidance provides the Commission's understanding of the existing legal provisions, under articles 12 and 16 of the Habitats Directive, which establish a system of strict protection for the animal species listed in Annex IV(a), but allow for derogations under certain specific conditions. The guidance includes clarifications based on implementation experience and in line with the latest legal interpretation of the EU Court of Justice. In addition, the document includes information and advice on how to address conflicts between strictly protected species and human activities.

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<sup>14</sup> [https://ec.europa.eu/environment/nature/conservation/species/guidance/index\\_en.htm](https://ec.europa.eu/environment/nature/conservation/species/guidance/index_en.htm)

An annex to the guidance is devoted specifically to the wolf and covers *inter alia* the following elements:

- Examples and references of good management practices to reduce conflicts while ensuring species protection (e.g. prevention and compensation of livestock damages, involvement of stakeholders in the elaboration of conservation/management plans and in monitoring, improvement of stakeholders' dialogue; provision of information, advice and technical assistance);
- Lethal control and examples of different types of derogations under article 16(1) of the Habitats Directive;
- Management of dog-wolf hybrids;
- Management of the so-called "bold wolves";
- Use of "soft-catch" traps for wolves;
- Possibilities for derogations when the species is in unfavourable conservation status;
- Clarifications on the required scale of impact assessment when granting derogations;
- Opportunities to support coexistence measures (through EU funds and State aids).

We hope the guidance, which reflects *inter alia* the outcome of two extensive consultations with Member States and stakeholders' organisations, will help national authorities and stakeholders in devising effective and pragmatic ways of applying the provisions, while fully respecting the legal framework. It

The 2020 report on the State of Nature in the EU<sup>15</sup> and the associated data reported by Member States confirm that wolf populations are recolonising parts of their historical range but the species is still subject to significant threats and pressures, e.g. illegal killing, and has only reached favourable conservation status in a few Member States. The ongoing recovery of the wolf in Europe is a recognised conservation success<sup>16</sup> that has been made possible by legal protection, more favorable public attitudes, as well as the recovery of its prey species (e.g. deer and wild boar) and increase of forest cover.

This recovery contributes to the objectives of the EU biodiversity strategy to 2030<sup>17</sup>, aiming to put Europe's biodiversity on the path to recovery in line with the European Green Deal. Among the specific nature restoration commitments, the EU biodiversity strategy<sup>18</sup> recalls that Member States will ensure no deterioration in conservation trends and status of all protected habitats and species by 2030. In addition, they will ensure that at least 30% of species and habitats not currently in favourable status are in that category or show a strong positive trend by that deadline.

In its resolution of 9 June 2021 on the EU Biodiversity Strategy to 2030, the European Parliament refers to the recovery of large carnivores and wolf and "*calls on the Commission and the Member States therefore to take adequate measures to address socio-economic conflicts linked to the coexistence with large predators, such as preventive and compensation measures, ensuring their protection; notes the existence of clear guidelines for implementing these measures, in compliance with Directive 92/43/EEC, including on wolf hybridisation*".

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<sup>15</sup> <https://www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020/>

<sup>16</sup> <https://science.sciencemag.org/content/346/6216/1517>

<sup>17</sup> [https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030\\_en](https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en)

<sup>18</sup> Endorsed by Council Conclusions of 23.10.2020: <https://www.consilium.europa.eu/en/press/press-releases/2020/10/23/council-adopts-conclusions-on-the-eu-biodiversity-strategy-for-2030/>

In line with this call from the European Parliament, the Commission will continue to support a comprehensive and effective coexistence system, suitable for our European multi-functional landscapes. This implies accompanying the restoration and conservation of wolf populations to a favourable conservation status with targeted initiatives to address the impacts on economic and social activities. It requires investments, at several levels, to support information, education, livestock damage prevention and compensation, technical assistance, dialogue and involvement with and among the concerned stakeholders. In this regard, you will find in the enclosed Annex a list of sources of information and available support that the Commission services have identified or put in place.

We trust that this will help the relevant national authorities to elaborate, establish and implement the specific measures that are most appropriate in each regional context, making use of the instruments and possibilities under existing EU and national legal and financial frameworks.

Yours sincerely,

## Annex

Since the early 1990's, when the first dedicated **LIFE projects on the wolf** were co-funded, over 60 LIFE projects have helped improve the conservation of this species and address the related coexistence issues. This opportunity for direct assistance to Member States' authorities and stakeholders continues to be available today. At the moment, there are four ongoing LIFE projects focusing on the wolf<sup>19</sup>.

Another EU instrument that has provided significant support to Member States, in particular to help livestock farmers implement preventive measures is the **European Agricultural Fund for Rural Development (EAFRD), under the Common Agricultural Policy (CAP)**<sup>20</sup>.

