

Rewilding Law Group:

Wolf Series Part 1 – Wolves and European Law

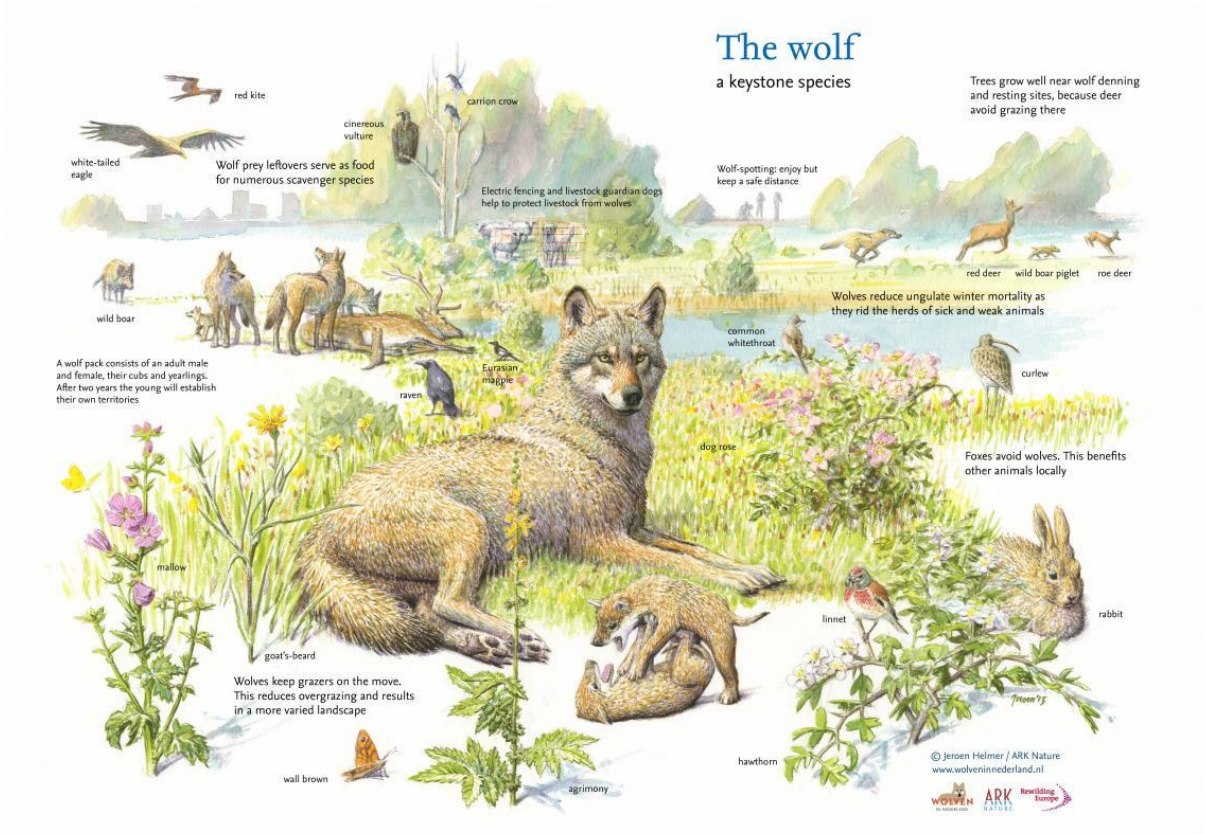


Illustration: Jeroen Helmer / ARK Rewilding (*The Wolf: A keystone species*)

Thanks to everyone who joined us on 1 October 2025 to discuss the legal framework protecting wolves in Europe, and particular thanks to our speaker, [Arie Trouwborst](#). Below is a particularly detailed recap of what we discussed with some useful links. Arie’s presentation slides are available [here](#) and the video recording [here](#).

