

Strasbourg, 3 March 2010  
[files07e\_2010.doc]

**T-PVS/Files (2010) 7**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

30<sup>th</sup> meeting  
Strasbourg, 6-9 December 2010

---

**Complaint in stand-by**

**Planned culling of badgers (*Meles meles*) in Wales  
(United Kingdom)**

***REPORT BY THE GOVERNMENT***

*Document prepared by:  
The Government of United Kingdom  
in conjunction with Welsh Assembly Government officials*

**Planned culling of badgers (*Meles meles*) in Wales**

The Department for Environment, Food and Rural Affairs  
Biodiversity Programme  
Zone 1/11, Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol, BS1 6EB  
United Kingdom

1 March 2010

**Subject: Planned culling of badgers (*Meles meles*) in Wales (United Kingdom)**

1. I refer to your letter dated 14 December 2009 relating to the planned culling of badgers in Wales and note that your approach is a consequence of a complaint received from the Badger Trust UK. The Badger Trust UK considers that the proposal to cull badgers in Wales, as set out in the UK Bovine TB Eradication Plan for 2010, contravenes Articles 7, 8 and 9 of the Bern Convention. I understand that further information on this matter is being sought ahead of the next meeting of the Bureau in March 2010.
2. As requested, please find accompanying this letter a copy of the Eradication Plan which was sent to the European Commission in September 2009. The Eradication Plan outlines the measures the UK is taking to control the spread of, and progressively eradicate, bovine TB. The Plan has subsequently been approved by the European Commission, although it has not been formally published as yet, and the European Commission's decision letter can be found at: [http://ec.europa.eu/food/animal/diseases/eradication/programme2010/2010\\_programmes\\_pres.pdf](http://ec.europa.eu/food/animal/diseases/eradication/programme2010/2010_programmes_pres.pdf).
3. Welsh Ministers decided that a wildlife strategy is necessary to address the significant reservoir of disease that exists in the badger population (results of the Badger Found Dead Survey<sup>1</sup>) as part of a programme to eradicate bovine TB from Wales. The Tuberculosis Eradication (Wales) Order 2009 provides the legislative powers for a (Wales) government managed wildlife strategy, which includes both culling and vaccination. The Welsh Assembly Government (WAG) is satisfied that there is compelling evidence (including the results of the Randomised Badger Culling Trial (RBCT) as reported by the Independent Scientific Group report<sup>2</sup> and the results of the Badger Found Dead Survey) to demonstrate that a cull of badgers can, if managed effectively, provide significant benefits in reduced cattle herd breakdowns and is therefore an appropriate and proportionate response.
4. On 13 January 2010 the Welsh Minister for Rural Affairs announced the establishment of a pilot area in a TB endemic area of Wales where a government-managed badger cull will be undertaken alongside increased cattle surveillance and controls to deal with all sources of infection. This

---

<sup>1</sup> **Survey of *Mycobacterium bovis* infection in badgers found dead in Wales**

Report for project OG0017 - Bovine tuberculosis: Pathological and microbiological support for the Welsh Assembly Government's Found Dead Survey

<http://wales.gov.uk/topics/environmentcountryside/ahw/disease/bovinetuberculosis/researchandvidence/badgerfounddeadsurvey/?jsessionid=TTk8LZvP2Mn3x5WR15bRHfbnDy87fnDj82SqphLpMLBm4Gm3knnV11963699030?lang=en>

<sup>2</sup> Bourne, J., Donnelly, C.A., Cox, D.R., Gettinby, G., McInerney, J.P., Morrison, W.I & Woodroffe, R. (2007) Bovine TB: the scientific evidence, Defra – [www.defra.gov.uk/animalh/tb/isg/pdf/final\\_report.pdf](http://www.defra.gov.uk/animalh/tb/isg/pdf/final_report.pdf)

combination effect is a new approach not tried before in the UK, but is proving successful in countries such as New Zealand (where wild possums and cattle are the main source of infection).

5. In addition, WAG is actively looking at how they could use badger vaccination in Wales to best effect. This could mean, for example, vaccinating badgers in areas where TB is low and combining vaccination with cattle control measures to keep those areas clean from disease. They are also a member of the English Badger Vaccine Deployment Project Board and are following the project's developments with interest.

6. WAG is of the view that the provisions of the Bern Convention have been fully respected in considering the proposed badger cull.

7. The proposed action will not cause local disappearance of, or serious disturbance to, the badger population in Wales and the UK, and thus WAG is of the view that article 8 of the Convention has not been contravened. WAG anticipates that the culling efficiency rate will be similar to the RBCT which was between 35% and 85% so the population will not disappear, and in addition about 30% of the boundary is not a complete barrier to badger traffic so subsequent immigration will occur. Further, the geographic location (the cull will take place in one location only of 288km<sup>2</sup>) coupled with the closed season will reduce the impact of culling. The estimated number of badgers in the cull area is less than 2000, compared with an estimated number for Wales of 42,000 and an estimated number for England of 234,000.

8. In addition, WAG is of the view that the proposed cull is in accordance with Article 9 of the Convention. Article 9 applies because there is no other satisfactory solution to prevent serious damage to livestock. This is because of the accepted fact that TB exists in badgers and they transmit it to cattle. From the 1950s, the UK Government sought to eradicate TB in cattle by means of cattle control measures. This brought about a decrease in incidents that continued until the 1970s when incidents began to increase. The role of badgers in the spread of TB was discovered and proved. This means that the elimination of bovine TB is not possible without addressing the reservoir of disease that exists in the badger population. WAG is of the view that the only proven method, currently available, of eliminating bovine TB in badgers is to destroy them. In terms of the effectiveness of culling as a means of addressing the disease, the RBCT achieved an estimated overall 9% reduction in the incidence of cattle herd breakdowns. This is against the backdrop of rapidly increasing disease incidence.

9. Whilst WAG recognises that the results of the RBCT have subsequently shown that the reductions in cattle TB incidence achieved by repeated badger culling were not sustained in the long term after culling ended, it is not repeating the RBCT approach in Wales. WAG is proposing to combine a limited cull of badgers with strict cattle control measures within a defined area over a sustained period and, in the longer term, will also consider the use of a vaccination in the area in combination with cattle control measures in order to keep the area free from disease. In addition, WAG is of the view that a cull is justified as there is no other satisfactory solution that would prevent potential damage to public health and safety caused by transmission of TB to humans as a zoonotic disease.

10. The currently available technology does not provide a sufficiently sensitive method of testing badgers for TB. Moreover, capturing and vaccinating all badgers does not immediately remove the reservoir of disease in badgers because the vaccine does not cure animals that are already infected. Different approaches to these challenging issues are being pursued in England and Wales. In England the Badger Vaccine Deployment Project will test the practicalities of vaccinating badgers; and in Wales a combined badger cull, alongside intensive cattle controls and a vaccination programme is being considered.

11. In your letter you also seek information on how this complaint relates to Recommendation 69 (1998) on the protection of badgers in the UK, adopted by the Standing Committee of Bern on 4 December 1998. In our view, Recommendation 69 was specific to the circumstances at that particular time (i.e. the culling of badgers in the UK in 1998) and does not apply directly to the current situation.

**Elaine Kendall**  
**Department for Environment, Food and Rural Affairs**