

Rewilding Law Group:

Wolf Series Part 2 – Wolves and European Law



Photo: Canis lupus / Creative Commons CC0

Thanks to everyone who joined us on 1 December 2025 to discuss the cases before the Court of Justice of the EU challenging the downlisting of the wolf under the Bern Convention and the EU Habitats Directive, and particular thanks to our main speaker, [Gaia Angelini](#). We would also like to thank [Sara González Merinero](#) and [Lucie Wuethrich](#) for their updates. Below is a recap of what we discussed with some useful links. Gaia’s presentation slides are available [here](#), Sara’s [here](#), and the video recording [here](#).

Relationship Building	
<i>Connecting and knowledge-sharing</i>	<p>This call was introduced by Elsie Blackshaw-Crosby, Lifescape’s Legal Director. Elsie oversees the Lifescape legal team’s work, which focuses on understanding and applying the law as it relates to rewilding activities, including animal reintroductions as well as looking at what changes to the law could help facilitate rewilding.</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>

	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 .
Background – Legal Challenges to the Downlisting of the Wolf	
<i>Setting the scene – Legal challenges to the downlisting of the wolf in international and EU law</i>	<p>The topic of discussion was the legal cases which have been brought before the Court of Justice of the EU, to challenge the downlisting of wolves under the Bern Convention and the EU Habitats Directive in 2025.</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.</p> <p>During our last Rewilding Law Group call in October 2025 with speaker, Arie Trouwborst, we discussed how species protection under the Bern Convention and the EU Habitats Directive functions, and how the downlisting of the wolf from strict protection to the more flexible regime came about, including how certain legal requirements were not adhered to, which have led to the judicial challenges discussed here. You can access the materials for that call on our website.</p>
Speaker – Gaia Angelini	
<i>About Gaia Angelini, specialist in sustainability and EU environmental law</i>	<p>Gaia Angelini is an EU political strategist and international campaign coordinator specialised in sustainability and European environmental law. She is president of the not-for-profit organisation, Green Impact and partner of Lumina Consult, a small, Brussels-based consultancy focused on climate and sustainability.</p> <p>Green Impact has coordinated opposition to the EU-led downlisting of the wolf under the Bern Convention and the EU Habitats Directive through strategic litigation before the Court of Justice of the European Union (ECJ), public and institutional advocacy (including open letters and briefings to EU institutions and Member States), and evidence-based critique of the Commission's reliance on the Blanco & Sundseth (2023) report, questioning the scientific evidence for downlisting.</p>
<i>Blanco & Sundseth report as the sole scientific benchmark</i>	<p>Green Impact became involved once it became apparent that EU institutions were moving towards downlisting the wolf despite uncertainty among Member States, a lack of scientific evidence to support the decision, and ultimately by following a process which did not adhere to legal requirements for such changes.</p> <p>When Green Impact reviewed the Commission's documentation in support of the downlisting under the Bern Convention, they noticed that the evidential foundation for downlisting relied on a very narrow base: a single report referenced in a footnote, the content of which did not support a decision to downlist the wolf.</p>
<i>The report made no recommendation to downlist</i>	The Blanco and Sundseth report was a contracted technical report (not a peer-reviewed academic paper) commissioned by the European Commission, analysing the existing scientific and technical data on the status of wolves in the EU such as