Relationship Building	
<p><i>Connecting and knowledge-sharing</i></p>	<p>This call was introduced by Johanna Gluhak, a volunteer legal researcher at Lifescape who is doing her PhD on conservation covenants and working on Lifescape’s German rewilding law guidance (coming soon to the Rewilding Law Hub!).</p> <p>We then spent 20 minutes in small breakout groups so members could meet, exchange, and build our community of rewilding lawyers and practitioners. If you would like an introduction to anyone you met, let us know.</p> <p>You’ll find more information on rewilding law at Lifescape’s Rewilding Law Hub which we created in partnership with Rewilding Europe and Rewilding Britain.</p>

Background – Legal Protection of Wolves in Europe	
<i>Setting the scene – Legal protection of wolves, a keystone species in Europe</i>	<p>The topic of discussion was the legal protection of wolves in Europe, in particular the downgrading of protection under the Bern Convention and under the EU Habitats Directive this year.</p> <p>As well as protecting individual species for their own sake, rewilders are familiar with the concept of cores, corridors and carnivores, which recognises that apex predators such as the wolf in Europe, play a key role in ecosystem processes, with disproportionate benefits to other plant and animal species. The downlisting is especially concerning given how the EU Commission ignored science and law to achieve what appears to be purely political aims, reflecting a u-turn in policy that coincidentally followed a fatal wolf attack on the EU Commissioner Ursula von der Leyen’s own pony, Dolly.</p>
Speaker – Arie Trouwborst	
<i>About Arie Trouwborst, Professor of nature conservation law at Tilburg University</i>	<p>Arie Trouwborst is a Full Professor of Nature Conservation Law at Tilburg University in the Netherlands. His research concentrates on international and European law governing wildlife and biodiversity, including treaties and directives such as the Convention on Biological Diversity (CBD), the Bern Convention, the EU Birds and Habitats Directives, and the EU Nature Restoration Law.</p> <p>A significant strand of his work addresses the legal foundations of rewilding, including the restoration of natural processes, megafauna and ecosystem functioning. He also undertakes advisory work for governments, NGOs and international bodies in the domain of wildlife law, human-wildlife coexistence and ecosystem restoration.</p>
<i>International & EU legal landscape</i>	<p>Arie’s talk principally focused on the EU Habitats Directive as the EU law governing the protection of wolves, but recognising that it sits within a wider landscape composed by:</p> <ul style="list-style-type: none"> • International conventions such as the Convention on Biological Diversity (CBD, 1992); the Convention on European Wildlife Conservation (Bern Convention, 1979); and • EU law in the form of the EU Nature Restoration Law (2024); • CBD Global Biodiversity Framework <p>With long term targets focusing on creating more space for nature, restoring degraded ecosystems and moving progressively from human-wildlife conflict to coexistence, supported by a global community of states.</p>
<i>European Court of Justice – the last say on interpreting EU law</i>	<p>Arie highlighted three important decisions by the EU Court of Justice concerning wolves:</p> <ul style="list-style-type: none"> • CJEU Spanish wolf case (C-436/22, 2024)

	<ul style="list-style-type: none"> • CJEU, Austrian wolf case (C-601/22, 2024) • CJEU, Estonian wolves (C-629/23, 2025) <p>The European Court of Justice, as the highest judicial authority in Europe, has the last word on the correct interpretation of the Habitats Directive, especially the meaning of “favourable conservation status” which is the key objective.</p>
<p><i>Amendments to the Bern Convention downlisting wolves from Appendix 2 to Appendix 3</i></p>	<p>The Bern Convention applies across all of Europe (it is wider than the EU), in addition to the Habitats Directive. It requires its state parties everywhere to ensure a population level that “corresponds in particular to ecological, scientific and cultural requirements” (Art. 2).</p> <ul style="list-style-type: none"> • Appendix II: special protection – killing prohibited except under case-by-case derogations (Art. 6) • Appendix III: flexible protection – killing regulated “in order to keep the populations out of danger” (Art. 7) <p>In 2024, following a proposal by the EU to downlist wolves, the Standing Committee of the Bern Convention agreed to downlist wolves from special protection under Appendix II, to flexible protection under Appendix III.</p> <p>The downlisting under the Bern Convention was a necessary step to be able to downlist wolves in the Habitats Directive, since the Bern Convention applies in parallel.</p>
<p><i>Habitats Directive strict protection regime has been essential in enabling the comeback of wolves</i></p>	<p>Overall aim of the Habitats Directive is to achieve and maintain “favourable conservation status” of a particular species. As in the Bern Convention, it also contains:</p> <ul style="list-style-type: none"> • Annex IV: strict protection (≈ Bern App. II) • Annex V: flexible protection (≈ Bern App. III) <p>From 1992 until July 2025 wolves benefited from strict protection under the Habitats Directive in most European Member States. It is worth noting just how important this legal regime has been in enabling and promoting the comeback of wolves and other large carnivores in Europe. Without this strict protection at the international level, countries like the Netherlands would probably have no wolves at all.</p> <p>The comeback of wolves to the Netherlands, Germany and other EU Member States is a European success story.</p>
<p><i>The downlisting of wolves has come under severe criticism and legal challenges</i></p>	<p>The proposal to downgrade their protection and the procedure followed in doing so has been severely criticised, in particular due to the EU institutions circumventing the procedure in Art. 19 of the Habitats Directive which requires unanimity to move a species from Annex IV (strict protection) to Annex V (flexible protection (meaning that any state could veto such decision)). The downlisting has therefore been the subject of:</p>

