



STICHTING Het Nationale park
De Hoge Veluwe

European Commission
For the attention of: Mr Humberto Delgado Rosa
Director of Directorate D (Natural Capital),
DG Environment
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BELGIQUE / BELGIË

datum:	ONS kenmerk:	ONDERWERP:
21 september 2023	181240	Request for assistance in addressing the presence of wolves (<i>Canis lupus</i>) in National Park De Hoge Veluwe

Ref: Your letter of 14 August 2023

Dear Mr Delgado Rosa,

Thank you for your response of 14 August 2023 to our urgent request for assistance in the dilemma of the required conservation of Natura 2000 habitats under the Habitats Directive¹ and the increased difficulty of meeting those requirements due to the recent emerging presence of the wolf.

We, Dutch independent foundation *Stichting Het Nationale Park De Hoge Veluwe* (the 'Foundation'), have read your response and appreciate your insights on the dilemma. However, we feel that the difficulties that we are experiencing has not been fully addressed by your response and we are in need of further action on the part of the European Commission.

The dilemma further Explained

In short

We would like to start by re-emphasizing the urgent nature of our request for assistance from the European Commission in addressing this issue. The dilemma the Foundation is facing can be summarised, quick and dirty, as follows: the presence of the strictly protected wolf has detrimental effects and puts significant pressure on the biodiversity within the Hoge Veluwe National Park (the 'Park'). This especially includes the conservation of protected habitats (Natura 2000 sites), and other protected interests, such as nature management, property, public health and safety. Of course, the Foundation has reached out to the Dutch competent

¹ Directive 92/43/EEC.



authorities, both before and since the presence of the wolf in the Park. However, the dilemma the Foundation is facing requires further action and guidance by the European policy makers. After all, it is the Habitats Directive that is executed by the Member States and, ultimately, the landowners. This is why the Foundation has turned to the European Commission, as policy maker and regulator with respect to the Habitats Directive. The Dutch competent authorities in principle have legal means to intervene, but – in absence of sufficient guidance by the European Commission – are struggling and have not been able to adequately address this challenge yet. The dilemma can only be addressed through an integral approach to nature, not through a tunnel vision that is focused on the protection of one species only.

Measures to maintain natural habitats

Article 2 of the Habitats Directive sums up the objectives of the Habitats Directive (underlining by the Foundation):

"1. *The aim of this Directive shall be to contribute towards ensuring bio-diversity 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.*

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.*

3. *Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics.*"

Following from article 6(1) and (2) of the Habitats Directive, Member States are required to take appropriate conservation measures for the conservation of natural habitats. The Foundation is aware that under the Habitats Directive the wolf (*Canis lupus*) is a strictly protected species and the mouflon is not in the Netherlands. This is not the dilemma the Foundation addressed in its letter of 31 July 2023. Rather, the dilemma is as such: since its appearance in the Netherlands in 2018², the wolf has had and continues to have a serious detrimental effect on the carefully realised biodiversity in the Park, including several protected natural habitats within the Natura 2000 site Veluwe and the species that are dependent on these protected natural habitats. These habitat types include:

- Species-rich *Nardus* grasslands, in Dutch: *heischrale graslanden* (H6230) (designated as a priority habitat type in the Habitats Directive);

² Which may be the reason why the Article 17 web tool as referred to in your letter in footnote (3) does not make mention of any reported data coming from the Netherlands; the Article 17 web tool only shows reports / date until 2018.



- Inland dunes with open *Corynephorus* and *Agrostis* grasslands, in Dutch: *Open grasland met Corynephorus- en Agrostis-soorten op landduinen*, or in short: *zandverstuivingen* (H2330);
- Dry sand heaths with *Calluna* and *Genista*, in Dutch: *Psammofiele heide met Calluna en Genista*, or in short: *stuifzandheiden met struikhei* (H2310).

The Veluwe has been designated as a Natura 2000 site for a number of protected bird species pursuant to the Birds Directive³. These include bird species that are home to the typically open areas within the Veluwe and in particular the Inland dunes with open *Corynephorus* and *Agrostis* grasslands (H2330), Dry sand heaths with *Calluna* and *Genista* (H2310) and the (edges of) the other dry or wet heathlands. First of all, this concerns three regularly occurring migratory birds:

- Eurasian wryneck (*Jynx torquilla*, in Dutch: *Draaihals*) (A233)⁴;
- African stonechat (*Saxicola torquata*, in Dutch: *Roodborsttapuit*) (A276)⁵; and
- Northern wheatear (*Oenanthe oenanthe*, in Dutch: *Tapuit*) (A277)⁶.

