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Complaint to the Commission of the European Communities concerning failure to comply with Community law – hunting of grey wolves (*Canis lupus*) in Slovakia

Friends of the Earth Czech Republic (FoE CR) are active in nature conservation and especially large carnivore issues for more than 10 years. In the Czech Republic, the organization is the most active NGO in this field. FoE CR have realized a number of projects focused on species conservation, monitoring, public education and awareness campaigns mostly in Protected landscape area Beskydy, near the border with Slovakia. FoE CR experts cooperates with state nature conservancy, universities and other European NGOs.

1. Current situation of wolves in the Czech and Slovak Republic

The permanent occurrence of the grey wolf (*Canis lupus*) in the Czech Republic is currently restricted to the West Carpathian Mountains located at Czech – Slovak border. The area, designated also as Special Area of Conservation (SAC) CZ0724089 Beskydy function as an important gateway for wolves and other large mammals to the western parts of the Czech Republic and Europe. The wolf population in SAC Beskydy was estimated to 2–3 packs in 2005 and 2007 (Bartošová 2005¹, Bartošová 2008², Annex 1) and the Czech Agency for Nature Conservation and Landscape Protection assessed their conservation status as unfavourable³. According to the results of our field monitoring conducted by FoE CR in the last few years, the wolf numbers are even decreasing. During winter season 2009/2010 and 2010/2011 (about 250 patrols a year), only few cases of wolf-like tracks were observed. This is in contrast with results of wolf monitoring in Kysucké Beskydy and Oravská Magura Mts. (10–30 km east from Czech-Slovak border), conducted as comparison in both seasons, where wolf-like tracks were found every day of 5-day monitoring (Kutal 2011⁴, Annex 1). The disproportion in wolf numbers between

1 Bartošová D., 2005: Jak se daří velkým šelmám v CHKO Beskydy. Veronica. 19 (2): 5–10.

2 Bartošová D., 2008: Současný výskyt velkých šelem v Beskydech. Veronica 22 (1): 12–15.

3 Report on the main results of the surveillance under article 11 for annex II, IV and V species (Annex B): http://www.nature.cz/publik_syst2/files08/species-canis-lupus.pdf

4 Kutal M., 2011: Nejistá situace vlků na česko-slovenském pomezí. Veronica 25(2): 15.

Czech-Slovak transboundary area and other Slovakian areas is obvious also from Slovakian hunting statistics. There were no wolves in “Javorníky I.” (area adjacent to the Czech border) in 2009 and just one wolf was reported in 2010 (see Annex 2), although hunting statistics are often overestimated. It is clear that the number of wolves in the Beskydy and Javorníky Mts. is fully dependent on the situation in Slovakia.

In the last two years, there were at least 66 wolves killed by hunters in Žilinský kraj (county adjacent to the Czech border and function as source for Beskydy Mts, Annex 2). Just in the last winter season, 159 wolves were legally killed in the whole country (see Annex 3). There is no robust monitoring in Slovakia stating the rate of population hunted each year. But these numbers are crucial to assess the magnitude of hunting and possibilities of wolves to disperse to other countries. In some regions, there is no information on sex of killed wolves and estimated age and none of the authorities collects DNA samples of killed animals for genetic research. Authorities have no information about number of packs and number of their members as well. Wolves are hunted randomly without any reason and quotas are not based on reliable data. All official data about wolves are rough estimates. According the Slovakian “Report on the main results of the surveillance under article 11 for annex II, IV and V species (Annex B)”⁵ there is a population of 202–410 wolves in Slovakia. If we believe these official numbers, 38–78% (on average 51%) of population was killed by hunters that reported their culls this year. According to the scientific literature, in average some 30% wolves alive during fall can be taken without reducing the population (Fuller et al. 2003⁶). In 2008, Findo et al. (2008)⁷ argued the average of 88 individuals shot legally per annum in Slovakia represented c.20% of all wolves in the Czech Republic, Slovakia and the Polish Carpathians. Current hunting pressure is about 45% higher and total human-caused mortality is most likely even higher, because other sources of mortality like poaching or collisions with vehicles were not taken into account.

2. Violation of the Habitats Directive – Articles 1 and 2

According to the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora („Habitats Directive“),

Article 2 (1): *The aim of this Directive shall be to contribute towards **ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora** in the European territory of the Member States to which the Treaty applies.*

Article 2 (2): *Measures taken pursuant to this Directive shall be designed to **maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.***

5 http://cdr.eionet.europa.eu/Converters/convertDocument?file=sk/eu/art17/envrlqbva/species-canis-lupus.xml&conv=rem_24

6 Fuller T. K., Mech L. D. & Cochrane J. F., 2003: Wolf population dynamics. In: Wolves: behaviour, ecology and conservation. Mech L.D. and Boitani L. eds. The University of Chicago Press, Chicago and London: 161–191.