The EAFRD can provide support, if Member States so choose and programme, for **preventive measures** that help reduce the risk of damage from large carnivores. This includes **investments of up to 100%** for the installation of protective fences, purchase of guard dogs and construction of shelters for shepherds staying near the herds as well as **studies** to analyse methods for extensive animal rearing in the presence of carnivores. Furthermore, costs due to additional work to check and maintain protective fences and to shepherding may be covered by **agri-environment-climate payments**.

EAFRD funding is also available for **training, advice and cooperation** between rural actors aimed at reconciling biodiversity conservation with farming. This can accompany EAFRD preventive measures. All the current possibilities for support under the Rural Development Programmes will be maintained under the future CAP Strategic Plans.

In addition, to address damages which cannot be prevented, Member State may set up with EAFRD support risk management tools, which can compensate for income losses within certain conditions and limits. To cover such damages, Member States can also establish **state aid schemes** to compensate up to 100% for damages caused by protected wild animals.

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<sup>19</sup> [https://ec.europa.eu/environment/nature/conservation/species/carnivores/life\\_projects.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/life_projects.htm)

<sup>20</sup> [https://ec.europa.eu/environment/nature/conservation/species/carnivores/case\\_studies\\_sub\\_rural\\_development\\_programmes.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/case_studies_sub_rural_development_programmes.htm)

In accordance with Article 8(1) of the Habitats Directive, Member States are currently finalizing their updated **Prioritised Action Frameworks (PAF) for the Multiannual Financial Framework period 2021 – 2027**. These are important strategic multiannual planning tools, aimed at providing a comprehensive overview of the measures that are needed to implement the EU-wide Natura 2000 network and its associated green infrastructure, specifying the financing needs for these measures and linking them to EU funding programmes. **PAF section E.3.2. “Prevention, mitigation or compensation of damage caused by protected species”** is specifically designed for the listing of priority measures and their associated costs related to prevention, mitigation or compensation of damage caused by species that are protected under the EU Birds and Habitats Directives. Member States are expected to properly identify their financing needs and to make the best use of the available national and EU funds to meet them.

In addition to the above EU funding possibilities, the Commission will continue to play an active role in information on and **promotion of good practices for coexistence**, building on the wealth of knowledge and experiences already gathered<sup>21</sup>.

Being aware that suitable solutions can be better identified and implemented by involving the relevant stakeholders, the Commission is supporting the **EU stakeholders’ platform on large carnivores**<sup>22</sup> as well as a number of **pilot local platforms in some Member States**<sup>23</sup>. Similar structures could be considered by more Member States/regions to improve dialogue with and among all relevant stakeholders, as well as their involvement and participation in the decision-making process concerning coexistence issues.

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<sup>21</sup> For example through **workshops and webinars**:

<https://www.europarc.org/natura-2000/biogeo-seminars/large-carnivores-networking-seminar/>  
[https://ec.europa.eu/environment/nature/conservation/species/carnivores/events\\_sub\\_thematic\\_webinar\\_2020.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/events_sub_thematic_webinar_2020.htm)

See a **video** on the Platform’s activities:

[https://www.youtube.com/watch?v=rIG1Xytl\\_2Y&feature=youtu.be](https://www.youtube.com/watch?v=rIG1Xytl_2Y&feature=youtu.be)

Information and promotion has also covered practical **advice on how to use Rural Development funds** to support coexistence measures:

[https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/85\\_RD\\_leaflet\\_E.1.pdf](https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/85_RD_leaflet_E.1.pdf)

See the **conference on alpine livestock protection** organised under the LIFE project LIFEstockProtect on **26.1.2021**: <https://lifestockprotect.info/livestock-protection-conference-500-participants/>

See the **international conference on livestock protection in the alpine regions** organised under the LIFE project Eurolargecarnivores on **21-23.1.2020 in Salzburg**: <https://www.eurolargecarnivores.eu/en/livestock-conference-salzburg>

See the **exchanges among shepherds to learn and improve livestock protection measures**, under the project LIFEstockProtect:

<https://lifestockprotect.info/en/austrian-and-italian-shepherds-sharing-experiences/>

See the **video-interviews with people who have implemented coexistence measures**:

<https://www.youtube.com/playlist?list=PLjzZGg0WiSQwFeIVi7AeQ70hRs7KNeGvX>

Support can sometimes focus on very **practical guidance** on how to implement relevant measures, such as a **video tutorial on the installation of wolf-proof fences**:

<https://www.eurolargecarnivores.eu/en/tutorials>

or a **handbook for livestock farmers on the best prevention measures**:

[https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/Manuale-di-Campo\\_v07K-all\\_logoDA.pdf](https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/Manuale-di-Campo_v07K-all_logoDA.pdf)

<sup>22</sup> [https://ec.europa.eu/environment/nature/conservation/species/carnivores/coexistence\\_platform.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/coexistence_platform.htm)

<sup>23</sup> [https://ec.europa.eu/environment/nature/conservation/species/carnivores/regional\\_platforms.htm](https://ec.europa.eu/environment/nature/conservation/species/carnivores/regional_platforms.htm)