- European Ombudsman: inquiry 1758/2024/FA, which was closed due to the overlap with the CJEU case below
- Court of Justice of the EU (CJEU) Pending case [1. Case T-634/24](#)
- Court of Justice of the EU (CJEU) Pending case [2. Case T-563/25](#)

The European Commission quite boldly chose a different route, claiming that the Art. 19 procedure was outdated and no longer conformed to the regular procedure for adoption and amendment of EU law, which involves a qualified majority and the European Parliament. Using that reasoning, the Commission simply ignored Art. 19. This does not appear to be defensible, especially considering the fitness of the nature directives undertaken by the Commission in 2016 when it concluded itself that the directive was still fit for purpose, including Art. 19.

Furthermore, and very recently in the Austrian case mentioned above, the court commented on Art. 19 as being the procedure for amendment of an Annex without any inclination of a doubt as to whether the procedure was valid. In addition, the Advocate General held that to comply with the precautionary principle, removal of a species from Annex 4 should only happen from Member States where a wolf's favourable conservation status is certain, and where there is reasonable evidence that the factors that caused it to have an unfavourable status no longer apply. This would require solid evidence, which does not seem to exist based on current scientific information.

The arguments used by the Commission to justify the downlisting included that the wolf was (i) troublesome for livestock and (ii) a danger to people, however, both such claims are undermined by a scientific study commissioned by the Commission to bolster its proposal to downlist wolves, since the report concluded that the overall impact of wolves on livestock was very small and there had been no fatal wolf attacks on people recorded in Europe in the last 40 years.

Finally, the IUCN specialist group - Large Carnivore Initiative for Europe in 2024 issued a very critical [position statement](#) on the proposed amendment labelling it "premature and faulty" claiming that the proposed downlisting does not appear warranted and that deeper social conflicts appear to be the real drivers of the discussion.

We will hear about both these cases in detail on our next call (see below).

In the meantime, it is possible that there will be preliminary references cases at the national level, whereby a national court in one of the Member States is faced with an NGO challenging a permit to shoot certain wolves. The NGO can argue that such permit is violating EU law, because in fact, the down-listing was invalid and the strict protection in Annex IV should still be applied. It is unlikely that a national court will be able to answer this question with confidence, requiring such cases to be referred to the CJEU.

<p><i>Legal limits to killing under the Annex V regime</i></p>	<p>Under the Annex V regime of the Habitats Directive, there remains an obligation of systematic monitoring for all species and a continuing duty to ensure a favourable conservation status (FCS) of the populations concerned. Certain means of capture and killing remain prohibited, but there is no longer any specific prohibition on killing, capturing, disturbing, or destroying dens, and no requirement to apply an alternatives test before authorising lethal control.</p> <p>The key substantive criterion is whether killing would affect favourable conservation status. There is no longer a need for authorities to justify the purpose of the killing or to show that non-lethal alternatives are unavailable. Regulation of killing, and in some cases full prohibition, may still be necessary to maintain FCS and to comply with Article 7 of the Bern Convention, which continues to apply. The Habitats Directive may not be interpreted less strictly than the Bern Convention’s Appendix III regime, which requires exploitation of listed species to be regulated “in order to keep populations out of danger” and mandates measures such as closed seasons and temporary or local prohibitions to restore satisfactory population levels.</p> <p>In the CJEU Spanish Wolf Case (C-436/22, 2024), the Court clarified that killing under Annex V is not permissible when monitoring is inadequate, when conservation status is unfavourable, or when there is uncertainty regarding either the conservation status or the effect of the proposed killing. Member States authorising hunting must justify their decisions with surveillance data, and hunting may not be allowed if effective monitoring is not ensured. In line with the precautionary principle, if uncertainty remains after examining the best scientific data available, the Member State must refrain from authorising such exploitation.</p>
<p><i>Annex II Regime Natura 2000 sites for wolves must be designated</i></p>	<p>Under the Annex II regime, wolves fall within the scope of the Natura 2000 obligations, which are now expected to gain greater importance as the strict protection under Annex IV disappears. Member States where wolves occur are required to designate sites for their conservation, and this must be a dynamic process: as wolves expand their range, new sites must be added to reflect that expansion.</p> <p>Decisions on which areas to designate must be based solely on ecological criteria, not on socio-economic or political considerations. The idea of creating “wolf-free zones” is therefore incompatible with these obligations. Wolves themselves, by settling and reproducing, effectively indicate which sites are most suitable and should be designated.</p> <p>Once designated, these Natura 2000 sites must be managed to ensure there is no deterioration or significant disturbance of habitat quality. Any plan or project that could adversely affect wolf populations may only be authorised if it is certain that no harmful impact will occur. Consequently, lethal management of wolves in or around designated sites will be difficult to justify under these requirements.</p>

