

How the European Commission carried out a targeted data collection on the impact of the wolf population in the European Union

Case opened

Case 1758/2024/FA - **Opened on** 28/10/2024 - **Institution concerned** European Commission
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President

European Commission

Dear President,

I have received a complaint from ClientEarth against the European Commission. The complaint concerns how the Commission carried out what it refers to as “a targeted data collection” on the impact of the wolf population in the EU. [1]

Specifically, the complainant argues that the Commission failed to comply with the Better Regulation Guidelines on stakeholder consultation when it invited the public, in a press release, to submit up-to-date data on the wolf population and its impact. The complainant claims that the press release lacked objectivity and impartiality, and that the Commission’s statement that wolves pose a real danger for livestock and for humans was not based on scientific evidence. The complainant also challenges the Commission’s view that the Council Decision [2] to submit a proposal for the amendment of the Bern Convention is non-legislative. It argues that “ *the Commission’s proposal for the adoption of a Council Decision sets in motion a legislative process*”, with the aim of amending the protective status of the wolf under the EU Habitats Directive. [3]

I have decided to **open an inquiry into this complaint** in order to understand better how the Commission carried out this targeted data collection.

For the purpose of this inquiry, I consider that it would be useful to receive a written reply from the Commission to this complaint. In particular, I would appreciate it if the Commission could address the questions in the annex to this letter.



I would be grateful to receive the Commission's reply by 24 January 2025.

Please note that I am likely to send your reply and related enclosures to the complainant for comments. [4] We may also decide to publish your reply. The responsible inquiries officer is Ms Francesca Abbo.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 28/10/2024

ANNEX

Questions for the Commission regarding how it carried out its targeted data collection

1. The nature of the targeted data collection

In its replies to the complainant, the Commission explained that this data collection exercise was not a public consultation but a targeted request for input from relevant stakeholders. From the Commission's replies, it remains however unclear under what procedural framework the Commission carried out this initiative.

Moreover, the fact that the Council Decision proposes an amendment to the Bern Convention, which is an international agreement, does not in itself justify departing from the Better Regulation Guidelines, which do not only apply in the preparation of legislative proposals, but, more generally, when the Commission “*design[s] and prepare[s] EU policies and laws*”.

With this in mind, could the Commission please clarify:

- The nature of this targeted data collection and under what procedural framework it was carried out?
- Why the Commission departed from the Better Regulation Guidelines on stakeholder consultation when it carried out this targeted data collection?

2. The scientific evidence available at the time of the press release



Regarding the way the data collection was formulated, the Commission explained in its reply to the complainant that its statement on the danger posed by the wolf was supported by reports on wolf predation on livestock and by the in-depth analysis of the situation of the wolf in the EU. [5] However, there is no mention in the press release nor in the Commission's replies to the complainant of the specific sources available at the time the data collection was launched. As noted by the complainant, the in-depth analysis was published three months after the data collection took place.

With this in mind, could the Commission please clarify on what scientific evidence it based its statement on the danger posed by the wolf population in the press release?

[1] https://ec.europa.eu/commission/presscorner/detail/en/ip_23_4330 [Link]

[2] Council Decision 13258/24 on the submission, on behalf of the European Union, of a proposal for the amendment of Appendices II and III to the Convention on the conservation of European wildlife and natural habitats and on the position to be adopted, on behalf of the Union, at the 44th meeting of the Standing Committee to that Convention:

<https://data.consilium.europa.eu/doc/document/ST-13258-2024-INIT/en/pdf> [Link]

[3] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043> [Link]

[4] If you wish to submit documents or information that you consider to be confidential, and which should not be disclosed to the complainant, please mark them 'Confidential'. Encrypted emails can be sent to our dedicated mailbox.

[5] The situation of the wolf (canis lupus) in the European union, An in-depth analysis:

<https://op.europa.eu/en/publication-detail/-/publication/5d017e4e-9efc-11ee-b164-01aa75ed71a1/language-en> [Link]