

# Coexistence between humans and large carnivores? – Rewilding Europe

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**Habitats Directive 20 years**  
Antwerpen 12-13/12-12

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# *Background 1*

- **1960 - - -**  
**1964 Protected**  
**1980: 3 animals**  
**2000: 6 - " -**  
**2004: 50 - " -**  
**2010: > 200 - " -**  
**2012: approx. 300 - " -**





# Background 2

- Increasing **numbers, central part** of SE, **genetic** base extremely small (3 animals)
- **Growing conflicts** with Sami people and farmers, the strong **hunting organisations**, urban and rural ('us and them')...
- Government 2008/09: Cap the population to **210 animals**, increase the **public support**...
- **EPA decisions** in 2009 and 2010: 'management hunt' of 27 and 20 animals, 4,500 hunters, random...
- 4 ENGOs made a **complaint** to the EC **2010**.
- **Infringement case**: FN in January 2011, RO in June, Government's 'whole poodle' in August...
- 2012 Protective hunt, decided by the regions, quota of 32 animals...
- **New arguments** - improve the genetic status by introducing zoo pups and facilitate immigration from Karelian population - **but same outcome 2012/13..?**



# *Regulation*

- **The Bern Convention;**  
*Articles 6 and 9, Standing Committee*
- **Habitats Directive (92/43);**  
*Article 2, 12 and 16 plus Annex 4 and 5,  
CJEU case law, EC's GD, LCIE...*
- **Hunting legislation and the  
Environmental Code in SE**



# Article 16 HD (92/43)

1. 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 (...) and other types of property;

**(e) to allow, under strictly supervised conditions, on a selective basis and to a limited extent**, the taking or keeping of **certain specimens** of the species listed in Annex IV in **limited numbers** specified by the competent national authorities.



# ***C-342/05 'The Finnish wolf case'***

...protective hunting decided by the regions...

## **CJEU 2007-06-14:**

- **Articles 2, 12 and 16...**
- **Strict interpretation...**
- **Ok if 'duly established' not worsen or preventing the restoration of FCS, positive net result...**
- **Ok with regional quotas**
- **BUT the decision must...**
  - ✱ **apply to a fixed number of wolves in a well defined geographical area**
  - ✱ **specifically identify the wolves causing serious damage**
  - ✱ **and give clear and sufficient statement of reasons as to the absence of a satisfactory alternative**



# *Discussion*

- **‘Real conflicts’, and less real (hunting with unleashed dogs)...**
- **Protective hunting and no A2J...**
- **Taking, insamling (collecting), indsamling, la prise, die Entnahme, la toma, cattura...**
- **Derogation under article 16.1.e; under strictly supervised conditions, on a selective basis and to a limited extent (...) in limited numbers...**
  - ✿ **Social acceptance?**
  - ✿ **Genetic improvement..?**
- **Annex 4 species with FCS and not...**



# ***Solution***

- **Very limited use of Article 16.1.e when not FCS!!**
- **Management of Annex 4 species, the relation between Annex 4 and 5...**
- **Flexibel SCIENTIFIC change of the Annexes, evaluation meetings ('biogeographical seminars')...**
- **Transparency...**





# ***What happens next..?***

- **Scientific report...**
- **Decision by the Government/EPA ('180 wolves')...?**
- **National courts, the role of the Commission...**
- **An academic question..?**



....and finally...

**THANK YOU FOR LISTENING..!**



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