

Public consultation to include all Spanish wolf (*Canis lupus*) populations in the List of the Royal Decree 139/2011.

ClientEarth written response

First. Background

1. In October 2019, the Association for the Conservation and Study of the Iberian Wolf (ASCEL) formally requested the Ministry to include all Spanish populations of the wolf (*Canis lupus*) in the Spanish Catalogue of Threatened Species, in the category of Vulnerable. Subsidiarily, it requested the inclusion of its entire Spanish population in the List of Wild Species under Special Protection Regime. This request was based on articles 56 and 58 of Law 42/2007 on Natural Heritage and Biodiversity.

2. On 22 February 2020 the Scientific Committee of the Wildlife Committee of the Ministry issued an Opinion (CC 48/2020) in which it unanimously recommended the inclusion of all the Spanish wolf populations in the List, due to its important ecological and cultural value. The Committee abstained on its inclusion as Vulnerable in the Catalogue, given that the information on its range in the early 20th century is not conclusive.

3. The State Commission for Natural Heritage and Biodiversity has approved this listing proposal at its meeting of 4 February 2021.

4. On 9 February 2021, the "Draft Ministerial Order amending the annex to Royal Decree 139/2011, of 4 February, for the development of the List of Wildlife Species under Special Protection Regime and the Spanish Catalogue of Threatened Species" was submitted for public consultation, to include all Spanish populations of the wolf (*Canis lupus*) in the List.

Second. Basic regulation on protection of wild species in Spain. Situation of the wolf.

Law 42/2007 on Natural Heritage and Biodiversity created the List of Wildlife Species under Special Protection Regime, and within it, established the Spanish Catalogue of endangered species. The List is a public register of administrative nature and national level, under the Ministry of Environment competence.

The List will include those species, subspecies and populations that (a) are worthy of particular attention and protection on the basis of their scientific, ecological or cultural value, their uniqueness, rarity or degree of threat, as well as (b) those that are listed as protected in the annexes of the Directives and international conventions ratified by Spain. The inclusion of a species in the List entails the periodic evaluation of its conservation status, as well as generic prohibitions, such as hunting. [Articles 56 and 57 Law 42/2007]

The Catalogue of Threatened Species will include, when there is technical and scientific information that so advises, the populations of threatened biodiversity, including them in the categories of "Endangered" or "Vulnerable". The Autonomous Communities shall draw up and approve conservation and recovery plans for these species. [Articles 58 and 59 Law 42/2007]

The Iberian wolf (*Canis lupus*) is a species of community interest in Spain. For the conservation of the Spanish populations south of the Duero it is necessary to designate special areas of conservation, and these populations always require strict protection, even outside these areas (Annexes II and V Law 42/2007). These south-Duero populations are included in the List (Royal Decree 139/2011). However, the Spanish populations north of the Duero do not currently enjoy this protection and may be subject to exploitation and management measures, including hunting (Annex VI Law 42/2007).

The inclusion of a taxon or population in the List or Catalogue shall be carried out by the Ministry of Environment, according to the procedure established in articles 56 and 58 of Law 42/2007, developed in article 6 of Royal Decree 139/2011, which includes the opinion of the Scientific Committee, regulated in article 7.

Third. Opinion of the Scientific Committee of 22 February 2020

1^o. The Scientific Committee does not recommend the inclusion of the wolf in the category 'Vulnerable' in the Catalogue, as the information provided on the size of the range at the beginning of the 20th century is not conclusive. Thus there is no certainty that it meets criterion B.3 of the Guiding Criteria (range reduction)

by comparison with the current population. However, the Committee warns that *"The results of Rico & Torrente (2000) on wolf captures in the mid 19th and 20th century seem to indicate a significant reduction of wolf range that could fulfil sub-criterion B.3 if scientifically verifiable information could be found"*.

2°. Regarding the listing, the Committee begins by stating that *"it seems inappropriate, at present, to refer to wolf specimens located south of the Duero as a distinct population. This probably made sense in the past when there was an isolated population in Sierra Morena (Gómez-Sánchez et al. 2018). Nowadays, the populations south of the Duero are the result of a southward expansion of the more northerly populations and although we have not found works that reflect this, it is likely that there is gene flow between individuals located south and north of the Duero River. But it should be noted that recent work shows that there may be isolation between wolf populations on a smaller scale in the Iberian Peninsula (Gómez-Sánchez et al. 2018) in line with what occurs in some other wolf populations (Aspi et al. 2009). A genetic study of the wolf at the Iberian level is therefore necessary to estimate the degree of conservation of the populations (if any) and thus adapt the legislation to the biological reality as proposed by the guiding criteria themselves"*.

3°. Although no guiding criteria have been established for the inclusion of species in the List, the Scientific Committee indicates that *"the authors of the report detail the evidence of the important ecological value of large carnivores and in particular the wolf as a fundamental part of the functioning of ecosystems (Ripple et al. 2014; Beschta & Ripple 2019; Dickman et al. 2019). The cultural value of the wolf is undoubted, and the importance of the wolf in early domestication processes, the study of which has led to the development of part of evolutionary biology, can be noted alongside its arguments"*. All this makes the Committee recommend the inclusion of all the populations of the species in the List *"because the available information shows its importance as cultural and scientific heritage, as well as the environmental services produced by the presence of this carnivore in the natural ecosystems"*.

It should be stressed that the Opinion of the Scientific Committee, recommending the inclusion of all Spanish wolf populations in the List, was issued unanimously. This Committee is formed by 19 recognised Spanish experts and scientists from official research centres, Universities and administrations, appointed at the proposal of the Autonomous Communities (9), non-governmental organisations (5) and the General State Administration (5).

We understand that no socio-economic considerations can be used against the listing and protection of the wolf north of the Duero, as only the scientific, ecological, cultural, singularity, rarity or degree of threat are mentioned in article 56(1) of Law 42/2007. In this sense, the Scientific Committee indicates *"Nor is the Committee unaware of the conflicts that the wolf poses in certain areas of Spain due to its coexistence with livestock and the need to reconcile its conservation with the profitability of the Spanish countryside. This conflict must be tackled by the determined support of the administrations to exploitation systems in accordance with the conservation of the Natural Environment"*.

In view of the above,

We request

1°. That the Ministerial Order amending the annex to Royal Decree 139/2011 to include all Spanish populations of the wolf (*Canis lupus*) in the List of Wildlife Species under Special Protection Regime, be processed and approved.

2°. According to the Scientific Committee, the results of wolf captures in the mid-19th and 20th centuries seem to indicate an important reduction of the wolf distribution area that could fulfil the sub-criteria B.3 for its cataloguing as "Vulnerable", if scientifically verifiable information is found. They also state that it is probable the existence of genetic flow between the individuals located south and north of Duero river. Therefore, given the possibility –indicated by the Scientific Committee- that the criteria for classification as "Vulnerable" are already met, and in application of the precautionary principle of Article 191 TFEU, we additionally request:

- a) That the Ministry compiles the technical and scientific information necessary to initiate the process of cataloguing the Spanish wolf populations as "Vulnerable", and where appropriate, the Ministry commissions the necessary studies and research on these aspects indicated by the Scientific Committee.
- b) A state conservation plan be approved for all Spanish populations of the wolf (*Canis lupus*).

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