<p><i>wolves, but was selectively instrumentalised to legitimise a political decision already taken</i></p>	<p>the re-expansion of wolf populations, distribution, legal protection, conflicts due to livestock predation and public perception, conservation status assessment frameworks and a review of data on wolf ecology, population estimates and distribution. It also summarised the results of the EC’s Call for Evidence.</p> <p>It was selectively instrumentalised to legitimise a political decision: although the report makes no recommendation to downlist wolves, repeatedly acknowledges major data gaps, uneven and non-comparable monitoring, and records that around 70 percent of respondents to the Commission’s Call for Evidence opposed weakening protection, the Commission foregrounded only those descriptive elements (notably population recovery and range expansion) that could support the downlisting, while sidelining scientific caveats, legal requirements on favourable conservation status and precaution, and the substance of stakeholder opposition.</p> <p>In effect, scientific evidence was filtered to fit the preferred political outcome.</p>
<p><i>Procedural shortcomings in the downlisting process</i></p>	<p>Gaia highlighted several important procedural steps that were circumvented to achieve the downlisting:</p> <ul style="list-style-type: none"> • No impact assessment or structured analysis of alternatives, contrary to the Commission’s Better Regulation Guidelines and Toolbox (SWD(2021) 305) • Inadequate evidentiary basis given the reliance on a single EC-commissioned consultancy report which itself did not support the decision from an evidentiary perspective. • Results of the call for evidence were ignored, despite 71% of respondents supported maintaining strict protection. Better Regulation requires consultation outcomes to be analysed and reflected in decision-making, yet there is no transparent explanation of why this majority view was disregarded. • Parliamentary scrutiny was short-circuited - by using an urgent plenary procedure, the ordinary legislative process and committee scrutiny (notably ENVI - Committee on the Environment, Public Health and Food Safety) was circumvented, thereby removing the European Parliament’s primary technical and scientific review stage for environmental legislation. • Council voting procedure bypassed - the amendment was allowed to proceed based on a qualified majority voting despite Article 19(2) of the Habitats Directive requiring unanimity for changes affecting Annex IV (strictly protected species).
<p><i>Coexistence, CAP, and the “no satisfactory alternative” requirement</i></p>	<p>Gaia also highlighted that by forcing through the downlisting of the wolf, EU institutions acted contrary to Article 16 of the Habitats Directive, which allows departures from strict protection only where there is no satisfactory alternative and where measures are necessary and proportionate.</p> <p>Currently coexistence is being undermined by the way in which the Common Agricultural Policy (CAP) has implemented coexistence measures. The CAP allocates substantial EU funds to finance preventive and compensatory measures for livestock</p>

	<p>predation (including fencing, electrification, guardian dogs, human presence, and night enclosures), but does not make preventive measures legally mandatory, only voluntary.</p> <p>Unless such measures are compulsory and shown to have been implemented, there is no legal justification for weakening strict protection on the basis that coexistence “does not work” when EU law has never <i>required</i> coexistence measures to be fully applied.</p>
<p>Case T-634/24</p> <p><i>First case: challenge to the EU position under the Bern Convention</i></p>	<p>Case: T-634/24 (pending before the EU courts)</p> <p>Parties</p> <ul style="list-style-type: none"> • Applicants (5 organisations + 7 acts of intervention): <ul style="list-style-type: none"> ○ Green Impact ETS (Italy) ○ Earth ODV (Italy) ○ LNDC – Lega Nazionale per la Difesa del Cane (Italy) ○ Nagy Tavak és Vizes Élőhelyek Szövetsége (Hungary) ○ One Voice (France, based in Strasbourg) • Defendants: <ul style="list-style-type: none"> ○ Council of the European Union ○ European Commission • The case challenges the Council decision defining the EU’s position at the Bern Convention Standing Committee, which led to the proposal to downlist the wolf from Appendix II to Appendix III of the Convention on the basis that the decision was: <ul style="list-style-type: none"> - Not based on a proper scientific assessment. - In violation of fundamental principles of EU law, including: <ul style="list-style-type: none"> ○ the precautionary principle, ○ proportionality, and ○ reliance on best available scientific evidence. - A misuse of powers, in that the measure is disproportionate to the problem it claims to address (wolf-livestock conflicts), particularly given the availability of non-lethal alternatives. - Inadequately reasoned, with the decision resting on broad political assertions rather than a transparent and rigorous justification. • The applicants request the annulment of the Council decision establishing the EU position in favour of downlisting wolves under the Bern Convention.

