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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

46th meeting

Strasbourg, 7-11 December 2026

Bureau of the Standing Committee

22-24 September 2026

Strasbourg

Open file: 2022/02

**Alleged violation of the Convention in relation to deliberate
killing of *Lutra lutra***

(Austria)

- GOVERNMENT REPORT -

*Document prepared by the
Carinthian Provincial Government*

AMT DER KÄRNTNER LANDESREGIERUNG
Abteilung 10 - Land- und Forstwirtschaft, Ländlicher
Raum
Unterabteilung Agrarrecht

LAND  KÄRNTEN

Ref.Amt der Kärntner Landesregierung ,Abteilung 10 - Land- und Forstwirtschaft,
Ländlicher Raum ,Mießtaler Straße 1 ,9021 Klagenfurt am Wörthersee

To
Bern Convention
Directorate-General for Human Rights and the Rule
of Law

via
The joint representative of the Austrian Provinces
Dr Simone Klais, MA
Office of the Vienna Provincial Government
Department 22 – Environmental Protection
simone.klais@wien.gv.at

Date	27 July 2026
Number	10-JAG-AUSN -48214/2022-65

Please quote the reference number when submitting
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Subject:

Berne Convention; Convention on the Conservation of European Wildlife and Natural Habitats;
Complaint No. 2022/02, against Austria (Carinthia); Carinthian Otter Ordinance;
New report, July 2026, to the Council of Europe;
Progress report

Summary:

Austria's current report (2025) pursuant to Article 17 of the EU Habitats Directive 92/43/EEC for the years 2019–2024 is still being examined by the European Commission; however, based on the monitoring data, no changes are expected as a result of this review.

There is a direct link between the presence of otters and the decline in fish species: see the results presented from fish stock surveys carried out in March 2026 at six locations in streams in the upper trout region, which are in very good to good hydromorphological condition. The decline in fish biomass and fish length at one of these sites with a very good hydromorphological status between 2006 and 2026 – and thus since the first records of otters – is clear. There are ‘no other satisfactory solutions or less restrictive measures’ available. An ‘ex ante’ case-by-case assessment was carried out under the Regulation. The otter is in a favourable conservation status in both the Alpine and continental regions. The population has increased steadily, despite annual culls based on the growth rate.

Compliance with the quota is strictly monitored, and any utilisation of the quota is illustrated using colour-coded maps on the state’s website. Hunting rights fall within the remit of the federal states. The use of Conibaer traps is no longer to be provided for in the future regulation (the regulation currently in force expires in December).

By letters dated 5 December 2022, ref. 10-JAG-12/56-2022, and 28 February 2024, ref. 10-JAG-1/56-2022, the following complaint proceedings No. 2022/02 against Austria (Carinthia) concerning “alleged violation of the Bern Convention regarding the deliberate killing of otters”, comprehensive statements had already been submitted on the points of criticism.

In a letter dated 27 October 2025, the province of Carinthia was once again requested, via the joint provincial representative for Austria, Dr Simone Klais, was once again requested by the Secretariat of the Bern Convention to submit an updated report for Carinthia to the Bureau of the Bern Convention by 15 November 2025.

In response, the Province of Carinthia submitted a comprehensive statement by letter dated 11 November 2025.

In a letter dated 19 December 2025, the Province of Carinthia was again requested by the Secretariat of the Bern Convention, via the joint representative for Austria, Dr Simone Klais, to submit an updated report for Carinthia to the Bureau of the Bern Convention by 31 July 2026

With regard to the request to provide information on the EU's assessment in connection with the Current Report on Austria (2025) pursuant to Article 17 of the EU Habitats Directive 92/43/EEC for the years 2019–2024, it should be noted that the European Commission's plausibility check is still ongoing. As soon as we receive an assessment from the EU, we will be happy to submit it. However, based on our monitoring, we assume that the assessment and the individual parameters will be accepted by the European Commission in the form submitted.

To reinforce the link between the presence of otters and the decline in fish species, the following may be put forward to support and substantiate our position:

Fish stocks are also declining in watercourses with very good to good hydromorphological conditions, particularly in the upper reaches of these watercourses.

In a great many trout streams in Carinthia, the fishing situation has been precarious since the arrival of the otter. Typically, there has since been a shortage of catchable trout above the minimum size, which are predominantly preyed upon by otters. Although scientific studies show that trout stocks are still able to reproduce well on their own, once fish reach a certain size, selective predation by otters becomes massive, which poses a particularly serious problem for the fishing industry. As a result, fishing has not been practised on many streams in Carinthia for years.

Figure 1 shows the results of fish stock surveys carried out in March 2026 at six locations in streams within the upper trout region. **The surveyed sections are in very good to good hydromorphological condition; human influence there has been and remains very limited.** No fish have ever been stocked in these surveyed streams; instead, the natural population of brown trout has always been supported. Before the arrival of the otter, fishing was limited to the catch of just a few fish per year. The otter has been recorded in this area since 2012. This year, too, it is evident that of a total of 296 brown trout caught, not a single one was larger than 23 cm (the minimum catch size for brown trout in Carinthia is 22 cm!). Before the otter was present in this area, fish measuring up to 30 cm and even as long as 46 cm were regularly caught. Natural reproduction continues to take place, meaning there are sufficient numbers of young fish in each year class. Brown trout measuring around 20 cm are now ready to spawn there in autumn, but naturally have relatively few eggs in their bellies.

