



30.11.2018

NOTICE TO MEMBERS

Subject: Petition No 0352/2018 by Francisco Javier Fabo Indurain (Spanish) on the protection of the beaver in Spain

1. Summary of petition

In a very brief petition, the petitioner asks for the recognition of the beaver as a protected species in Spain. He claims that most Spanish rivers are in a poor condition, they no longer flow into the sea and they need the beavers because of their contribution to recovering aquatic ecosystems.

2. Admissibility

Declared admissible on 29 August 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 November 2018

The Commission's observations

The European beaver (*Castor fiber*) is listed under Annex IV of the Habitats Directive¹. Therefore, in accordance with Article 12 of the Directive, Member States must establish a system of strict protection for the species in its natural range. The beaver is also listed under Annex II of the Directive. Article 4 of the Directive requires Member States to propose Natura 2000 Sites of Community Importance (SCI) hosting Annex II species, enabling them to be maintained or restored at a favourable conservation status in their natural range.

The Commission considers that, when a species spreads on its own to a new territory or when it has been re-introduced, consistently with the procedures foreseen under Article 22 of the Directive, into its former natural range, this territory is to be considered a part of its natural

¹ Council Directive 92/43/EEC, of 21 May 1992, on the protection of natural habitats and wild fauna and flora (O.J. L 206 of 22.07.1992)

range. However, individuals or feral populations of animal species introduced purposefully or accidentally by man to locations where they have never occurred naturally or where they would not have spread to naturally in the foreseeable future, may be considered as being outside their natural range and consequently not covered by the Directive. However, if the reintroduced species manages to naturally re-colonise and settle in its historical natural range, the relevant provisions under Article 4 and 12 of the Directive may become applicable.

At the time of adoption and entry into force of the Habitats Directive, the beaver was not present in Spain and had not been present there for centuries. In 2003, several specimens were illegally released in the Ebro river basin, without the consent of the competent authorities and without previous studies about the desirability of such reintroduction or about the need of measures to avoid potential negative ecological, health and genetic effects.

In light of the above, the Spanish territory was not considered initially to be included in the natural range of the European beaver. Therefore, the provisions under Article 4 and 12 of the Directive, concerning the need to designate SCIs and to establish a system of strict protection for the species, were not considered applicable to the beaver in this territory.

However, the latest information available shows that, fifteen years after its reintroduction in the Ebro basin, the beaver has been naturalized in that territory. Therefore, the provisions of the Directive concerning the protection and conservation of this species should be applicable in the Spanish territory. The Commission has recently confirmed this interpretation to the Spanish authorities, and has asked them to take the necessary steps to establish a system of strict protection as well as to propose SCIs for the species in its territory, as required under Articles 12 and 4 of the Directive, respectively.

Conclusion

The Commission considers that the strict protection provisions under Article 12 of the Habitats Directive, as well as the provisions to designate Sites of Community Importance under Article 4 of the Directive, are applicable to the settled population of the European beaver present in the Spanish territory. It therefore expects the Spanish authorities to take the necessary steps in due time to fulfil these provisions.