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The Implications of Downlisting the Wolf in the EU Habitats Directive

Summary

A proposed amendment to the EU Habitats Directive to downlist the wolf (*Canis lupus*) from Annex IV (strict protection) to Annex V (species that may be subject to management measures) may grant Member States more flexibility in managing wolf populations. However, this change alone does not resolve the issue of hunting the wolf. Under existing EU law, hunting or population control measures remain, as a general rule, contingent on maintaining or restoring a **favourable conservation status (FCS)** for the species. In this regard, Member States shall undertake surveillance of the conservation status of the species. This underscores the need for comprehensive national legislative measures rather than reliance solely on changes to the annex listing.

Legal Framework and Key Provisions

- **Council Directive 92/43/EEC (Habitats Directive):**
 - **Article 2:** The Directive aims to conserve natural habitats and wild species, ensuring their **maintenance or restoration at FCS**. Measures to this effect shall take account of economic, social and cultural requirements and regional and local characteristics.
 - **Article 11:** Member States are required to **undertake surveillance of the conservation status of species**, including the wolf.
 - **Article 14:** In the light of the surveillance provided for in Article 11, any hunting or exploitation of Annex V species, such as the wolf, **must be**

compatible with maintaining FCS. If monitoring shows that the conservation status is at risk, Member States shall introduce the response measures they deem necessary, which may include temporary or local prohibitions on hunting, stricter hunting quotas, or other stricter protection regulations.

- **Recent EU Court Case Law:**

- **Case C-436/22[1]:** This case clarified that for species in Annex V, any hunting measures must be justified with scientific evidence demonstrating that they do not negatively impact the objective of restoring or maintaining the species' favourable conservation status.

Commission Responses to Parliamentary Questions

The European Commission has repeatedly clarified that **downlisting the wolf does not remove the obligation for Member States to maintain or restore FCS.**

- In response to **Parliamentary Question E-002313/2024 (5 January 2025)[2]**, the Commission stated that **even after downlisting, the requirement for maintaining FCS remains in force**, noting:

" There is no one-size-fits-all approach to large carnivore management and therefore measures have to be tailored to the local circumstances" and "[Member State] will remain obliged to maintain or restore a favourable conservation status of the wolf on their national territory, in line with the recent rulings of the Court of Justice of the EU and the international commitments on biodiversity agreed by the EU and its Member States."

- In **Parliamentary Question E-002717/2024 (18 January 2025)[3]**, Commissioner Roswall explained:

"Member States are bound by the obligation to achieve and maintain a favourable conservation status for all protected species, irrespective of their listing under Annex IV or V of the Habitats Directive. Furthermore, for species listed under Annex V, if the surveillance of the species reveals it is necessary, Member States may also implement temporary or local prohibition of hunting, regulation of the periods and methods of hunting, or the establishment of a system of licences or of quotas."

- Furthermore, in **Parliamentary Question E-002639/2024 (28 January 2025)[4]**, the Commission confirmed:

"A change of the protection status of the wolf in the Habitats Directive would not remove the obligation for Member States to reach or maintain good conservation status of wolf populations."

- In **Parliamentary Question E-003048/2024 (27 February 2025)**[5], Commissioner Roswall re-confirmed:

"A change of the protection status of the wolf in the Habitats Directive would not remove the obligation for Member States to reach or maintain good conservation status of wolf populations in line with scientific evidence."

- In **Parliamentary Question E-000102/2025 (14 March 2025)**[6], the Commission reiterated:

"A change of the protection status of the wolf in the Habitats Directive would not remove the obligation for Member States to reach or maintain good conservation status of wolf populations."

- In **Parliamentary Question E-000598/2025 (27 March 2025)**[7], Commissioner Roswall concluded:

"While lowering the protection status of the wolf in the Habitats Directive by moving it from Annex IV to Annex V of the directive offers Member States more flexibility in how they manage their wolf populations, it does not change the substantive obligation to ensure that the wolf is restored to and maintained at a favourable conservation status."

Under Article 14 of the Habitats Directive, the taking of specimens of species listed in Annex V as well as their exploitation must be compatible with their being maintained at a favourable conservation status.

This implies that any culling or hunting has to be carefully regulated by Member States, to prevent any negative impact on the conservation status of the concerned populations, in line with the recent rulings of the Court of Justice of the EU."

The Commission concluded by emphasising that *"it would be for the [national] authorities to adopt the appropriate measures to that end"*.

Conclusion

The EU's move to downlist the wolf in the EU Habitats Directive provides some regulatory flexibility but does not automatically allow hunting or management, nor does it override the obligation to achieve and maintain **favourable conservation status**.

Therefore, Finland must proactively adopt **comprehensive national legislation** to effectively manage wolf populations while ensuring compliance with EU law.

In order to ensure that hunting measures be justified with scientific evidence demonstrating that they do not negatively impact the objective of restoring or maintaining the wolf's favourable conservation status, **Finland needs to establish what FCS means for its wolf population.**

Relying solely on changes in the Habitats Directive will not resolve the current challenges related to wolf management and hunting.

References:

- [1] **Case C-436/22**, Judgment of the EU Court of Justice of 29 July 2024
- [2] European Parliament, **Parliamentary Question E-002313/2024**, Answer given by Commissioner Roswall, 5 January 2025.
- [3] European Parliament, **Parliamentary Question E-002717/2024**, Answer given by Commissioner Roswall, 18 January 2025.
- [4] European Parliament, **Parliamentary Question E-002639/2024**, Answer given by Commissioner Roswall, 28 January 2025.
- [5] European Parliament, **Parliamentary Question E-003048/2024**, Answer given by Commissioner Roswall, 27 February 2025.
- [6] European Parliament, **Parliamentary Question E-000102/2025**, Answer given by Commissioner Roswall, 14 March 2025.
- [7] European Parliament, **Parliamentary Question E-000598/2025**, Answer given by Commissioner Roswall, 27 March 2025.