<p><i>Assessing Favourable conservation status (FCS)</i></p> <p><i>Austrian Case</i></p> <p><i>Estonian Case</i></p>	<p>Favourable conservation status remains the key benchmark of the Habitats Directive. It refers to the sum of influences affecting a species that may impact its long-term distribution and abundance (Art. 11), and is met when criteria for population, range, and habitat are satisfied.</p> <p>The Court of Justice has clarified that a species' inclusion in Annex V (to which the wolf has just been added) does <i>not</i> imply that its conservation status is favourable; this is a factual, scientific determination that must be made continuously wherever wolves occur. Two key questions have long challenged Member States: at what level FCS must be achieved and how it should be determined.</p> <p>In the Austrian Wolf Case (C-601/22, 2024), the Court confirmed that FCS must be achieved and assessed at local and national levels, not merely across transboundary populations. Member States cannot rely on healthier populations abroad to mask an unfavourable status domestically. Only once FCS is shown at national and local levels may cross-border data be taken into account.</p> <p>In the Estonian Wolf Case (C-629/23, 2025), which applied to the Annex V regime, the Court reaffirmed the same levels of assessment and gave further guidance on four points:</p> <ol style="list-style-type: none"> 1. Economic, social and cultural factors – These may influence whether FCS is reached in practice but cannot lower the ecological threshold. The definition of FCS under Article 1 is purely ecological; it cannot be adjusted downward to reflect low public tolerance or “social carrying capacity.” 2. Red List methodology – Red List categories form part of the best available science but are not decisive. A species listed as “Vulnerable” nationally can still be at FCS if Article 1 criteria are met. 3. Transboundary exchange – Member States may consider genetic and demographic exchange with neighbouring populations, depending on connectivity, cooperation, and the level of protection in adjoining countries. This allows small states to achieve FCS even without hosting a population large enough for full viability on their own. 4. Ecological function – For FCS to exist, a species must fulfil its ecological role to its full extent. A species not at favourable status cannot perform its ecological function. This interpretation can also be linked to broader obligations under the Bern Convention, the Convention on Biological Diversity (Kunming–Montreal Global Biodiversity Framework), and the EU Nature Restoration Law, all of which emphasise ecosystem restoration and species functioning within natural habitats.
<p><i>Conclusion</i></p>	<p>The new Annex V regime, if upheld is not a blank cheque for killing wolves. Even with more flexible wording, the Directive continues to impose binding duties through the Natura 2000 framework and the requirement to maintain favourable conservation status (FCS), including in terms of the wolf's ecological function. The difficulty may be enforcing them.</p>

