



<Commission>{PETI}Committee on Petitions</Commission>

<Date>{29/11/2022}29.11.2022</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 1188/2019 by Csaba Borboly (Romanian), bearing 4 signatures, on the management of the brown bears in Romania

Petition No 1214/2019 by F.I. (Romanian) on the protection of the brown bear in Romania

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

Petition No 0534/2021 by Mircea Serbanoiu (Romanian), on behalf of the Federation for the Protection of Animals and the Environment, on protection of the bears and their natural habitat in Romania

Petition No 0410/2022 by Carla Stan (Romanian) the Romanian law concerning the killing of bears</TITRE>

1. Summary of petition 1188/2019

The petitioners complain about the management of the brown bear in Romania, arguing that the Romanian government does little to protect the safety and property of the citizens living in the concerned habitats. They claim that brown bear attacks against humans and livestock are on the rise, and so are damages to private property and agricultural production.

Summary of petition 1214/2019

<PathFdR>CM\1268968EN.docx</PathFdR>

PE<NoPE>653.737</NoPE><Version>v02-00</Version>

The petitioner condemns the action of the local authorities in four counties with large brown bear populations, which directly affects the bears' habitat and forces them to leave their territories, thus increasing the frequency of human-bear interactions. According to the petitioner, local authorities turn a blind eye on massive illegal logging and approve the construction of residential housing in remote areas, including national parks where construction is prohibited by law. Moreover, the petitioner argues that Romania is one of the few European countries that allow vehicle access on forest roads, has no legislation or fines for persons who alter the behaviour of wild animals and completely lacks wildlife bridges (ecoducts) allowing safe passage of wild fauna over highways and motorways.

Summary of petition 0685/2020

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.

Summary of petition 0534/2021

The petitioner asks for the modification and completion of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. The changes called for would prohibit, in the cases of the species protected by this legislation, the hunting, trading of trophies, trading in meat and other goods resulting from hunting, by legal and natural persons and would make mandatory the identification of all animals of the protected species.

He claims that due to the interest of companies engaged in illegal deforestation, the brown bears in Romania are pushed out of their habitats and hunted, in some cases illegally. The petitioner also notes a court-case lodged by the organisation headed by him, in which the derogation from the interdiction to hunt bears granted by the Environment Ministry has been ruled as illegally granted and subsequently quashed. He alleges that the objective, including that of the Environment Ministry, is to exterminate the bears, under the pretext of the danger they supposedly are to the human populations that encounter them. The petitioner also alleges illegal widespread barbaric hunting practices and trafficking of bear meat and live cubs. He concludes with an invitation to all responsible to see personally how the situation of bears is in Romania.

Summary of petition 0410/2022

The petitioner calls assistance to change the Romanian law that allows local authorities to decide on the killing of bears. The petitioner states that since the adoption of the law, 11 bears have been killed, including one that had cubs that were subsequently left alone.

2. Admissibility

Petition 1188/2019 was declared admissible on 26 March 2020.

Petition 1214/2019 was declared admissible on 27 March 2020.

Petition 0685/2020 was declared admissible on 30 September 2020.

Petition 0534/2021 was declared admissible on 11 October 2021

Petition 0410/2022 was declared admissible on 18 July 2022

Information requested from Commission under Rule 227(6).

3. Commission reply for petitions 1188/2019 and 0685/2020, 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

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-dashboard/s/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

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:

- 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

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

⁶

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

⁷

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

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 various ways in dealing with large carnivore conflict and damage.

4. Commission reply for petition 1214/2019, received on 8 June 2020

As this petition is a reaction to petition 1188/2019, the Commission refers to its reply to that.

It also adds the following observations specific to this petition.

Over the past years, the Commission received information about deforestation in Romania, also in Natura 2000 sites designated to protect habitat types and species listed in Annexes I and II of the Habitats Directive⁹. In February 2020, the Commission opened an infringement procedure against Romania for breaches of the Habitats and of the Strategic Environmental Assessment¹⁰ Directives, as well as of the Timber Regulation¹¹.

The Commission has no plans to propose removing the brown bear as a strictly protected species from Annex IV of the Habitats Directive.

Conclusion

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

5. Commission reply (REV I) for petitions 1188/2019, 1214/2019, 0685/2020, 0534/2021 and 0410/2022, received on 29/11/2022

The petitions

The petitions related to the conservation and management of the brown bear in Romania were discussed in the European Parliament's Committee on Petitions on 24 February 2021. The Committee chair decided to keep them open and asked the Commission to monitor how Romania implements its brown bear strategy and for information on increasing financing for

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)

⁹ 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.

¹⁰ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, *OJ L 197*, 21.7.2001.

¹¹ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance, *OJ L 295*, 12.11.2010.

measures to protect both humans and bears.

The Commission's observations

In December 2021, the Commission services held a discussion with the Romanian authorities on nature conservation issues, including coexistence with large carnivores. The Romanian authorities explained that a number of actions of the 2018 brown bear action plan had been implemented, including dialogues with local authorities in areas with bear populations, the development of green corridors and the reinforcement of communication on coexistence between bears and humans.

They also presented emergency ordinance 81/2021 on immediate intervention methods for preventing and dealing with attacks by brown bears inside settlements, which had been adopted in July 2021. The ordinance applies to interventions in critical situations. These interventions are carried out following an established procedure and involve the local mayor or his deputy, the gendarmerie, technical staff of the game management unit and a veterinarian. The decision, taken by the mayor and depending on the risk posed by the animal, can range from making noise to drive away the bear to relocation or killing. All interventions are recorded in a public register. As of December 2021, 108 actions had been taken and killing had been authorized in six of these.

In July 2022, following a vote in the Romanian Parliament, the emergency ordinance became Law 197/2022 and its scope of application was extended to attacks by brown bears outside settlements.

As noted in the Commission's previous observations, Romania did not include any measures to prevent damage by large carnivores in its 2014-2020 Rural Development Programme (extended till 2022). In February 2022 Romania submitted its draft 2023-2027 CAP Strategic Plan, which does not include funding for such measures either.

Conclusion

The Commission closely follows the situation of the brown bear in Romania, including the interventions carried out under Law 197/2022.