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P.O. Box, 9023 St. Gallen

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Press Release

regarding judgment A-5142/2021 of 18 January 2023

Standard of proof too high for killing the alpha wolf of a pack

The Federal Administrative Court clarifies the basic question of whether only genetic DNA evidence is admissible for enabling the killing of a parent animal in the wolf pack.

The Hunting Ordinance provides, that parent animals may only be killed by way of exception. That is the case *inter alia* when the requesting canton can prove to the federal authority, that the wolf concerned played a decisive role in the inflicted damages. Hitherto, the Federal Office for the Environment has considered, that only genetic DNA samples from killed farm animals are acceptable as evidence for authorising the elimination of a wolf. The Federal Administrative Court deems this approach too narrow. Apart from the genetic DNA evidence, the cantons may submit further objective evidence. Such evidence must be geared to showing the destructive behaviour of the specific parent animal.

For the first time the Federal Administrative Court has decided on a basic question of the law of evidence – a question that might arise again in the regulation of wolf populations in the future. In practice, the case concerns the elimination of wolf “M92”, the male parent of the Beverin wolfpack. Since the leader of the wolfpack was killed on the night from 8 to 9 November 2022, there is no need for the Court to retrospectively settle any further legal issues in this case.

The wolf is a protected species in Switzerland and the management of the wolf population is strictly regulated. Wolfpacks are essentially regulated through the culling of younger animals. The Hunting Ordinance stipulates that parent animals which seem to be particularly destructive may only be eliminated between the months of November and January.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 365 employees (305.6 FTE) and its 72 judges (64.5 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.