For the remaining species, these are breeding birds:

- European honey buzzard (*Pernis apivorus*, in Dutch: *Wespendief*) (A072)⁷;
- European nightjar (*Caprimulgus europaeus*, in Dutch: *Nachtzwaluw*) (A224)⁸;
- Common kingfisher (*Alcedo atthis*, in Dutch: *IJsvogel*) (A229)⁹;
- Black woodpecker (*Dryocopus martius*, in Dutch: *Zwarte specht*) (A236)¹⁰;
- Woodlark (*Lullula arborea*, in Dutch: *Boomleeuwerik*) (A246)¹¹;
- Tawny pipit (*Anthus campestris*, in Dutch: *Duinpieper*) (A255);¹² and
- Red-backed shrike (*Lanius collurio*, in Dutch: *Grauwe klauwier*) (A338).

³ Directive 2009/147/EC.

⁴ Non-Annex I regularly occurring migratory bird as referred to in Article 4.2 of the Birds Directive. Relevant for Natura 2000 as a breeding bird.

⁵ Non-Annex I regularly occurring migratory bird as referred to in Article 4.2 of the Birds Directive.

⁶ Non-Annex I regularly occurring migratory bird as referred to in Article 4.2 of the Birds Directive. Relevant for Natura 2000 as a breeding bird.

⁷ Annex I Birds Directive.

⁸ Annex I Birds Directive. Relevant for Natura 2000 as a breeding bird.

⁹ Annex I Birds Directive. Relevant for Natura 2000 as a breeding bird.

¹⁰ Annex I Birds Directive. Relevant for Natura 2000 as a breeding bird.

¹¹ Annex I Birds Directive. Relevant for Natura 2000 as a breeding bird.

¹² Annex I Birds Directive.



The conservation status of five of the - in total - ten bird species is assessed as very unfavourable. Only for Woodlark, European nightjar, and African stonechat the estimated conservation status is favourable.

How wolf predation has negative effects on overall biodiversity and the management of natural habitats (Natura 2000 sites)

Grazing – including natural grazing – is an essential element for the management and governance of the protected natural habitats in the Park. The Dutch competent authorities have recognized this in various policy documents, also in respect of the abovementioned habitats.¹³ The Foundation uses the mouflon as natural grazer for the management of these habitats. These habitats are 'open' habitats that require active management to prevent natural succession to more forested habitats. High levels of nitrogen deposition in the Netherlands further accelerate natural succession of open habitat types, in particular in the form of accelerated clumping with Scottish pine. The reason why the Foundation uses the mouflon, is that the mouflon is the only species that also eats Scottish pine to a significant extent, which grows well on the low-nutrient sand soils of the various open habitats. As a result, the mouflon prevents open areas from turning into pine forest and human intervention in the maintenance of the habitats is hardly required.

Unfortunately, what the Park feared has come true: the wolves have decimated the mouflon population in the Park (from 340 free living to 30 captured individuals), and significant massacres were also caused among the other big game. The remaining mouflons have been fenced off with a wolf-proof and wolf-restraining fence and can no longer be used for the management (grazing) of protected habitats. As a result, the Park will no longer be able to continue to meet the conservation objectives for the protected habitats. As long as the wolves are present in the Park, no alternatives for reaching the conservation objectives are feasible.

The use of other animals is not a viable and/or effective alternative. The mouflon is rather unique in its food choices. Several studies, such as those by Gonzalez (1989)¹⁴ and Hagendorn (2020)¹⁵, show that the food choices of mouflon differ

¹³ Province Gelderland, *Herstelprogramma Heiden en stuifzanden* (In English: *Restoration programme Heaths and Drifting Sands*) *Natura 2000 Veluwe*, May 2023, p. 12 48, 49, 65, 69, 72, 132:

https://media.gelderland.nl/Herstelprogramma_Heiden_en_stuifzanden_GS_mei_2023_weblr_d3d90dee70.pdf?updated_at=2023-05-09T13:42:50.901Z

Province Gelderland, *Beheerplan Natura 2000 Veluwe*, December 2017, p. 37,

https://media.gelderland.nl/Natuurbeheerplan_N2000_Veluwe_maart_2018_886c0a375b.pdf