	<ul style="list-style-type: none"> • Because that decision underpins subsequent EU action, the annulment would also affect later related acts, including the amendment of the Habitats Directive that followed.
<p>Case T-563/25</p> <p><i>Second case: challenge to amendments to the Habitats Directive</i></p>	<p>Case: T-563/25 (pending before the EU courts)</p> <p>Parties</p> <ul style="list-style-type: none"> • Applicants (5 organisations above + approx. 20 acts of intervention): • Defendants: <ul style="list-style-type: none"> ○ European Parliament ○ Council of the European Union ○ European Commission • The case challenges Directive (EU) 2025/1237, which amended the Habitats Directive to downlist the wolf by moving it from Annex IV (strict protection) to Annex V (protected species subject to management) at EU level on the following basis: <ul style="list-style-type: none"> - The wrong legal procedure was used to change the law (the requirement for unanimity was circumvented) - The wrong type of legal instrument was used (directive not decision) - Public participation rights enshrined in the Aarhus framework were not respected. - The amendment lacks a proper statement of reasons and relies on selective and inadequate scientific material, failing to meet EU requirements on best available science, precaution, and proportionality. • The applicants seek the annulment of Directive (EU) 2025/1237 on the grounds that the directive was adopted unlawfully and in breach of EU constitutional and environmental law.
<p><i>Legal team and foundations supporting the cases</i></p>	<p>Gaia thanked the legal team and foundations supporting the cases:</p> <p>Luca D’Agostino and Maria Chiara Giovinazzo, acting as counsel for the applicant organisations in both proceedings;</p> <p>and</p> <p>The Gallifrey Foundation and the European Nature Trust.</p>
<p><i>Failures of implementation, not of protection</i></p>	<p>Downlisting is only lawful if strict protection has been properly implemented and failed, yet Gaia highlighted various issues with the implementation of the strict protection regime:</p> <ol style="list-style-type: none"> 1. Widespread non-compliance: Before downlisting, many Member States (including France, Spain and Sweden) already failed to correctly transpose and apply the Habitats Directive and ECJ case law. Article 16 derogations were misused as routine management tools—authorising preventive, quota-based,

	<p>or population-level wolf killing without exhausting non-lethal alternatives or properly assessing impacts on favourable conservation status—contrary to the strict, case-specific limits required by the Habitats Directive and ECJ case law.</p> <ol style="list-style-type: none"> 2. Weak science, monitoring, and enforcement: Wolf population monitoring varies widely between Member States, using non-comparable methodologies that prevent accurate EU-level assessments. Policy decisions have relied on consultancy work rather than peer-reviewed academic science, and illegal killing remains largely unmonitored and unprosecuted. Weak data must not form the basis of downlisting. 3. Institutional inaction and distorted narratives: The Commission has largely failed to enforce compliance through infringement procedures, even in well-documented cases such as Sweden. At the same time, unsubstantiated claims (e.g. that wolves are “numerous”, attack humans, or that Member States and farmers broadly demand lethal control) have circulated despite lacking evidentiary support. In reality, requests for killing come from a minority of interests, while broader legal and ecological obligations—favourable conservation status, the wolf’s role in the ecosystem, and proper protected-area management (e.g. Natura 2000 sites)—have been persistently neglected.
<p><i>No requirement to “implement” the downlisting in Member States</i></p>	<p>The June 2025 downlisting within the Habitats Directive is a permissive change, so Member States remain fully entitled to retain strict protection for wolves if they so choose, since the Habitats Directive sets only minimum standards, as Gaia pointed out and as Professor Arie Trouwborst confirmed and commented on during the discussion. Indeed, Arie expressed concern about the wording of Article 2 of the amending directive, which requires Member States to bring into force measures “necessary to comply” by January 2027, as this could misleadingly suggest that legal changes are mandatory.</p> <p>In reality, no adjustment is required where a Member State wishes to remain above the EU minimum level of protection. Such transposition language would be appropriate in the case of an up-listing, where minimum standards are raised, but is conceptually problematic in a downlisting scenario, where the EU minimum is lowered and higher national protection remains entirely lawful.</p> <p>So far, NGOs report that Portugal, Belgium, Poland and Czech Republic have announced they intend to retain strict protection, whereas other countries such as Germany have used the opportunity to move the control of wolf management from the remit of nature conservation law to that of hunting law, to explicitly enable population management.</p>
<p><i>Enforcing the EU institutional non-compliance in the courts</i></p>	<p>In closing Gaia highlighted a number of problems in the legislative framework:</p> <ol style="list-style-type: none"> 1. Proposals under the Bern Convention can proceed to discussion and voting without any requirement for prior independent scientific assessment; the EU’s wolf proposal was not subjected to such scrutiny before adoption.

