



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Compliance, Governance & Support to Member States  
**The Director**

Brussels  
ENV.E.3/PD

**Subject: Culling of wolves in Lower Saxony**  
Your e-mail of 13. January 2022

Dear Petitioners,

Thank you for your e-mails of 13 January 2022 addressed to Commissioner Sinkevičius in which you report the recent culling of a wolf in Lower Saxony. You further explain that according to your experience in other Member States, such as in Spain, there are no problems with the peaceful coexistence between humans and wolves. You ask the Commissioner to help ensure that wolves in Lower Saxony are legally protected in a similar fashion. Commissioner Sinkevičius has asked me to reply to you on his behalf.

I would like to assure you that the correct application of European law on species protection in the Member States, including the protection of wolves, is of high importance for the Commission.

EU policy and legislation with regard to the protection of wolves is based on the principle of coexistence between people and large carnivores, sharing the same multifunctional landscapes. The Commission is aware of the challenges faced in Germany where wolves have returned after a long absence during which time the knowledge and experience of coexistence, including adequately protecting grazing livestock, have been lost. To facilitate this coexistence, the Commission has taken several measures: making available support for rural communities through 100% EU co-financing of livestock protection measures through the Rural Development Fund; supporting best practices development through the LIFE Funds; allowing full compensation of damages and prevention investments under EU State Aid rules. Furthermore, the Commission supports EU and regional stakeholders' dialogues and provides guidance to national authorities. The killing of wolves can only be the last resort, in accordance with the strict conditions set out in Article 16 of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

It is primarily for the competent national authorities and courts to decide whether the conditions laid down in Article 16 of the Habitats Directive for the removal of wolves are met. Three conditions need to be fulfilled: first, one of the reasons mentioned in Article 16 of the Habitats Directive for taking an individual has to be provided, such as the protection of people or livestock; second, there must be no satisfactory alternative; third, the taking of the individual must not be detrimental to the achievement of the favourable conservation status of the species. The Commission has recently revised its existing guidance document on strict species protection<sup>1</sup>. It contains further guidance in the light of the most recent case law of the Court of Justice of the European Union (CJEU) on the interpretation and application of these criteria.

Following several complaints, the competent Commission services have initiated an examination of the amendment of the Federal Nature Conservation Act made in 2020 with regard to the management of wolves. The Commission services are also aware that several Länder, such as Lower Saxony, have recently added further clarifications on the possibility of taking wolves in their wolf ordinances. Other Länder are planning to make further changes in their laws, such as North-Rhine Westphalia. These changes are also the subject of investigation.

However, I would also like to recall that derogations from the strict European provisions on species protection in Germany can be reviewed by the competent national courts, as has been done on several occasions in the past. That possibility should continue to be exercised, where necessary. In their review, the national judges must also take full account of the requirements of European law as interpreted by the CJEU. A recent case from Bavaria has shown that the national courts are taking this responsibility very seriously<sup>2</sup>. I am therefore confident that the provisions of the EU nature legislation can be effectively enforced by the national administrative and judicial authorities.

Yours faithfully,

*e-signed*

Aurel CIOBANU-DORDEA

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<sup>1</sup><https://op.europa.eu/en/publication-detail/-/publication/a17dbc76-2b51-11ec-bd8e-01aa75ed71a1/language-en/format-PDF/source-search>

<sup>2</sup> [pm\\_2022-01-21.pdf \(bayern.de\)](#)