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Joint letter to:

Mr Humberto Delgado Rosa

European Commission

Director, Directorate General for Environment, Natural Capital

Avenue de Beaulieu 5, 1160 Brussels, Belgium

Cc:

Mr Nicola Notaro

Head of Unit - European Commission - Directorate-General for Environment - Natural Capital

Mr Marco Cipriani

Policy Officer - European Commission - Directorate-General for Environment - Natural Capital

**Re: Bringing Finland's wolf management policies in accordance to EU legislation**

Helsinki, February 3rd 2021.

Dear Mr Delgado-Rosa,

The Finnish Ministry of Agriculture and Forestry is currently trying to establish the legal and scientific justifications to prove a lack of satisfactory alternatives that will allow them to start wolf population management hunting next year. The Ministry's aim is to remove complete wolf families with the justification of avoiding the dispersal of the family units created by the incidental killing of reproductive members.

The intentions of the Ministry are now being put into practice as shown in the recent decisions made by The Finnish Wildlife Agency (FWA) last December 2020 by authorizing the hunting under derogation from strict protection of two wolf families in Tohmajärvi, North Karelia and in Haapajärvi, North Ostrobothnia. The main justification given in Tohmajärvi was the repeated yard visits of wolves and in Haapajärvi damages to hunting dogs. The use of motor vehicles and artificial lights was allowed during the hunting operations.

The regional organization Luonnonsuojeluliitto (ANC) Tapiola ry appealed the decisions to the local administrative courts of Eastern Finland and Northern Finland and in the two instances the hunting decisions were halted. Notwithstanding, while the judicial investigation of the permits was still ongoing, the FWA proceeded to grant a new permit to the same applicant in the Tohmajärvi area to kill one individual wolf. This decision was also appealed, and the administrative court banned again its execution on 31 December; however, the wolf had already been shot.

The way in which derogation-based wolf hunting permits are granted by the Finnish authorities is a deceitful one, aimed at hindering the possibility of appeal by local nature protection organizations or individuals.

The FWA has also stated the prevention of poaching as a basis for authorization, even though the European Court of Justice (CJEU) had already ruled against this possibility (Case C-674/17).

At the same time, the FWA has failed to present any scientific data as required by the CJEU for how the elimination of entire wolf families from these areas will improve or have a neutral effect on the conservation status of the species in Finland, the only reasoning mentioned being that killing reproductive individuals may lead to other, longer-term problems and the positive effects that hunting has on hunters, as a social activity.

The conditions under which derogations for wolf yard visitations have continued to be granted in Finland do not comply with the system of strict protection provided for in Article 12 of Council Directive 92/43/EEC, which the CJEU ratified in its judgment in *Alianța pentru combaterea abuzurilor* (C-88/19): the strict protection of species listed in Annex IV (a) applies to their entire 'natural range', whether in their usual habitat, in protected areas or, on the contrary, near human settlements<sup>1</sup>.

The requirements under Article 16 of the Habitats Directive are also not being met as the derogations do not provide a clear and sufficient statement of reasons for the absence of satisfactory alternatives and evidence that the hunting won't negatively affect the already unfavourable conservation status of the species. The permits lack a clear, precise and reasoned justification to explain why satisfactory alternatives were not successfully implemented.

The CJEU has previously expressed serious doubts whether the number of wolves that have been allowed to be hunted by the Finnish authorities complies with the requirements of Article 16(1)(e) in that only a "limited number of specifically selected animals" in a strictly controlled manner can be taken<sup>2</sup>. The Court has also held that derogations affecting populations whose conservation status is unfavourable may be only permissible "by way of exception" in cases "where it is duly established that they are not such as to worsen the unfavourable conservation status or to prevent its restoration<sup>3</sup>.

According to the *Guidelines for Population Level Management Plans for Large Carnivores*, for a population to be restored to a Favourable Conservation Status, the natural range of the species should not be reduced, management decisions should have a positive or neutral effect on the overall

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<sup>1</sup> Judgment of the Court of 11 June 2020 the CJEU (C-88/19) *Alianța pentru combaterea abuzurilor*.