7 Findo S., Rigg R., Skuban, M. 2008: The wolf in Slovakia. In Kutal M. & Rigg R. (eds.): Perspectives of wolves in Central Europe: Proceedings from the conference held on 9th April 2008 in Malenovice, Beskydy Mts., Czech Republic. Hnutí DUHA Olomouc, Olomouc, CD-ROM. Available at: <http://www.selmy.cz/data/publications/47.pdf>

Article 1 (g): *species of Community interest means species which, within the territory referred to in Article 2, are:*

- *endangered, except those species whose natural range is marginal in that territory and which are not endangered or vulnerable in the western palearctic region; or*
- *vulnerable, i.e. believed likely to move into the endangered category in the near future if the causal factors continue operating; or*
- *rare, i.e. with small populations that are not at present endangered or vulnerable, but are at risk. The species are located within restricted geographical areas or are thinly scattered over a more extensive range; or*
- *endemic and requiring particular attention by reason of the specific nature of their habitat and/or the potential impact of their exploitation on their habitat and/or the potential impact of their exploitation on their conservation status.*

Such species are listed or may be listed in Annex II and/or Annex IV or V;

Article 1 (h): *priority species means species referred to in (g) (i) for the conservation of which **the Community has particular responsibility** in view of the proportion of their natural range which falls within the territory referred to in Article 2; these priority species are indicated by an asterisk (*) in Annex II;*

Article 1 (l): *conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;*

The conservation status will be taken as 'favourable' when:

- *population dynamics data on the species concerned indicate that it is **maintaining itself on a long-term basis as a viable component of its natural habitats**, and*
- *the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis;*

The grey wolf (*Canis lupus*) is listed in Annex II as a priority species including wolves in the Czech Republic, Slovakia and Poland.

With respect to the current situation described in section (1), it is clear Slovakia is violating the Articles 1 and 2 of the Habitats Directive. Furious hunting of the priority species (“of which the Community has particular responsibility”) on the magnitude of 51% population, does certainly not contribute to “ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora”, to “maintain or restore, at favourable conservation status (...) species of wild fauna and flora of Community interest” if we consider the favourable conservation status as a population “maintaining itself on a long-term basis as a viable component of its natural habitats”.

Besides the already mentioned facts we add the following: hunting of wolves in Slovakia takes place on a legal basis. The wolf is listed as a game species and the period of wolf hunting is defined from 1st October to 31st January (see § 71 (1) letter a) – 6 of regulation No. 344/2009 Z.z. - Annex 4) except of the area, where the species is protected the whole year. (This area is however strongly insufficient, as we will explain in section (4).).

Ministry of agriculture, environment and regional development defined the wolf quota for the season 2010/2011 to **150 animals** (see the letter from 30.09.2010, Annex 5). This quota was not based on sufficient field or scientific data, does not take into account other sources of human-caused mortalities and finally it was exceeded because of the dismal system of reporting the culls.

FoE CR keep an eye on the activity of the European Commission with respect to the Scandinavian wolf population⁸, estimated to 240 wolves (Laikre & Ryman 2010⁹). It was initiated by government decision approving the quota of 20 wolves for season 2010/2011. If some 8% of population off-take is a reason for launching a formal infringement procedure, it is necessary to deal with the Slovakian case as well.

3. Violation of the Habitats Directive - Article 6.

According the Habitats Directive, **Article 6:**

1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.

2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.

There were several Special Areas of Conservation (SACs) designated in Slovakia, where the grey wolf is present (see Annex 6). Intensive hunting as was described above is obviously “a disturbance of the species” which Member States have to avoid. Some of the SACs are in the vicinity of the state borders with other member states or function as core areas for the West Carpathian population. Currently, Slovakia appears to be a sink for the Polish and Czech part of the population (Nowak et al. 2008¹⁰). Around 40% of Slovakian wolf packs had trans-border

8 Commission urges Sweden to respect nature legislation in protecting endangered wolves: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/95&format=HTML&aged=1&language=EN&guiLanguage=fr>

9 Laikre L., Ryman N., 2010 in Hansen M. M., Andersen L. W., Aspi J., Fredrickson R., 2011: Evaluation of the conservation genetic basis of management of grey wolves in Sweden. Available at: <http://www.artdata.slu.se/filer/Evaluation-of-the-conservation-genetic-basis-of-management-of-grey-wolves-in-Sweden.pdf>

10 Nowak S., Mysłajek R. W., & Jędrzejewska B., 2008: Density and demography of wolf, *Canis lupus* population in the western-most part of the Polish Carpathian Mountains, 1996–2003. *Folia Zool.* 57(4): 392–402.

territories (Findo et al. 2008⁷) which shows the overlap of management consequences to neighbouring countries, especially Poland and the Czech Republic, where wolves are protected the whole year. If more wolves than annual recruitment are killed, wolves dispersal to marginal segments of the population (or to other populations) is limited. This is exactly the case of the Czech Republic, where wolf numbers decreased in last two years (see section (1)) and the species has been in unfavourable conservation since beginning of the century during “moderate” hunting pressure. Although we cannot exclude other factors such as habitat fragmentation and transportation increase, hunting is obviously the most substantial one. The comparison with the Eurasian lynx (*Lynx lynx*), a whole-year protected species in both countries shows similar abundance in the West Carpathians including the Beskydy Mts., although the lynx is more sensitive to habitat fragmentation (cf. Niedziałkowska et al. 2006¹¹, Jędrzejewski et al. 2005¹², Jędrzejewski et al. 2004¹³).

