

EN

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Answer given by Ms Roswall
on behalf of the European Commission
(27.8.2026)

The Birds¹ and the Habitats² Directives require that hunting and fishing and any population management of wild species covered by these Directives respect the objective of maintaining or restoring favourable conservation status. The case-law of the Court of Justice of the European Union underscores the importance of using the best available scientific information as a basis for implementing the Directives.

Hunting and fishing regimes as well as population control measures must be aligned with the Directives' protection systems³. Species listed in Annex V of the Habitats Directive and Annex II of the Birds Directive may be hunted and subject to management measures, if this is compatible with their being maintained at a favourable conservation status, and following the provisions set under the Directives. Any derogations from the general provisions, including for strictly protected species, must satisfy the strict and cumulative conditions set out under Article 9 of the Birds Directive and Article 16 of the Habitats Directive (including that there is no other satisfactory solution, that the measure pursues a permitted derogation objective, and that it is subject to strict supervision, selective application and to the other safeguards required by those provisions).

The primary responsibility for ensuring that national hunting and fisheries law complies with the applicable EU law lies with the Member States' competent authorities and judiciary system. In order to assist them, the Commission has adopted several guidance documents⁴. The Commission, as guardian of the Treaties, monitors the implementation of the EU legislation in EU Member States and may take actions to address systemic non-compliance, when appropriate.

¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

² 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.

³ Articles 12 to 16 of the Habitats Directive and Article 7 to 9 of the Birds Directive.

⁴ Guidance to sustainable hunting under the Birds Directive <https://circabc.europa.eu/ui/group/3f466d71-92a7-49eb-9c63-6cb0fadf29dc/library/c899b11c-90f6-4aad-95c5-aac35e4c1e38/details>;

Guidance document on the general system of protection of bird species - Article 5 and Article 9 of the Birds Directive https://environment.ec.europa.eu/publications/guidance-document-general-system-protection-bird-species-article-5-and-article-9-birds-directive_en;

Commission notice Guidance document on the strict protection of animal species of Community interest under the Habitats Directive [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=PI_COM:C\(2021\)7301](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=PI_COM:C(2021)7301);
https://environment.ec.europa.eu/news/commission-adopts-guidance-natura-2000-and-fishing-2025-10-17_en.