



Brussels

Subject: Changing the status of the European bison

Dear Petitioner,

President von der Leyen has asked me to thank you for your letter concerning the protection and the management of the European bison and to reply to it.

In your letter you provide the latest update on the size of the European bison population and draw our attention to the fact that the Global IUCN Red List status of the species was recently downgraded from ‘vulnerable’ to ‘near threatened’. In view of the growing population of the species and bearing in mind its conservation challenges you suggest moving the bison from annex IV of the Habitats Directive (species under the strict protection) to annex V (species whose population can be managed). You also suggest changing the status of the species in the Animal Health Law and elaboration of common EU rules on health monitoring, captive husbandry requirements and management through implementation of a new species action plan.

I would like to inform you that the European Commission considers that the current listing of the species in Annex IV and the derogation procedure laid down in Article 16 provide an appropriate framework for managing European bison population. Specifically, as regards growing damage from the species to agriculture and forestry, Article 16 stipulates that ‘provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range, Member States may derogate from the provisions of Articles 12 [...]; (b) to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property’. In 2021 the Commission adopted revised guidelines interpreting the strict protection provisions under the Habitats Directive ⁽¹⁾.

As regards the damage caused by the species to agriculture and forestry it should also be noted that preventive measures such as fencing of pastures, croplands or tree plantations could be used to protect farmlands and forests from the bison, particularly in areas of high concentration of the species. These measures can be co-financed by the EU from the common agricultural policy (CAP) on condition that the Member States include such possibility in their CAP strategic plans.

We therefore do not see the need to change the annexes to the Habitats Directive for this species as there are already mechanisms in place, which allow for an effective management of bison populations, while minimising the damage caused by the species.

⁽¹⁾ Commission notice, Guidance document on the strict protection of animal species of Community interest under the Habitats Directive, C(2021) 7301 final.

As regards your proposal to develop a new EU-level species action plan for the European bison, considering the overall positive trend of the species in most of the EU Member States where the species occurs, we would not consider the bison to be a priority species for such an action plan.

Regarding the EU Animal Health Law, Regulation 2016/429 of the European Parliament and of the Council on transmissible animal diseases ⁽²⁾ (AHL), you expressed concerns that they hinder your activities concerning population management of the bison in Europe in their natural environment. To address this problem, you proposed a new category of ‘semi-free’ animals to cover certain populations.

We believe that this view might stem from a misunderstanding. I would like to clarify that the AHL allows all activities mentioned in your letter (i.e. individual identification, certain health tests and selective culling etc.) for wild bovine animals in their natural environment, and it makes some of them compulsory only for kept bovine animals.

As you correctly noted, the AHL categorises animals as ‘kept animals’ and ‘wild animals’. These definitions are complementary to each other. Subsequently, there are significant differences in the specific requirements, which apply to kept bovines and to wild bovines as laid down in the AHL and in related Commission delegated or implementing rules. These requirements (and differences therein) concern the wide range of topics: identification and registration of animals, surveillance activities, rules on movement of animals to another Member State etc.

In simple terms, kept bovines must comply with most of the requirements mentioned above, while wild bovines are exempted from many. The health status of kept bovines and their establishments has a direct effect on the health status of their wider zone or Member State, while for wild bovines that effect may be different. Wild bovines can be moved to other areas in the same Member State or to other Member States, and the movement requirements are less stringent than those applicable to kept bovines, except that they require agreement from the competent authority of the Member States of destination. In addition, there are also derogations for the identification and registration of kept bovines. There is therefore no need for a new category of ‘semi-free’ animals.

It is for the competent animal health authorities of each Member State to decide whether bovine animals in natural areas or reserves should fall under the definition of ‘kept animals’ or whether they can be considered as ‘wild’, in accordance with the relevant definitions in the above Regulation and knowing the local circumstances. I suggest that you contact the competent veterinary authority of the relevant Member States for further information.

We are confident that the AHL and related Commission delegated or implementing rules provide an appropriate legal framework for the competent authorities to deal with species management in a risk-based but also proportionate and flexible manner.

I would like to seize this opportunity to thank for all your efforts to ensure the recovery of the European bison, which undeniably is one of the biggest success stories of recovering a species from the brink of extinction in Europe, and wish you best of luck in your future endeavours in this area.

Yours faithfully,

E-signed

Humberto Delgado Rosa

⁽²⁾ <https://eur-lex.europa.eu/eli/reg/2016/429/oj>