¹⁴ Gonzalez R. Garcia-; P Guartas; A comparison of the diets of wild goat domestic goat domestic sheep and mouflon in mountainrange area, Institut Pirenaico de Ecologia & Estacion Esperimental de Zonas Aridas, *Acta biol. Mont.*, 1989 (IX): 123-132.



from those of domestic sheep. A study (rumen survey) within the Park (Willemsen, 1980)¹⁶ found that, unlike domestic sheep, Scottish pine is a significant component of the diet of mouflons. This study found that on average, 10% of the diet consisted of Scottish pine, but that in some months the proportion rose to over 15%. Hagedorn (2020) similarly takes note of this foraging. This food choice, combined with its way of life, means that the mouflon has a particularly decisive influence on places where the low-nutrient open drifting sands, heath-rich grasslands, and dry heaths accelerate to become dense with Scottish pine and grasses under the influence of nitrogen deposition. This is confirmed by Verbeek (2006). He indicates that pine stands are usually not eaten or eaten too little by sheared herds.¹⁷

As an alternative to natural grazing by the mouflon, only the wild goat comes into consideration. Gonzalez (1989)¹⁸ shows in his study that compared to domestic sheep, domestic goats and wild goats, the mouflon has a significantly higher proportion of 'pinus' (pine) in its diet, see Figure 1 below. Only the wild goat comes close to the mouflon in terms of diet. However, the use of wild goats (and sheep) through natural grazing is ruled out with the presence of wolves in the Park. Other sheep or goats will suffer the same fate as the mouflons, leaving the problem in full force. A comparison is therefore only potentially meaningful with domesticated 'sheared' sheep and goats. With regard to those domesticated 'sheared' sheep and goats, research, see Figure 1 among others, shows that the diet is substantially different from that of the mouflon and therefore not comparable.

¹⁵ Hagedorn, Iben; Mouflons as a caretaker of the nature, Grazing with European mouflons in the Netherlands and Denmark, Master Thesis of Science in Biology), Det Natur- of Biovidenskabelige fakultet, Københavns universitet, 3 August 2020.

¹⁶ Willemsen R.E., 1980. Leeftijdsbepaling en ecologie van de moeflon.

¹⁷ Verbeek P.J.M., M. de Graaf M.C. Scherpenisse, 2006. Verkennende studie naar de effecten van drukkbe grazing met schapen in droge heide

¹⁸ Gonzalez R. Garcia-; P Guartas; A comparison of the diets of wild goat domestic goat domestic sheep and mouflon in mountainrange area, Institut Pirenaico de Ecologia & Estacion Esperimental de Zonas Aridas, Acta biol. Mont., 1989 (IX): 123-132.



SHRUBS AND TREES	WG	DG	DS	MU
Quercus rotundifolia	16.6	81.4	--	0.2
Pinus nigra	1.9	0.7	1.3	2.6
Quercus faginea	1.2	4.4	--	2.2
Rosa sp	0.3	--	--	--
Juniperus oxycedrus	0.2	--	--	--
Juniperus phoenicea	0.2	--	--	0.2
Ononis aragonensis	--	--	0.2	--
Helianthemum sp	19.2	0.5	25.6	1.4
Cytisus reverchonii	0.5	3.4	8.9	1.2
Thymus mastichina	0.5	--	--	--
Erinacea anthyllis	0.3	--	--	--
Thymus zygis	0.2	--	0.9	--
Hormathophylla spinosa	--	--	0.6	--
Total	41.1	90.4	37.5	7.8

Figure 1. Source: page 127 R. Garcia-Gonzalez (1989) A Comparison of the diets of the Wild Goat (WG), Domestic Goat (DG), Domestic Sheep (DS) and Mouflon (MU) in the Carorla mountain range. Handboek Schapenhouderij (2002), ISSN 0169-3689

In addition, the natural grazing carried out by mouflons in the Park follows the landscape (instead of the landscape following the grazing animals) and enhances the variation present in the landscape and the vegetation. This is also the Foundation's experience. When looking at vegetation development in the areas where mouflons mainly graze, the landscape is enhanced. This is because grazing by mouflons and other natural grazers results in horizontal and vertical diversity. Horizontal diversity of a landscape and vegetation indicates density diversity: some parts are more densely vegetated than others. Vertical diversity looks at the different age stages of vegetation. Various flora and fauna are then also associated with these age stages. With its grazing, the mouflon ensures horizontal and vertical diversity and a rich biodiversity. Grazing with sheared herds cannot respect horizontal and vertical diversity because the herds intensively graze a certain area and then move to a next area. Horizontal and vertical diversity can also not be achieved with machinery.