<sup>2</sup> Judgment of the Court (Second Chamber) of 10 October 2019 *Luonnonsuojeluyhdistys Tapiola Pohjois-Savo – Kainuu ry v Risto Mustonen and Others*

<sup>3</sup> Case C-342/05 Judgment of the Court (Second Chamber) of 14 June 2007. *Commission of the European Communities v Republic of Finland*.

distribution of the species and its natural range should not be reduced<sup>4</sup>. This has been also ratified by the CJEU<sup>5</sup>.

**Derogations to remove entire wolf families go against the rulings of the CJEU and the aims of EU legislation as they reduce the range and distribution of a strictly protected species and worsen the unfavourable conservation status of the population. In addition, they are not selective and restricted to the individual animals that have caused serious damage.**

These derogations do not comply either with The Finnish Ministry of Agriculture and Forestry's own Wolf Management Plan, which stipulates a minimum viable wolf population of 25 breeding pairs. According to the latest wolf population estimate by the Natural Resources Institute Finland (LUKE March 2020) there are currently 24 wolf breeding pairs in Finland. The Finnish Wolf Management Plan also states the aims of "ensuring the viability of each pack whilst favouring the co-existence of people and wolves", these aims are also not being respected<sup>6</sup>.

Only when the conservation status is favourable and satisfactory alternatives are scientifically proven absent, Article 16(1)(b) allows the killing of one or more wolves in order to prevent "serious damage" to livestock and other types of property, such as (hunting) dogs. Therefore, a certain degree of damage is required for this derogation ground to be applicable and may not be allowed to prevent threats of "minor damage."

Currently there are an estimated 80,000 – 120,000 dogs used for hunting in Finland. The deaths of hunting dogs attributed to predators constitute around 0.1% of all deaths, while traffic or other types of accidents cause around 12,5 % of deaths<sup>7</sup>. **The risks intrinsic to the use of hunting dogs or the yard visitations of wolves -which are to be expected in rural areas- should not be used as justifications for granting derogations under Article 16.**

To prevent damages to hunting dogs, satisfactory alternatives are available, such as avoiding their release in known wolf territories, using protective gear such as Kevlar vests and training the dogs for avoiding wolf tracks. In regard to yard visitations, keeping house pets in a secured environment and removing carcasses or any other food attractants near residential areas are essential. The permits do not include detailed information on how any of these abovementioned alternatives have been tried<sup>8</sup>.

The administrative practice that has been followed by the Finnish authorities for granting derogations under Article 16 does not respect the obligations for strict protection stated in Article 12 of the Habitats Directive as the conditions that are to be complied with before authorizing these derogations are consistently not being met<sup>9</sup>.

In light of the recent State of Nature report which showed that EU's biodiversity continues to decline, of the objectives of the recently adopted EU Biodiversity Strategy to 2030, and in view of the above, **we call on the European Commission to urgently take the necessary formal action with the Finnish authorities to bring Finland's wolf management policies in accordance to EU legislation.**

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<sup>4</sup> Linnell J., V. Salvatori & L. Boitani (2008). Guidelines for population level management plans for large carnivores in Europe.

<sup>5</sup> Case C-674/17 para 56

<sup>6</sup> Case C-674/17, para. 4

<sup>7</sup> Source: KoiraNet - The Finnish Kennel Club (Kennelliitto)

<sup>8</sup> Finnish Wildlife Agency permits 2020-1-000-18555-5, 2020-1-000-18516-0

<sup>9</sup> Keeping the Wolf from the Door, Laaksonen (2018). An analysis of how derogation-based wolf hunting licenses are granted in Finland.

We remain at your disposal for any additional information.

Yours respectfully,

on behalf of the following organisations:

Animalia

Eurogroup for Animals

European Alliance for Wolf Conservation

Helsingin eläinsuojeluyhdistys HESY ry

Luonto-Liitto

Luonto-Liiton susiryhmä

Luonnonsuojeluliitto Tapiola ry

Oikeutta eläimille

SEY Suomen eläinsuojelu

Suomen Susi ry

