

DIRECTORATE OF SOCIAL RIGHTS, HEALTH
AND ENVIRONMENT

Ms Simone KLAIS

Amt der Wiener Landesregierung
Magistratsabteilung (MA) 22 –
Umweltschutz
Dresdner Straße 45
1200 Wien, Austria

Strasbourg, 19 December 2025

Subject: Complaint No. 2022/02, Open file, Austria: Alleged violation of the Convention in relation to deliberate killing of *Lutra lutra*

Dear Ms Klais,

The Standing Committee of the Bern Convention examined the above-mentioned complaint at its 45th meeting on 8-12 December 2025 in light of the latest reports submitted by the authorities and complainant. The decision of the Standing Committee is as follows:

The Standing Committee:

Took note of the report from Austria and thanked the complainant for their presentations.

Noted that, according to Austria's current report (2025) under Article 17 of the EU Habitats Directive 92/43/EEC for the years 2019-2024, the conservation status of the otter (*Lutra lutra*) is now "favourable – with an increasing trend" in the Alpine region and "favourable" in the Continental region of Austria, and that the growth in the otter population in the Alpine region has been recorded despite the annual removal of otters in Carinthia (since 2018). Welcomed this positive development and requested the parties to provide information on its assessment by the EU.

Noted the decline in population of protected aquatic species, in particular those classified as unfavourable in the area such as the Danube salmon (*Hucho hucho*), the crayfish (*Astacus astacus*) and the grayling (*Thymallus thymallus*), which are protected species under the Bern Convention (in Appendix III, Protected fauna species).

Noted disagreement between the information in the Government report and the expertise presented by the complainant which concludes that a link does not exist between the presence of otters and decline in the fish species, and that the feasibility of applying non-lethal alternatives was not sufficiently considered.

Recalled that the use of conibear traps and other non-discriminant means of capture and killing are considered as a prohibited means and method of killing, capture and other forms of exploitation according to Appendix IV.

Expressed concern that the issuing of culling permits was not done on a case-by-case basis, but by setting a fixed quota, and that in view of the lack of inspections, significant

uncertainties remain regarding reporting of both culling and illegal killing, posing a risk of significantly underestimating mortality.

Requested the Carinthian authorities, in cooperation with the federal government of Austria to prepare, a comprehensive report on the culling process, including monitoring data, legal justifications and arguments on substance, implementation procedures, and assessment of selectivity and proportionality.

Requested the Carinthian authorities to withdraw or change the current regulation authorising the use of conibear traps, other lethal traps and shooting in light of the provisions of art. 8 and 9 and Appendix IV of the Convention.

Decided to **elevate the status of the complaint to an Open File**, in view of the concerns raised regarding compliance with Articles 8 and 9 of the Convention, and invited both parties to submit progress reports to the **Autumn Bureau meeting in 2026**, including updated monitoring data and the results of the requested review and reporting.

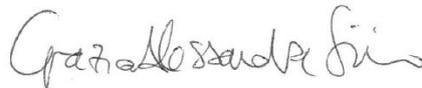
I would like to invite the authorities to send a progress report including the above-requested information and any other relevant updates no later than **31 July 2026, to be addressed at the 2026 autumn meeting of the Bureau.**

Case-file reports should contain the information requested by the Standing Committee or its Bureau and be as concise as possible. The report should be submitted in electronic WORD format and strictly kept to a maximum of 6 pages in total, including an abstract of approximately 2700 characters (with spaces). If you require additional space or wish to attach photographs or other heavy media, please send them as a separate annex to the report. Wherever possible, provide a secure link to a Cloud Drive for ease of access.

The same deadline and format requirements apply to the complainant for the submission of an updated report.

On behalf of the Standing Committee and the Bureau, I would like to thank you for your ongoing cooperation with the Bern Convention and for your work in protecting species and habitats.

Yours sincerely,



Grazia Alessandra Siino
Secretary of the Bern Convention

Cc: Permanent Representation of Austria to the Council of Europe;
Ms Michaela LEHNER, Tierschutz Austria (Complainant);
Ms Telma BRANCO WUNSCH, European Commission Focal Point to the Bern
Convention.