

**Brussels, 05 March 2024**

**WK 3545/2024 INIT**

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## **REQUEST FOR CONTRIBUTION**

From:	General Secretariat of the Council
To:	Working Party on International Environment Issues (Biodiversity)
N° Cion doc.:	14265/22 + ADD 1
Subject:	Bern Convention Council Decision: WPIEI (Biodiversity) on 4 April 2024 – Presidency Steering Note and CALL FOR COMMENTS

In preparation of the WPIEI Biodiversity meeting on 4 April 2024, delegations will find attached a Presidency Steering Note on the proposal for a Council Decision on the position to be taken on behalf of the European Union on submitting proposals for amendment of Appendices II and III of the Convention on the Conservation of European wildlife and natural habitats with a view to the meeting of the Standing Committee of the Convention.

Delegations are kindly requested to reply to the questions therein by sending their comments to the Presidency (be24biodiversity@health.fgov.be), with copy to the Council Secretariat (carla.santosmoore@consilium.europa.eu; ludmila.zalik@consilium.europa.eu; aimilena.vourliotaki@consilium.europa.eu; environment@consilium.europa.eu) by **Friday, 22 March 2024, cob**.

**Proposal for a Council Decision on the position to be taken on behalf of the European Union on submitting proposals for amendment of Appendices II and III of the Convention on the Conservation of European wildlife and natural habitats with a view to the meeting of the Standing Committee of the Convention**

***Presidency Steering Note***

In December 2023, the Commission proposed a draft Council Decision to:

- request for an extra Standing Committee of the Bern Convention, in order to
- propose an amendment to move the Wolf from Appendix II to Appendix III of the Bern convention.

On 25 November 2022, the Council adopted a Decision to oppose the proposal from Switzerland to move the Wolf (*Canis lupus*) from Appendix II to Appendix III at the 42<sup>nd</sup> session of the Bern Convention Standing Committee, having the legal basis of Article 192(1) TFEU together with Article 218(9) TFEU.

As the new proposal is different from what was defended by the EU during the 42<sup>nd</sup> Session of the Bern Convention Standing Committee, the Presidency wishes to evaluate how this proposal stands regarding the following aspects:

- respecting the EU acquis,
- ensuring compliance with the obligations as Parties under the Bern Convention, and
- avoiding any negative consequence for the EU as a Party to several Multilateral Environmental Agreements (MEA) and to its credibility as a negotiation partner in international fora regarding the conservation of species, in particular given the EU's role in the recently adopted Kunming-Montréal Global Biodiversity Framework (GBF) and its Target 4<sup>1</sup> and during the CMS COP14.

To that end, the Presidency is seeking the views of the Member States with regards to the scientific and legal processes underpinning the proposal by the Commission. The following questions will guide our further discussions, but Member States are invited to share other information that may be relevant in assessing the Commission's proposal in the context of the above considerations.

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<sup>1</sup> The Kunming-Montreal Global Biodiversity Framework (GBF) was adopted during COP15. This Framework sets out an ambitious pathway to reach the global vision of a world living in harmony with nature by 2050. Among the Framework's key elements are 4 goals for 2050 and 23 targets for 2030. Target 4 'Halt Species Extinction, Protect Genetic Diversity, and Manage Human-Wildlife Conflicts'. See <https://www.cbd.int/gbf/targets/4>

## **Indicative questions on process**

- Given the need for specific management actions according to different regions, do the Member States consider that Article 9 of the Bern Convention provides sufficient flexibility to address potential issues adequately?
  - o If so, please provide examples.
  - o If not, please further clarify.
- Could Member States indicate if they have benefited from the EU funding rules for prevention measures and compensation and if they expect the arrangements to change should the Wolf be moved from Appendix II to III in the Bern Convention?
- Given the current protection of the Wolf in the Habitats Directive, and the ongoing legal case before the European Court of Justice (C-601/22 from 18/1/24<sup>2</sup>), how do Member States assess the role of the upcoming European Court of Justice's opinion in the process?

## **Indicative questions on substance**

In the absence of defined criteria governing the inclusion of a species in Appendix II or III of the Bern Convention, reference should be made to Recommendation 56 (1997) of the Standing Committee, who proposed to take into account the following 2 criteria: (1) define the threats to the species and (2) identify the ecological role.

A study commissioned by the European Commission from the Adelphi - Callisto consortium aims to propose a method for assessing the conservation status of large carnivores and to quantify the reference values for defining a favourable status. The exercise will be applied to the Wolf on this scientific basis. The study's report is due in July 2024.

- How do Member States envision the articulation of the timeline on a decision on a possible move of the Wolf from Appendix II to Appendix III with the study expected in July 2024 and the reporting according to Article 17 of the Habitats Directive in 2025?
  - o How do Member States assess the scientific basis used by the Commission for this proposal with regards to Article 191 TFEU which requires the best available scientific knowledge, determined with due care and taking into account the precautionary principle?
  - o Could Member States share any new scientific data concerning the conservation status of the Wolf since December 2022?
- Wildlife/Human and Wildlife/Livestock conflicts (GBF T4) are always an important element for developing countries and part of many discussions in MEAs.
  - o Could Member States indicate how the EU could constructively contribute to the global debate with best practices on how to co-exist with large predators?
  - o Could Member States share concerns in their countries where such conflicts remain a problem?
  - o Could Member States share their views on how this proposal contributes to Target 4 of the GBF?

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<sup>2</sup> All information on the legal case can be found on: [CURIA - Case information \(europa.eu\)](https://eur-lex.europa.eu/curia/index.do)