	<p>2. Concentration of voting power: The EU’s voting weight within the Bern Convention allows it, in practice, to determine outcomes or block proposals irrespective of objections from other contracting parties.</p> <p>3. Failure to enforce existing EU law: At EU level, the Habitats Directive was amended without first correcting well-documented failures in Member State transposition, application of Article 16 derogations, monitoring, and enforcement.</p> <p>Instead of the EU institutions following their own procedures and laws, they proceeded to implement a political decision which is now being tested before the courts.</p>
<p>Update – Sara González Merinero and Fondo Lobo on Spain</p>	
<p><i>Update on what is happening at the national level in Spain on behalf of Fondo Lobo</i></p>	<ul style="list-style-type: none"> • Sara González Merinero gave an update on behalf of Fondo Lobo (the Iberian Wolf Protection Fund), which is an entity composed of more than 50 organisations seeking to protect the Iberian wolf. • Loss of national protection in Spain: Under EU law since 1992, wolves in Spain were strictly protected only south of the Duero River (northern populations were listed in Annex V). At a national level, strict protection was accorded to wolves across the whole of Spain in 2021, however, this was later rolled back in 2024, dismantling the national protection accorded to wolves without adequate scientific basis. • Regional killing programmes and litigation: Following the loss of protection, several northern regions (notably Asturias, Galicia, Cantabria, and La Rioja) adopted control or hunting plans authorising significant wolf killings; Fondo Lobo has initiated multiple legal challenges before Superior Courts, with mixed outcomes—some killings proceeding (e.g. Asturias), while others have been suspended through precautionary measures (notably in Galicia). • Escalation to higher courts: Appeals are ongoing before the Supreme Court (against refusal of precautionary measures in Cantabria) and the Constitutional Court, where the organisation seeks to challenge the law that removed wolf protection (following and alongside an appeal lodged by the Ombudsman). • EU-level action: Fondo Lobo Ibérico has joined the EU litigation challenging the wolf downlisting under the Habitats Directive, acting alongside Green Impact and other organisations.
<p>Update – Lucie Wuethrich on IUCN Motion 142</p>	
<p><i>IUCN Emergency Motion 142 “Upholding science-based wildlife conservation in Switzerland”</i></p>	<ul style="list-style-type: none"> • Lucie Wuethrich updated the group on Emergency Motion 142 (“Upholding science-based wildlife conservation in Switzerland”), an intervention at the International Union for Conservation of Nature (IUCN) led by the Gallifrey Foundation; while not legally binding, IUCN motions carry significant scientific and policy authority and often shape future international practice.