	<p>Questions remain: What exactly constitutes FCS at a <i>local</i> scale, and how can authorities measure whether wolves are fulfilling their ecological role “to the full extent”? The emerging interpretation suggests that genuine restoration means more than preventing extinction: in landscapes that still hold abundant wild prey, the presence of wolves should be expected as a normal ecological condition.</p>
<p>Discussion</p>	
<p><i>“Unknown” Conservation Status in Germany</i></p>	<p>Question: Why has Germany reported the conservation status of its central (continental) wolf population as <i>unknown</i>, despite wolves being one of Europe’s best-studied species? Is this a political manipulation—“conservation gerrymandering”—to weaken protection?</p> <p>Answer: It may reflect a political manoeuvre rather than a scientific gap. Declaring the status “unknown” avoids admitting that it is <i>unfavourable</i> and keeps open the option of declaring it <i>favourable</i> later, potentially easing restrictions on lethal control. A comparable episode occurred in the Netherlands, where a government-commissioned study on FCS suggested that 23 packs would be needed nationally. The government, apparently hoping for a lower threshold, sought another assessment more aligned with its political aims. Given the dynamics between politics and law, the courts currently serve as the last line of defence – thought it remains to be seen how long this will last before the legislation itself is eroded.</p>
<p><i>The wolf as a populist scapegoat</i></p>	<p>Question: To what extent is the tension between wolf protection and politics a <i>class issue</i>—as in the UK, where hunting is associated with elites, or with wealthy landowners controlling predators for livestock protection?</p> <p>Answer: Across Europe, the wolf has become a populist symbol rather than a genuine class issue. Politicians exploit it as a scapegoat in rural-urban culture wars, much like immigration debates. Despite low levels of livestock damage and workable prevention and compensation systems, populist parties portray wolves as threats to “rural livelihoods” and resistance symbols against “urban elites” or “Brussels.” Social science studies even show that when wolves return to an area, support for far-right parties rises measurably in subsequent elections. The conflict is thus political and emotional, not economic or class-based.</p>
<p><i>Misinformation and the Limits of Legal Education</i></p>	<p>Question: Given the strong role of misinformation about wolves in the media, could better public legal education help build support for wolf conservation?</p> <p>Answer: Education and awareness are essential, but in practice they struggle to compete with the volume and persuasiveness of misinformation, especially on social media. Fact-checking and scientific explanations often fail to change perceptions once narratives of fear and hostility take hold. The spread of anti-wolf sentiment through digital platforms makes it extremely difficult to counter with factual or legal messaging alone.</p>

<p><i>Ecological Function as Legal Leverage for Restoration</i></p>	<p>Question: Given limited evidence that wolves fulfil strong ecological functions (the “Yellowstone effect”) in Europe’s human-dominated landscapes, can their ecological role still be used as a legal argument for protection under the EU Nature Restoration Law?</p> <p>Answer: The current lack of strong “trophic cascade” evidence should not weaken protection. Legally, the Biodiversity Convention and Nature Restoration Law impose obligations to restore degraded ecosystems. If research shows that wolves’ ecological function is hindered by human pressures, this strengthens—rather than weakens—the case for restoration. The legal response should therefore be to reduce human impacts and create conditions that allow wolves to perform their ecological role more fully.</p>
<p><i>Legal Duty vs Political Reluctance on Ecosystem Restoration</i></p>	<p>Question: How open are lawmakers and policymakers to recognising wolves’ actual ecological roles in Europe, given that expectations are often based on idealised North American examples rather than Europe’s human-dominated landscapes?</p> <p>Answer: Legally, there is strong openness and obligation: under international principles such as <i>common but differentiated responsibilities</i>, wealthier northern countries have a greater duty to restore ecosystems and to tolerate the return of large species like wolves. Expecting poorer countries in Africa or Asia to live with megafauna while refusing coexistence with wolves in Europe would be inconsistent with these legal and moral responsibilities. Politically, however, there is much less openness—current European politics shows limited willingness to apply such restoration logic, even though coexistence with wolves is technically and economically feasible. An interesting novel which explores these issues is “Das Geschenk” by Gaea Schoeters (available in Dutch and German).</p>
<p><i>Missing Wolf Sites in Natura 2000</i></p>	<p>Question: The Dutch government has refused to designate any Natura 2000 sites for wolves despite clear evidence of stable packs in suitable regions. Is this also happening elsewhere in Europe, and how well are such designations functioning?</p> <p>Answer: It would be interesting to look into this in other countries or hear from participants who are aware. The Netherlands illustrates a clear legal failure: despite reproduction since 2019 in the Veluwe region, no wolf sites have been designated, and a court has ruled that the government must reconsider its decision.</p> <p>A brief look at least in Germany suggests that the approach is different. There are Natura 2000 Special Areas of Conservation whose Standard Data Forms list <i>Canis lupus</i> as a protected species, for example, DE3535301 Colbitz-Letzlinger Heide shows the wolf in its species list. The German federal nature agency also treats the wolf as an Annex II (and V) species in Germany, with a corresponding obligation to designate sites (see BfN website).</p>
<p><i>Switzerland: Legal Obligations Without</i></p>	<p>Question: Given large-scale wolf culls in Switzerland—where whole packs and pups are being killed—how can that be legal under the Bern Convention, and what legal action could be taken?</p>