Without active management, the Species-rich Nardus grasslands (H6230), Dry sand heaths with Calluna and Genista (H2310) and Inland dunes with open Corynephorus and Agrostis grasslands (H2330) will be overgrown in no time with nitrogen-loving vegetation due to natural succession. Without integral grazing, the horizontal and vertical diversity at micro-level, which is extremely important for species, is also lost, including several (also) disturbance-sensitive Birds Directive species. The Park has been a very important site for the aforementioned bird species for many years. The conservation objectives for the Eurasian wryneck (*Jynx torquilla*), Northern wheatear (*Oenanthe oenanthe*), Tawny pipit (*Anthus campestris*) and Red-backed shrike (*Lanius collurio*) in Natura 2000 site De Veluwe require an increase in habitat and habitat quality. The Park's contribution for these species is therefore of great importance as a significant part of the (core) population is located there. These bird species all benefit from the long-standing management approach in the Park. It follows that the Park and the management of the heaths and drifting sands present there is of overriding importance for the



achievement of a number of important and even priority habitat types. There are also concerns about species such as the viviparous lizard (*Zootoca vivipara*), sand lizard (*Lacerta agilis*), and smooth snake (*Coronella austriaca*). If habitats deteriorate or disappear, these species also decline, or even disappear completely. This includes fears for the survival of the heath spinner, blue-winged grasshopper, heather sedge, and lesser bark sage.

Other alternatives would be inadequate as well. Active management with machines will bring too much damage to land and to the species that will be disturbed by the use of these machines. Manually managing these habitats is impossible given the size of the Park and would equally lead to disturbance of species.

Not only a conflict with people and farming, but with natural, protected habitats and species

The strict protection of species will, taking into account the proof for a favourable conservation status and requirement of absence of a satisfactory alternative, take precedence over the other interests, such as the conservation of Natura 2000 habitats. This will result in far-reaching protection of protected species at the expense of Natura 2000 sites and other protected species.

Until now, the attention of national and European authorities has indeed been focused mainly on the recovery of the wolf and the possible (social) conflicts that concern livestock and security of people and other animals. But that view is too narrow. On the basis of the foregoing, one can say that the presence of the wolf enriches biodiversity – after all, a species is added – but the presence of the wolf will also have the detrimental effect of eliminating several habitats and species, and effectively impoverishing biodiversity as a whole (Article 16(1)(a) Habitats Directive). In summary: there is a conflict between one protected species against multiple protected habitats and species dependent on these habitats.

Responsibility of the European Commission

In your letter, you referred us (back) to the Dutch competent authorities. Unfortunately, the focus of the national, provincial, and local authorities has been on the wolf as a protected species in light of their obligation under Article 6(1) and (2) of the Habitats Directives. As a result, it has been made impossible for the Foundation to protect and conserve natural habitats and species dependant on those habitats (Natura 2000 sites).

The cross-border nature of the territory of the wolf further complicates the taking of any measures by national, provincial, or local authorities, such as population management, if that were allowed under the Habitats Directive. Currently, there is no voluntary agreement with any other Member States on international wolf management. The Habitats Directive seeks to protect conflicting interests, which must be balanced accordingly. This delicate balancing act is not feasible on the



national level, as the 'wolf dilemma' asks for unified action and coherent guidance across Member States.

Although the mouflon may not be a species of Community interest, natural grazing is vital and indispensable to the protection of the Natura 2000 habitats present in the Park, which makes the Park unique. The mouflon is integral to conservation of Natura 2000 area De Veluwe (within which the Park is located). As a result, as the Foundation is responsible for managing the conservation of the Park, it is by necessity also responsible for the conservation of the mouflon. The absence of protection for the mouflon in EU legislation does not diminish the duty of the Foundation to ensure the survival of the Park's ecosystem and to meet the conservation objectives for protected natural habitats – which is a matter of EU interest.

While the Foundation understands the matter of the wolf as regards its protected status, the Foundation's interests, which are interests that equally align with the Habitats Directive, are not heard. This is difficult to understand and perhaps even counterproductive, as landowners such as the Foundation are the pre-eminent stakeholders who ultimately have to implement EU policy.