	<ul style="list-style-type: none"> • The motion challenged Switzerland’s wolf management regime, highlighting extensive and prolonged culling practices, including 2/3 of cubs each year, described as scientifically unjustified and potentially harmful to the wider Alpine wolf population; tabling the motion required demonstrating urgency and novelty and securing ten co-sponsoring organisations at short notice. • Adopted with around 90% support, Motion 142 criticises Switzerland’s hunting law, calls for coexistence-based approaches, and urges IUCN leadership to ensure wildlife policy is guided by science and international commitments rather than political expediency, with the aim of exerting reputational and policy pressure despite uncertain immediate impact.
Discussion	
<p><i>NGO standing and maintaining strict protection</i></p>	<p>Question: Given the wording of the amending directive, how confident is the legal team that the EU courts will find the NGO challenges admissible, given the traditionally high threshold for NGO standing?</p> <p>Answer: The cases target both the Council decision setting the EU’s Bern Convention position and the directive amending the Habitats Directive. While admissibility is inherently uncertain, no indication has been received from the Court suggesting inadmissibility to date (having submitted the first case in December 2024), and the legal team considers the risk justified, not only for wolf protection but also for advancing democratic participation and access to justice in EU environmental law.</p> <p>Additional note: Access to justice for EU environmental NGOs has historically been very limited, as they have generally only been able to challenge EU acts in narrow circumstances (depending on the type of act being challenged). For a more detailed analysis on this question see:</p> <p>Action for annulment at ECJ: key points in NGOs locus standi by Luca d’Agostino acting on the cases for Green Impact together with Mariachiara Giovinazzo.</p> <p>Access to Justice in Environmental Matters in the EU Legal Order: The “Sectoral” Turn in Legislation and Its Pitfalls European Papers</p>
<p><i>Use of scientific evidence and consultation in the downlisting process</i></p>	<p>Question: Is the Blanco & Sundseth (2023) report itself inadequate science (it appears to be a competent compilation of available data), or is the real problem how scientific evidence and public consultation were framed and then used to justify downlisting? In particular, is a consultancy-led survey-based report sufficient to meet the legal requirement of “best available science” for an EU-wide downlisting?</p> <ul style="list-style-type: none"> • the Commission’s consultation (“Call for Evidence”) appeared to backfire, because the report records that most respondents supported maintaining protection, yet the downlisting proceeded anyway; and • a similar pattern is now being observed in Germany, where authorities cite a Linnell & Boitani report on <i>favourable conservation status</i> to justify moves towards hunting, even though the report does not make that suggestion.

What does EU law actually require by way of scientific evidence (“best available science”) to justify a downlisting?

Answer: The issue is not that the Blanco & Sundseth report is flawed per se, but that a single, non-peer-reviewed consultancy report cannot constitute a sufficient scientific basis for downlisting a strictly protected species across the EU.

- The Blanco & Sundseth document was produced under a consultancy set-up, and it was not peer-reviewed and did not recommend downlisting.
- There is a wide scientific position against downlisting, including the IUCN Large Carnivore Initiative for Europe (LCIE) and “more than 350 scientists” who publicly expressed that the downlisting was not supported by scientific evidence. See: [Large Carnivore Initiative for Europe's Statement on the proposed downlisting of the wolf under the Bern Convention and the EU Habitats Directive of 13 November 2024](#)
- A review of Blanco & Sundseth report is available on the Green Impact website [here](#).
- With regards to the consultation/democratic participation, it is **not about quantity of opinions**, but about **structured processes**, assessment, and following institutionalised steps under the Commission’s “**Better Regulation**” approach; the Commission’s “ask everyone” was intended to be instrumental but did not produce the anti-wolf result that may have been expected, with 71% of respondents asking for strict protection to be maintained.