<p><i>Enforcement Power</i></p>	<p>Answer: Switzerland (and Norway) are bound by the Bern Convention but not by the EU Habitats Directive, meaning they lack the EU’s enforcement and judicial mechanisms. Within the EU, NGOs and individuals can bring cases under the Directive, and the European Commission can pursue Member States before the Court of Justice—none of which applies to Switzerland. The Bern Convention relies on diplomatic pressure and peer review rather than binding sanctions, so compliance largely depends on political will. While such culls likely breach the Convention’s obligations, there is no effective enforcement route beyond national courts, where capacity and expertise are limited. Consequently, many violations go unchallenged.</p> <p>Since the call took place, the International Union for Conservation of Nature (IUCN) passed Emergency Motion 142 (“Upholding science-based wildlife conservation in Switzerland”) with about 90% approval, calling for an immediate stop to pre-emptive wolf culls in Switzerland until independent review of compliance with the Bern Convention.</p>
<p><i>Next call</i></p>	<p>Stay tuned for Part II of our wolf series at the next Rewilding Law Group call on 1 December 2025, when Gaia Angelini from Green Impact will be speaking on the two cases before the CJEU challenging the downlisting of the wolf under both the EU Habitats Directive (2. Case T-563/25) and in relation to the Bern Convention (1. Case T-634/24).</p>
<p><i>Resources for further reading</i></p>	<p>Bern Convention</p> <p>Trouwborst, A., Fleurke, F.M., & Linnell, J.D.C. (2017). Norway’s Wolf Policy and the Bern Convention on European Wildlife: Avoiding the ‘Manifestly Absurd’. <i>Journal of International Wildlife Law & Policy</i>, 20(2), 155–167. Available here</p> <p>Linnell, J.D.C., Trouwborst, A., & Fleurke, F.M. (2017). When is it acceptable to kill a strictly protected carnivore? Exploring the legal constraints on wildlife management within Europe’s Bern Convention. <i>Nature Conservation</i>, 21, 129–157. Available here</p> <p>Wolves’ Comeback</p> <p>Trouwborst, A., Bastmeijer, C.J., Dubrulle, J.S.V., Fleurke, F.M., Somsen, J., & Verschuuren, J.M. (2015). Wolf in Nederland is Europees succesverhaal. <i>Trouw</i> (14 March). Available here</p> <p>Habitats Directive</p> <p>European Commission (2024). The situation of the wolf (<i>Canis lupus</i>) in the European Union. Publications Office of the EU. Available here</p> <p>Trouwborst, A. (2025). Large carnivores and the EU Habitats Directive – legal obligations to restore and coexist. <i>Carnivore Damage Prevention News</i>, Issue 30, 15–20. Available here</p>

Large Carnivore Initiative for Europe (LCIE) (2024, 13 November). Statement on the proposed downlisting of the wolf under the Bern Convention and the EU Habitats Directive. Available [here](#)

Fleurke, F.M., & Trouwborst, A. (2025, March). On an anti-wolf mission, Commission ignores science and law. European Law Blog. Available [here](#)

Habitats Directive Annex II – Natura 2000

Trouwborst, A. (2018). Wolves not welcome? Zoning for large carnivore conservation and management under the Bern Convention and EU Habitats Directive. RECIEL, 27(3), 306–319. Available [here](#)

Determining FCS – transboundary populations

Linnell, J.D.C., Boitani, L., et al. (2025). Developing methodology for setting Favourable Reference Values (FRVs) for large carnivores in Europe. NINA Report for the European Commission. Available [here](#)

Trouwborst, A. (2024/2025). Gunstige staat van instandhouding: cruciale meetlat scherper in beeld na drietal Europese wolvenzaken. Available on request

Nature Restoration Law

Trouwborst, A. (2025). Rewilding and the EU Nature Restoration Law: Plotting the Course of Ecosystem Restoration in Europe. Journal for European Environmental & Planning Law, 22(3), 364–384. Available [here](#)