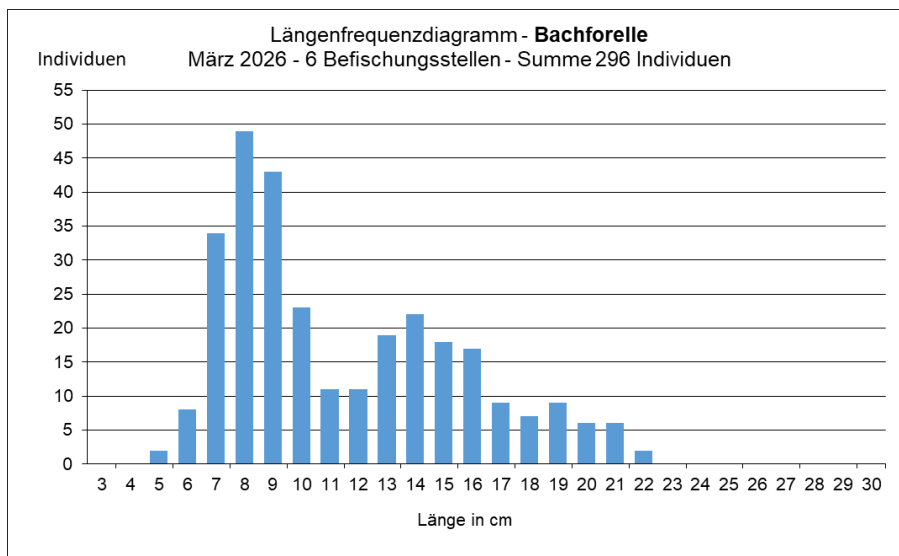


Fig. 1: Length frequency diagram for brown trout, surveys conducted in March 2026 at six locations in the trout region of Carinthia (Source: Carinthian Provincial Government, Department 10 – Agricultural Law Sub-department)

If we now compare the changes in fish biomass and fish length at one of these sites between 2006 and 2026, it is clearly evident that these have declined significantly since the first records of otters in the area (Figures 2 and 3). It should also be noted that the stream and the ' ' fishing spot are in very good hydromorphological condition, and that water temperatures in summer rarely rise above 12°C. The stream can be seen in Figure 4.

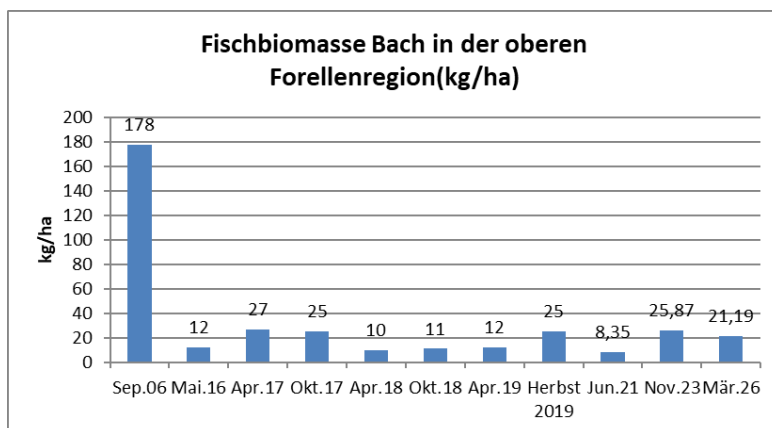


Fig. 2: Change in brown trout biomass in a natural stream in the trout region between 2006 and 2026 (Source: Carinthian Provincial Government, Department 10 – Agricultural Law Sub-department)

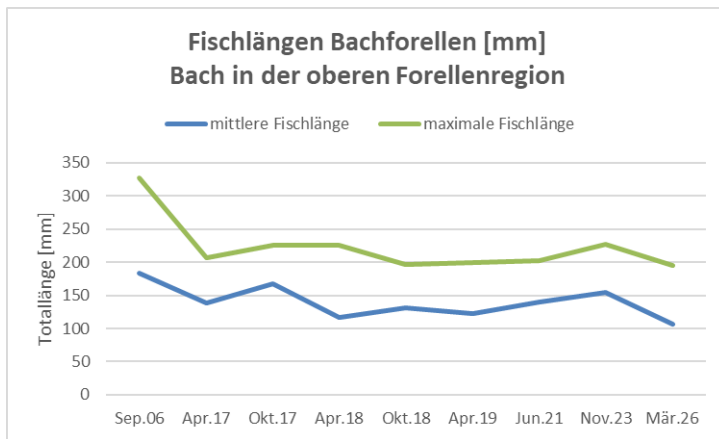


Fig. 3: Change in the maximum and average lengths of brown trout in a natural stream in the upper trout region between 2006 and 2026 (Source: Carinthian Provincial Government, Department 10 – Agricultural Law Sub-department)

