



18.1.2021

NOTICE TO MEMBERS

Subject: Petition No 0685/2020 by Gabriela Fletan (Romanian) on the management of the wild bear population in the Jiu Valley, Romania

1. Summary of petition

The petitioner complains about a bear attack on her family's cattle and argues that the region of the Jiu Valley has become unsafe due to the presence of wild bears. She is unhappy with the EU legislation that protects bears and calls on the local authorities to adopt measures aimed at stopping further bear attacks in the region.

2. Admissibility

Declared admissible on 30 September 2020. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 18 January 2021

The Commission's observations

The Commission refers to its detailed reply on the bear situation in Romania given to petition 1188/2019.

Conclusion

The Commission refers to the conclusion given in its reply to petition 1188/2019.

(Commission reply to Petition 1188/2019, received on 8 June 2020:

The brown bear is a strictly protected large carnivore species listed in Annexes II and IV of the

Habitats Directive¹. According to the latest report submitted by Romania under the Habitats Directive covering the period 2013-2018², it is in favourable conservation status both in the Alpine and Continental biogeographical regions. The National Bear Action Plan³ that Romania drafted in 2018 indicates a population range of 6,050 to 6,640 individuals in 2016. However, these estimates are not fully reliable given that they are based on data reported by hunting units, which are then processed to eliminate double or triple counts. Thus, they may overestimate the real population. Monitoring using genetic samples, which would deliver better data, is one of the actions of the Action Plan but it still has to take place.

Article 12 of the Habitats Directive prohibits the deliberate capture or killing of specimens of species listed in Annex IV (a). Nevertheless, Member States may derogate from the provisions of this article as long as the conditions of Article 16 are fulfilled. Among the reasons for which such a derogation is possible is the interest of public health and public safety and the prevention of serious damage to crops and livestock or other types of property.

It is the competence of the Romanian authorities to decide about issuing these derogations. However, Article 16(2) of the Habitats Directive requires them to submit to the Commission every two years a report on the derogations applied. The latest report that Romania submitted shows that, in 2016, 552 bears were subject to capture or killing under the derogation.

The basis for the EU's policy on large carnivores is the concept of coexistence between large carnivores and people, sharing the same multifunctional landscapes. The Commission has been actively supporting Member States and stakeholders to design and put in place suitable solutions so that the conservation of these species and the interests and needs of the people can be reconciled. One good example of this is the EU platform on coexistence between people and large carnivores⁴, which, with the Commission's support, brings together different interest groups at EU level to promote ways and means to minimize, and whenever possible find solutions to, conflicts between human interests and the presence of large carnivores.

Inspired by this initiative, regional platforms, with local stakeholders coming together to discuss problems and look for potential solutions for conflicts, have also been established. One of the first three regional platforms was set up in the Harghita County in relation to coexistence with the brown bear⁵. Since its inception in 2018, platform members have succeeded in agreeing on a range of joint actions. These include measures related to research on the bear population, communication and damage management. The most recent joint workshop of the Harghita County regional platform and the EU platform in November 2019 approved a statement⁶ which calls on the Romanian Ministries of Environment and of Agriculture:

1 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

2 <https://www.eea.europa.eu/themes/biodiversity/state-of-nature-in-the-eu/article-17-national-summary-dashboards/conservation-status-and-trends>

3 <http://www.mmediu.ro/app/webroot/uploads/files/2018-04->

17_Anexa%20Plan%20de%20ac%C8%9Biune%20urs%20martie%202018_MINISTERUL%20MEDIULUI.pdf

4 https://ec.europa.eu/environment/nature/conservation/species/carnivores/coexistence_platform.htm

5 https://ec.europa.eu/environment/nature/conservation/species/carnivores/regional_platforms_Romania.htm

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https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/191119Harghita_workshopstatement.pdf

- to operationalize decision-making on intervention for damage-causing bears;
- to give more autonomy to the local level to make rapid and effective decisions;
- to allow key stakeholders to participate in decision-making and the implementation of the National Bear Action Plan; and
- to support the active involvement of game managers in managing large carnivore species and conflicts and to reconsider the role of hunting as a management tool in Romania.

The Commission has also elaborated a document on defining, preventing and reacting to problematic bear behaviour⁷, which is behind many of the conflicts that the petitioners mention. This document stresses that while lethal removal can be an effective solution to deal with certain individuals in the short term, it must be combined with other measures to prevent the development of new problem bears.

The EU Common Agricultural Policy, through the European Agricultural Fund for Rural Development (EAFRD) can support, if Member States choose to do so in their Rural Development Programmes (RDP), effective protection measures that help eliminate or reduce the risk of damage from large carnivores. Such protective measures can include the installation of electrified fences, the training of shepherds in best practices with regard to environments populated by wild animals, the purchase of guard dogs, the construction of shelters for shepherds staying near herds as well as studies to analyse methods of extensive animal rearing in the presence of carnivores. Support can also be directed to the maintenance of protective fences and/or guard dogs, if such maintenance is done regularly and leads to recurring costs, as well as to compensate costs of the work of shepherds.

To date, Romania has not included any of these measures to prevent large carnivore damage in its national RDP but the Managing Authority in charge of the implementation of the RDP has the possibility to amend this latter in view of introducing such measures if deemed appropriate and relevant. Another example of the Commission's efforts to improve coexistence is the revision of the EU guidelines for State aid in the agricultural and forestry sectors and in rural areas for the period 2014-2020⁸, which was adopted in November 2018. This revision has increased the maximum aid for investments for preventive measures to up to 100% if the investment is to prevent damage caused by protected animals like the Brown Bear. Compensation for both direct and indirect damage by protected animals may also be granted up to 100%.

Conclusion

The Commission considers that appropriate measures in accordance with EU legislation and policy are available to deal with the issues raised by the petitioners. Nevertheless, it is for the Member State authorities to decide on the specific actions that are best suited to their national context. In addition, as described above, the Commission already supports Member States in

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https://ec.europa.eu/environment/nature/conservation/species/carnivores/pdf/pa_bear_problem%20bear%20pilot%20action%202015.pdf

8 [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014XC0701\(01\)-20181109&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014XC0701(01)-20181109&from=EN)

various ways in dealing with large carnivore conflict and damage.)