For the Czech Republic, the most important SACs are SKUEV0288 Kysucké Beskydy, SKUEV0251 Zázrivské lazy, SKUEV0185 Pramene Hruštinky, SKUEV0256 Strážovské vrchy, SKUEV0252 Malá Fatra and SKUEV0188 Pilsko. Intensive hunting pressure in the Slovakian SACs, laying 12-40 km from the Czech-Slovak borders (See Annex 7) cuts down the population growth and dispersal of species to the Czech Republic and Poland.

According to the Habitats Directive, **Article 6:**

3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned, and if appropriate, after having obtained the opinion of the general public.

There was no assessment of wolf hunting plan (decision about 150 wolf quota, Annex 5) done. Competent national authorities did not ascertain it would not adversely affect the integrity of the sites where wolves are present and did not obtain any opinion of the general public or experts. In relation to the Czech wolves, at least following SACs are concerned: CZ0724089 Beskydy, SKUEV0288 Kysucké Beskydy, SKUEV0251 Zázrivské lazy, SKUEV0185 Pramene Hruštinky, SKUEV0256 Strážovské vrchy, SKUEV0252 Malá Fatra and SKUEV0188 Pilsko.

11 Niedziałkowska M., Jędrzejewski W., Mysłajek R. B., Nowak S., Jędrzejewska B. & Schmidt K., 2006: Environmental correlates of Eurasian lynx occurrence in Poland – Large scale census and GIS mapping. *Biological Conservation* 133 (1): 63–69.

12 Jędrzejewski W., Niedziałkowska M., Mysłajek R. W., Nowak S. & Jędrzejewska B., 2005: Habitat selection by wolves *Canis lupus* in the uplands and mountains of southern Poland. *Acta Theriologica* 50: 417–428.

13 Jędrzejewski W., Niedziałkowska M., Nowak S. & Jędrzejewska B., 2004: Habitat variables associated with wolf (*Canis lupus*) distribution and abundance in northern Poland. *Diversity and Distributions* 10: 225–233.

4. Violation of the Habitats Directive - Article 12

According to the Habitats Directive, **Article 12:**

1. Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

(a) all forms of deliberate capture or killing of specimens of these species in the wild;

(b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;

(c) deliberate destruction or taking of eggs from the wild; (d) deterioration or destruction of breeding sites or resting places.

(4) *Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.*

The grey wolf (*Canis lupus*) is listed in Annex IV. except of, among others, “Slovak population”. However, Czech wolves are not excluded from Annex IV and because of their large territories and migration abilities; they are hunted in Slovakia regarded as members of “Slovak population”.

There is an area in Slovakia in the district Čadca near borders with the Czech Republic with whole year protection of wolves. The area is defined in the regulation No. 344/2009 Z. z. (see Annex 4) as “an area north-east direction of the national road from the border crossing Bumbálka to the village Makov and north-west from the river Kysuca and its left-sided tributary – the creek Oščadnica to village Oščadnica. From village Oščadnica the area is bordered by the south border of village Oščadnica to the national border with Poland”. The described area is about 350 km² at whole and it is quite fragmented, including 12 villages and 2 towns where just Čadca has about 30.000 inhabitants.

An average territory size of a wolf pack in Nizké Tatry and Tatry was found to be about 146–191 km² (Findo & Chovancová 2004¹⁴) and similar results come from Polish Carpathians (Nowak et al. 2008¹⁰). It means there can be a maximum of 1–2 wolf packs living in the area with whole-year protection, but naturally, wolves do not know the boundaries and can be easily shot out of the area with whole-year protection. Moreover, the whole-year protection area does not adjoin the south part of the SAC CZ0724089 Beskydy (Javorníky Mts.), where wolves are the subject of strict protection (see Annex 8).

Slovakian authorities ignore also “Guidelines for Population Level Management Plans for Large Carnivores”, a document the European Commission recommended to Member States.

14 Findo S. and Chovancová B. 2004. Home ranges of two wolf packs in the Slovak Carpathians. Folia Zoologica 53: 17–26.

With respect to all above mention facts, we ask the European Commission to take all necessary actions against Slovakia to comply its national law and practices in accordance with the Community law.

With the best regards,

Hana Kovaříková
statutory representative

Annex 1: Original articles by zoologist Dana Bartošová from Administration of Protected Landscape Area Beskydy and FoE zoologist Miroslav Kutal

Annex 2: The table of wolf culls from the seasons 2009/2010 and 2010/2011 from Žilinský county and original letters from from the district forest authorities

Annex 3: The list of Slovakian wolf culls from the season 2010/2011

Annex 4: The regulation No. 344/2009 Z. z.

Annex 5: The letter of the Ministry of agriculture, environment and regional development of the Slovak Republic from 30.09.2010; No. 0746/2010-720)

Annex 6: The list of SACs in Slovakia where the grey wolf is present

Annex 7: The map of SACs in Slovakia near the Czech and Polish borders where the grey wolf is present

Annex 8: The map of SAC Beskydy (CZ) and the area of whole-year wolf protection in Slovakia