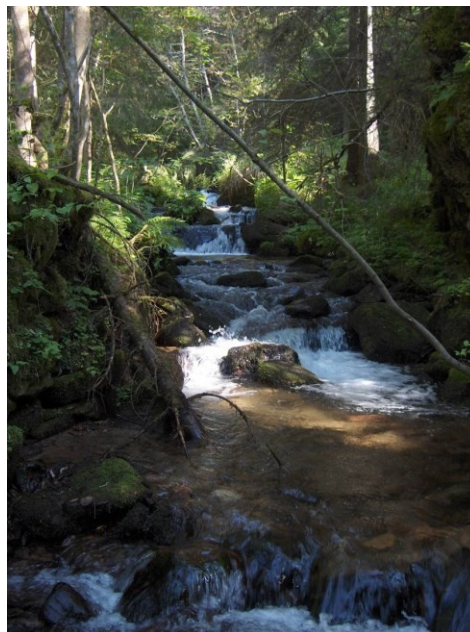


Fig. 4: Stream in the upper trout region, very good hydromorphological status, monitoring site as part of the long-term fish stock surveys; decline in native brown trout stocks since the arrival of the otter from 178 kg/ha to 21 kg/ha. This watercourse still harbours a remnant population of 100 per cent pure Danube-origin (native) brown trout.

For information on the Danube salmon, see the attached study: Study by Thomas Friedl, 'The Development of Danube Salmon Populations (Hucho hucho) in the Gail', April 2023.

The huchen, like the Danube-origin brown trout population native to Carinthia, is classified as critically endangered and threatened with extinction according to the Carinthian Red List of Fish and Lampreys.

See also: <https://kaernten.orf.at/stories/3199624/>

<https://www.naturwissenschaft-ktn.at/verlag/publikationen-shop#!/Rote-Liste-gef%C3%A4hrdeter-Tiere-K%C3%A4rntens/p/549306046>

The original Danube-origin brown trout has now only been recorded in very few streams in Carinthia, such as in the Görtschitz Valley, the Rotschitza and the Hohe Tauern National Park. It is therefore of particular importance to conserve and protect these populations.

Regarding the claim that the feasibility of using non-lethal alternatives has not been sufficiently examined:

No technical protective measures are possible or financially viable for the protection of watercourses.

Moreover, such measures are not legally permissible. The ability for water to flow freely must be maintained. Fencing would constitute a barrier to flood protection. In the case of ponds, the possibility of fencing them off is being assessed. Only if a pond that can be fenced off has this protective measure in place will a grant be awarded from the Carinthian Game Damage Fund.

See the chapter 'No other satisfactory solution or less severe measures' from p. 3 of the explanatory notes to the Otter Ordinance: [Ordinance AR-VO-58703/2024-11 – Topics A–Z – Province of Carinthia](#)

The statements claiming that culling does not take place on a case-by-case basis are incorrect. Rather, a pre-emptive 'ex ante' case-by-case assessment was carried out by the Ordinance. The culling of otters in Carinthia is, in principle, only permitted in the trout and grayling region (excluding conservation areas and parts of the Drau, to ensure the migration of otters into neighbouring countries) as well as in the immediate vicinity of fish ladders, and thus in areas where otters are known to occur and where there have been notably sharp declines in fish biomass.

We base the maximum culling quota on population growth rates. Three monitoring studies (*Schenekar/Weiß*) have concluded that the otter population in flowing waters has increased since 2018. Compliance with the quota is strictly monitored.

We have developed a tool on the Province of Carinthia's website that illustrates the utilisation of the culling quota: [Otter – Culling Quota – Carinthia – 2024/2025 and 2025/2026 – Topics A–Z – Province of Carinthia](#). To ensure that the authorised quota is not exceeded, please note the following: as long as the Carinthia map is coloured *green*, there are still more than 5 otters remaining in the annual culling quota. If the Carinthia map is *orange*, there are 5 otters or fewer remaining in the annual culling quota. In this case, authorised persons must contact us BEFORE removing an otter to ensure that the quota is not exceeded. If the Carinthia Map is *red*, NO further removals are permitted! – as the annual removal quota has been exhausted.

In summary, it can therefore be emphasised that the otter is in a favourable conservation status and that the population has steadily increased – despite the annual culls, which are based on the growth rate – even in the absence of the alleged case-by-case assessments.

Regarding the request to draw up a report on culling practices in cooperation with the Austrian Federal Government, it should be noted that hunting law falls within the remit of the federal states (Article 15(1) of the Federal Constitutional Act) and that responsibility lies solely with the federal states.

With regard to the request to withdraw or amend the current regulation, the following may be stated: The *94th Ordinance of the Carinthian Provincial Government of 10 December 2024*, which is currently still in force, *Ref. No. 10-ABT 28972/2024-74, concerning the temporary exemption from the closed season for otters*, will cease to apply after two years from the date the Regulation came into force, i.e. on 13 December 2026. In the course of issuing a new regulation, the Carinthian Provincial Government intends to no longer provide for the use of Conibaer traps.

On behalf of the Carinthian Provincial
Government: MMag. Renate Scherling,
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Sent to:

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For information:

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