



EUROPEAN COMMISSION

Margot Wallström
Günter Verheugen
Members of the European Commission

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Mrs Sandra Kalniete
Minister of Foreign Affairs
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Mr Raymonds Vejonis
Minister of Environment
Peldu street 25
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Dear Ministers,

In reference to Ambassador Piebalgs' letter dated 22 November 2002 and the draft Management Plan for Eurasian lynx (*Lynx lynx*) provided to the Commission services, we are pleased to inform you about our assessment of this draft plan according to the requirements of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

In assessing this plan we have taken note that it will be formalised through an approval by the Minister of Environment soon after the consultations with the Commission have been finalised.

Having carefully examined this plan and having noted in particular the current population status, the long term objective to maintain the current population size as defined in the Management Plan (i.e. 600-650 individuals before the hunting season) and the envisaged measures of game management policy, we consider that this plan, once adopted, will be in accordance with the conditions for derogations under Article 16 (1) e of the Habitats Directive. It is therefore our understanding that, in compliance with the EU acquis, the taking of Eurasian lynx can be allowed in limited numbers in Latvia, as specified by the competent national authorities. We consider that, given the current population status of the Eurasian lynx in Latvia, the quota envisaged for the next hunting season, i.e. 50 lynxes, is sufficiently limited in numbers according to Article 16 (1) e of the Habitats Directive. This quota needs to be reviewed at least every two years, based on scientific monitoring of the population.

The derogation under Article 16 (1) e of the Habitats Directive will only apply as long as the Management Plan is duly implemented and as long as the conservation status of Eurasian lynx remains favourable, i.e. on the level set in the plan as submitted to the Commission.

We therefore count on your authorities to fully implement this plan so that the objectives of the Directive will be fulfilled. We would invite you to send the final adopted plan to the Accession Conference so that it can be duly recorded.

Also in the light of the discussions on your management plan, we have identified the need to develop guidance on the requirements for sustainable management of large carnivore populations within the framework of the Habitats Directive, including the use of derogations according to Article 16 of the Directive. Our discussions relating to your management plan are very useful in developing this guidance and we can assure you that this guidance will be consistent with our position taken on your Management Plan.

We would like to draw your attention to the fact that, according to the Treaty establishing the European Community, it is only the European Court of Justice that can give an authoritative interpretation of Community legislation. Such interpretations, however, are normally only made by the Court following infringement cases referred to it by the Commission. For the reasons indicated above and with a satisfactory implementation of this Management Plan, we would see no ground for an infringement procedure.

We trust that this assessment will be helpful in securing your Government's agreement of including the Eurasian lynx in Annex IV of the Habitats Directive without geographical restrictions.

Günter Verheugen

Margot Wallström