We hope you understand from this clarification that it is not fruitful to seek a solution at the national level. We once again implore the European Commission to provide more guidance and action regarding this dilemma. Since urgent action is paramount, we propose three possible solutions at an EU level, which we will enumerate below.

Proposed solutions

The Foundation proposes the following three options for action at an EU level:

1. Moving the wolf from Annex IV(a) to Annex V(a) to enable active population management.
2. Adopting an international wolf management plan at EU, regional and/or population level and allow active population management on that basis.
3. Offer concrete guidance on how to balance the interests of the wolf and protected habitats and other protected species to enable Member States to make swift and high-quality assessments with respect to exemptions requests based on Article 16 of the Habitats Directive.

1) Move the wolf from Annex IV(a) to Annex V(a) to enable population management

Whereas species listed in Annex IV(a) are strictly protected, the taking in the wild and exploitation of the species listed in Annex V(a) may be subject to management measures. Specific wolf populations have already been included in



this Annex V(a).¹⁹ If moved to Annex V(a), the wolf will remain a species of Community interest, and will therefore continue to be subject to the general obligation to ensure a favourable conservation status. This obligation has to be monitored by the Member States according to Article 11 of the Habitats Directive. If monitoring shows that the conservation status is under threat, the Member States concerned are required to take measures to restrict the taking and exploitation of these species in order to guarantee their conservation status. In these cases, the authorities have considerably more options in terms of the tools they can use for the conservation and management of wolf populations than in the areas where the wolf is strictly protected under Annex IV.

Restrictions on the wolf, as a management measure such as site closures (see the *Finnish populations within the reindeer management area*), are explicitly compatible with the Habitats Directive, provided Annex V applies to the species concerned. Moving the wolf as species from Annex IV(a) to Annex V(a) gives Member States the appropriate and required tools for management of wolf populations in densely populated areas.

2) Ensure the adoption of an international wolf management plan at EU, regional and/or population level

In light of the wolf's large, cross-border territory, the favourable conservation status of the wolf cannot adequately be assessed at Member State level. The favourable conservation status for larger carnivores such as the wolf should therefore be considered at a supranational / European level. The Central European (sub)population should be considered at a pan European level, also taking into account the exchange with species from other populations, such as the Baltic and Alpine (sub)populations. The European legislator should not leave it to the individual Member States to form voluntary alliances in setting up a wolf management plan. Individual landowners and managers of nature parks, who are confronted with an urgent or immediate problem when encountering a wolf, cannot be left at the mercy of such voluntary alliances of Member States. A requirement should therefore be introduced at EU level that for Member States to adopt an international wolf management plan at European (EU), regional and/or population level to maintain a favourable conservation status and allow active population management on that basis.

3) European Commission guidance on balancing protection wolf with protection other interests

Further guidance on how to balance the interests involved is required at EU level, for example through delegated or implementing acts or, at a minimum, concrete European Commission guidance. Such guidance should address how, for

¹⁹ See footnote 2.



derogation purposes, the interest of protection of the wolf and the interest of protecting natural habitats and other protected species (or other interests such as ownership) should be balanced. This will enable Member States to make swift and high-quality assessments with respect to exemptions requests based on Article 16 of the Habitats Directive. Without such guidance, authorities are not well-placed to decide on exemption requests that require balancing the interest of large carnivores/species with large territories and protected habitats and other protected species.

URGENT REQUEST FOR assistance

The presence of the wolf in the Park puts significant pressure on other protected interests, including, in particular, conservation of Natura 2000 sites, nature management, property and public health and safety. Action at an EU level is therefore both appropriate and required. This should be done by either by moving the wolf as a species from Annex IV(a) to Annex V(a), by adopting a regional (EU) wolf management plan or by providing guidance on how the interest should be weighted.

We look forward to hearing your response. If the European Commission identifies other solutions to the dilemma put forward in this letter, we are keen to learn about those solutions. In this respect, the Foundation was happy to read the European Commission's press release with the title: "*Wolves in Europe: Commission urges local authorities to make full use of existing derogations and collect data for conservation status review*", meaning the European Commission has realized that action at European level is required. The Foundation would be grateful to be kept updated on any follow-up actions.

We very much appreciate and accept your invitation for a meeting and a discussion on this issue, and perhaps these proposed solutions, at your earliest convenience. In order to have a useful and fruitful discussion we would appreciate more guidance ahead of this meeting.

Yours sincerely,

Seger van Voorst tot Voorst
Director-chairman of the Foundation