



The strict protection of animal species provided for in the Habitats Directive also extends to specimens that leave their natural habitat and stray into human settlements

The capture and relocation of a wolf found in a village can therefore be justified only where they form the subject of a derogation adopted by the competent national authority

In its judgment in *Alianța pentru combaterea abuzurilor* (C-88/19), delivered on 11 June 2020, the Court ruled on the territorial scope of the system of strict protection of certain animal species provided for in Article 12(1) of Directive 92/43 on the conservation of natural habitats and of wild fauna and flora¹ ('the Habitats Directive'). In that connection, **the Court confirmed that this system of strict protection laid down in respect of the species listed in point (a) of Annex IV to that directive, such as the wolf, also applies to specimens that leave their natural habitat and stray into human settlements.**

In 2016, employees of an animal protection association, accompanied by a veterinary surgeon, captured and relocated, without prior authorisation, a wolf which had been present on the property of a resident of a village situated between two major sites that are protected under the Habitats Directive. The relocation of the captured wolf to a nature reserve did not, however, go to plan and the wolf managed to escape into a nearby forest. A criminal complaint was filed in respect of offences associated with the unsafe capture and relocation of a wolf. In the context of those criminal proceedings, the referring court is unclear as to whether the protection provisions contained in the Habitats Directive apply to the capture of wild wolves on the outskirts of a town or city or on the territory of a local authority.

The Court recalled, first, that Article 12(1)(a) of the Habitats Directive requires Member States to take the necessary measures to establish a system of strict protection of protected animal species, 'in their natural range', prohibiting all forms of deliberate capture or killing of specimens of these species 'in the wild'.

As regards the territorial scope of that prohibition on deliberate capture or killing, the Court noted that, in so far as concerns protected animal species which, like the wolf, occupy vast stretches of territory, the concept of 'natural range' is greater than the geographical space that contains the essential physical or biological elements for their life and reproductions, and therefore corresponds to the geographical space in which the animal species concerned is present or to which it extends in the course of its natural behaviour. It follows that the protection provided for in Article 12(1) of the Habitats Directive does not comprise any limits or borders, with the result that a wild specimen of an animal species which strays close to or into human settlements, passing through such areas or feeding on resources produced by humans, cannot be regarded as an animal that has left its 'natural range'. That interpretation is supported by the definition set out in Article 1(1)(f) of the

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

Convention on the Conservation of Migratory Species of Wild Animals,² according to which the concept of the 'range' of a species means any and all areas that that species crosses.

Consequently, according to the Court, the wording of Article 12(1)(a) of the Habitats Directive, which prohibits the deliberate capture or killing of specimens of protected species 'in the wild', does not allow human settlements to be excluded from the scope of the protection under that provision. The use of the words 'in the wild' is intended only to specify that the prohibitions laid down in that provision do not necessarily apply to specimens kept in a lawful form of captivity.

The interpretation that the protection provided for in Article 12(1)(a) of the Habitats Directive does not comprise any strict limits or borders is also of such a nature as to allow the objective pursued by that provision to be attained. It is in fact a matter of protecting the species concerned not only in certain places – which are defined restrictively – but also specimens of those species living 'in nature' or in the wild which therefore play a part in natural ecosystems. In that connection, the Court noted, moreover, that in many regions of the European Union – such as that at issue in the present case – wolves live in areas occupied by humans, with the human impact on those spaces thus resulting in wolves partially adapting to those new conditions. Furthermore, the development of infrastructure, illegal logging, farming and certain industrial activities contribute to the pressure exerted on the wolf population and its habitat.

Consequently, the Court held that the obligation strictly to protect protected animal species applies to the entire 'natural range' of those species, whether they are in their natural habitat, protected areas or in proximity to human settlements.

As regards the management of situations that may arise where a specimen of a protected animal species comes into contact with humans or their property, in particular conflicts that are the result of human occupation of natural spaces, the Court recalled, next, that it is for the Member States to adopt a full legislative framework which, in accordance with Article 16(1)(b) and (c) of the Habitats Directive, can include measures intended to prevent significant damage, inter alia, to crops or farming, measures taken in the interests of public health and safety or for other imperative reasons of overriding public interest, including those of a social or economic nature.

The Court therefore confirmed that the capture and relocation of a specimen of a protected animal species, such as a wolf, can only be carried out under a derogation adopted by the competent national authority on the basis of Article 16(1)(b) and (c) of the Habitats Directive, in particular on the grounds of public safety.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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² Convention on the Conservation of Migratory Species of Wild Animals, signed in Bonn on 23 June 1979 and ratified on behalf of the Community by Council Decision 82/461/EEC of 24 June 1982 (OJ 1982 L 210, p. 10).