

The referenced study contributes to an ongoing reflection on how to assess conservation status for wide-ranging transboundary populations of species of EU concern. Its approach is neither endorsed nor agreed by the Commission or Member States.

In the case of transboundary populations, the current reporting guidance provides an option for Member States to jointly assess conservation status¹. The Court of Justice of the European Union (CJEU) confirmed that for a wide-ranging species like the wolf, populations in neighbouring countries can be relevant to determine whether the conservation status is favourable nationally². This is particularly relevant for smaller Member States, where continuous exchanges with populations in adjacent Member States may be essential for their conservation³. However, cross border populations may only be considered where there are stable exchanges between those populations, while also taking account of the measures taken in neighbouring countries, and the extent of cooperation and coordination⁴. The CJEU also ruled that the conservation status must be assessed firstly and necessarily at local and national level, so that unfavourable conservation status in a Member State (or a part thereof) is not hidden by a possible favourable status at cross-border level⁵.

For assessing conservation status, only the parameters listed in Article 1(i) of the Habitats Directive⁶ may be considered. If one of those conditions is not satisfied, the conservation status cannot be considered favourable. Economic, social and cultural requirements and regional and local characteristics may be considered insofar as they form part of the influences acting on the species⁷.

Costs may be considered when managing a population, provided this does not undermine the requirement to maintain or restore its favourable conservation status.

¹ https://cdr.eionet.europa.eu/help/habitats_art17/Reporting2025/Final%20Guidelines%20Art.%2017_2019-2024.pdf, Chapter 1.1.

² <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-629/23>, Case C-629/23, paragraph 53.

³ Case C-629/23, paragraph 55.

⁴ Case C-629/23, paragraphs 57-63.

⁵ Case C-629/23, paragraph 47.

⁶ 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.

⁷ Case C-629/23, paragraphs 68-69.