Additional note: The requirement to take into account scientific evidence can be referenced to:

1. The **Treaty on the Functioning of the EU**, Art. 191(3) which requires the EU to take scientific and technical data into account when preparing environmental policy. See the relevant provision [here](#).
2. The **Habitats Directive**’s strict derogation test contained in Art. 16(1) also requires that there be “no satisfactory alternative” and that it is not detrimental at a favourable conservation status. Case law of the Court of Justice of the EU on how to interpret this article requires the authorities to assess alternatives “**on the basis of the best available scientific and technical knowledge**” per its judgment in the Austrian wolf case [C-601/22](#).
3. The Commission’s “**Better Regulation**” framework (which governs process obligations for EU law-making) also requires that policy preparation should be informed by the “best available evidence”, see para 1 of page 5 of the [Better Regulation Guidelines of 3 November 2021](#) which state:
“‘Better regulation’ is not about regulating or deregulating. It is a way of working that allows political decisions to be prepared in an open and transparent manner, informed by the best available evidence, including via the comprehensive involvement of stakeholders. This is to ensure that the EU acts in line with the overarching principles of subsidiarity and proportionality, i.e. only*

	<p>where necessary and in a way that does not go beyond what is needed to address the problem at hand.”</p> <p>* ‘Evidence’ refers to multiple sources of data, information, and knowledge, including quantitative data such as statistics and measurements, qualitative data such as opinions, stakeholder input, conclusions of evaluations, as well as scientific and expert advice. The official portal for European data: data.europa.eu is an important source of open data. Further operational guidelines related to evidence are presented in Tool #4 (Evidence-informed policymaking).</p>
<p>Resources for further reading</p>	<p>Please see below various resources mentioned by participants which may be of further interest:</p> <ol style="list-style-type: none"> <p>“How the German Ministry of the Environment transformed unfavourable conservation status for wolves into a favourable one”</p> <p>NGOs have reported that the State Secretary in the Federal Ministry for the Environment, Jochen Flasbarth, ordered experts to change the methodology used to calculate conservation status for wolves, resulting in the draft “unfavourable conservation status” being changed to “favourable conservation status” in a matter of months. See the report by Wildtierschutz Deutschland e.V. on the Presse Portal together with the internal documents that have been published on the website of the Austrian Nature Conservation Alliance here. For those interested in finding out more about the situation in Germany a webinar is taking place on 23 February 2026 at which Thorsten Gieser will be presenting (in German) – resources and the materials related to this webinar will also be available on Lifescape’s website.</p> <p>Consultation on wolf protection and killing in France</p> <p>Public consultation on the draft decree defining the protection status of the wolf (<i>Canis lupus</i>) and setting the conditions and limits for its destruction. The consultation closed on 19 December 2025 and received 32,384 contributions. With thanks to Fabien Quétier of Rewilding Europe for the reference.</p> <p>Wolf Coexistence Workshops in Germany / Poland</p> <p>Dialogue above Wolves – Coexistence workshop organised annually by Rewilding Oder Delta which took place in September 2025 (follow Rewilding Oder Delta for 2026 dates). With thanks again to Fabien and to Thorsten Gieser for the reference, both of whom were speakers at this year’s workshops. Thorsten’s views on human-wolf coexistence are summarised here and in his open-access book, “Living with Wolves” available here.</p> <p>Other perspectives on human-wildlife conflict</p> <p>See the research by Daniela Berti, an anthropologist and senior research director at the CNRS further outlined on the platform, “Ruling on Nature”, a</p>

research and policy platform hosted by the French National Centre for Scientific Research (CNRS). With thanks to Thorsten Gieser for the reference.

5. How Europe has failed to properly invest in coexistence

Strict protection cannot work if implementation of coexistence measures is weak. Preventive measures (such as fencing, guarding, and husbandry adaptation) have been uneven, under-enforced or treated as optional while downlisting is pushed as a substitute for delivering coexistence measures. See the in-depth report of the Green European Journal, [How politics is killing Europe's wolves](#). With thanks to [Annick Hus](#) who co-authored the report, for the reference.

6. Podcast with Annick Hus & Arie Trouwborst on the Challenges of Wolf Conservation in Europe

A conversation with Annick Hus, Belgian Freelance Journalist and Arie Trouwborst, Nature Conservation Professor, around political, societal and legal perspectives of wolves naturally recolonising Europe. See "The Wolf Connection" [Podcast episode #239](#) of 3 December 2025.