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CC: Nicola Notaro, Bettina Doeser; Andras Bartal

Concerns: Follow-up of the EU Biodiversity Strategy 2030 and protection of critically endangered sturgeon species in Europe

Dear Commissioner,

We were very encouraged by the Green Deal and the new EU Biodiversity Strategy 2030 with a renewed emphasis on freshwater ecology and migration routes expressing the Commission's and the EU's ambition to provide a new and much needed impetus to the protection of biodiversity in Europe.

With this letter we would like to draw your attention to the plight of the critically endangered sturgeon species which are currently on the verge of becoming extinct. The sturgeons are some of the oldest fish species in Europe and represent an important part of our natural heritage.

Most sturgeon species are migratory fish with long lifespan and late sexual maturity which migrate from the sea to the upper reaches of the rivers where they spawn. In view of the number of transboundary rivers in Europe, recovery of sturgeon populations must in order to be effective be subject to transboundary management. In the case of the Danube basin which is an iconic European sturgeon river basin, it comprises 9 EU Member States and 5 non-EU States in the Western Balkans and the EU's Eastern Neighbourhood and requires both EU action and cooperation with non-EU States through the appropriate international conventions.

Globally, sturgeon species of the family Acipenseridae are red-listed by the IUCN and are considered more threatened than any other group of species globally (IUCN 2010¹). In Europe eight species of sturgeon are endemic, seven of which are critically endangered. The EU habitats Directive lists all eight species and the latest reporting under Art17 of the Directive assessed seven species as "Unfavourable bad", meaning they are in "serious danger of becoming extinct". **Despite their high risk of extinction, five sturgeon species are listed solely in Annex V of the Habitats Directive**, which only obliges Member States to ensure that their exploitation and removal from the wild is compatible with maintaining them in a favourable conservation status. (See the enclosed table of European sturgeon species).

¹ <https://www.iucn.org/content/sturgeon-more-critically-endangered-any-other-group-species>

In the Danube River basin alone, out of the 6 sturgeon species historically present one is extinct, while another one is functionally extinct already. This leaves us with 4 highly vulnerable species, all listed in Annex V. For the three of them which are critically endangered it is a question of time only, given the current population trends, before they too become extinct if decisive action is further delayed.

Until today Member States in general have not taken sufficiently effective steps to ensure the recovery of these five species to a favourable conservation status, while the Habitat Directive does not directly oblige them to “designate core areas of their habitat as sites of Community importance (SCIs) and include in the Natura 2000 network to be managed in accordance with the ecological needs of the species”, an essential measure for Annex II species. Similarly, they are not obliged to “apply a strict protection regime across their entire natural range, within and outside Natura 2000 sites” (art 12 & 16), as would be necessary for species listed under Annex IV. Furthermore, they are not affected by the obligation under Article 12(4) to establish a system to monitor the incidental capture and killing of Annex IV(a) species and take further research or conservation measures if required.

As a result of the lack of listing of these sturgeon species in Annexes II and IV of the Habitats Directive, many Member States have deprioritised these sturgeon species in their Priority Action Frameworks or national funding commitments.

Nevertheless, various actors from civil society, scientific institutions, intergovernmental and also state authorities have for a number of years been actively campaigning for sturgeon conservation to be considered a priority, in particular in the Danube River Basin where the above-mentioned Annex V listed species are to be found.

On a European level, a multi-species Pan European Action Plan for Sturgeon was adopted by all contracting parties of the Bern Convention at the 38th Standing Committee 2018. The Plan was later endorsed for implementation under the EU Habitats Directive by the NADEG Group. Arguably, all countries have thus signed up to a political commitment on sturgeon recovery, yet legal obligations on national level derive from EU law, and repeatedly Member State authorities have as stated above de-prioritised sturgeon conservation and habitat protection actions for Annex V species or not considered their habitats in strict protection schemes.

We therefore welcome that the inception impact assessment for the biodiversity strategy mentions that binding legal targets will be considered for species for which are not sufficiently protected by existing legislation. **We strongly urge the Commission to take this opportunity to include additional legally binding targets in the future biodiversity restoration law for the sturgeon species currently covered by Annex V of the Habitats Directive.**

Given the absence of sufficient obligation for conservation action for the Annex V sturgeons under the Habitats Directive, this would not give rise to duplication of action. Sturgeon conservation action in the form of river continuity measures and maintenance and restoration of habitats will also benefit other migratory fish species and thus benefit wider freshwater biodiversity.

Specifically for the sturgeons, recovery will require a multidecadal effort due to their longevity and late sexual maturity, (some sturgeons can become more than 100 years old and only reach sexual maturity after 12-20 years). The emphasis in the legal requirements should therefore be on the measures taken and the monitoring of these and of sturgeon populations as such. Postponing action must not be an option since inactivity will inevitably lead to the loss of the remaining highly susceptible populations.

We would of course be very happy to provide you or your services with any additional information needed.

Looking forward to hearing from you, we remain

Yours sincerely,



Peter Gammeltoft, DSTF (Danube Sturgeon Task Force)



Paolo Bronzi, WSCS (World Sturgeon Conservation Society)



Andreas Beckmann, WWF CEE (WWF Central Eastern Europe)

Annex:

Table 1: Species covered by the Pan European Action Plan and their conservation status according to IUCN Red list and EU Habitats Directive (Annex V listed species are marked in blue font)

Species	IUCN Red List* Status (2011)*	EU Habitats Directive (1992) **
Russian sturgeon complex (<i>Acipenser gueldenstaedtii</i> , <i>A. persicus (colchicus)</i>)	CR (Critically Endangered)	Annex V
Adriatic sturgeon (<i>Acipenser naccarii</i>)	CR (Critically Endangered)	Annex II and IV
Ship sturgeon (<i>A. nudiventris</i>)	CR (Critically Endangered)	Annex V
Atlantic or Baltic sturgeon (<i>A. oxyrinchus</i>)	Globally NT (Near Threatened) Baltic Population CR/EX	treated as <i>A. sturio</i>
Sterlet (<i>A. ruthenus</i>)	VU (Vulnerable)	Annex V
Stellate sturgeon (<i>A. stellatus</i>)	CR (Critically Endangered)	Annex V
European/Common sturgeon (<i>A. sturio</i>)	CR (Critically Endangered)	Annex II and IV
Beluga (<i>Huso huso</i>)	CR (Critically Endangered)	Annex V

* IUCN list of categories ranging from LC (least concern), VU (vulnerable), NT (near threatened), EN (endangered), CR (critically endangered), to EX (extinct) based on their population development, their range, and population status as described by the Assessment Guideline (IUCN 2016)

** EU Habitats Directive's Species listed under Annex II: core areas of their habitat are designated as sites of Community importance (SCIs) and included in the Natura 2000 network to be managed in accordance with the ecological needs of the species. Annex IV: a strict protection regime must be applied across their entire natural range, within and outside Natura 2000 sites. Annex V: Member States must ensure that their exploitation and removal from the wild is compatible with maintaining them in a favourable conservation status.