

Prevention and management of the introduction and spread of invasive alien species

2013/0307(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 606 to 36 votes, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

Purpose: the Regulation set out rules to prevent, minimise and mitigate the adverse impacts of the introduction and spread, both intentional and unintentional, of invasive alien species on biodiversity within the Union.

Member States must take all necessary steps to prevent the unintentional introduction or spread of invasive alien species of Union concern. The amended text stated that this should also cover such introduction or spread by gross negligence, where applicable.

Scope: the amended text reflected Parliament suggestion that **inclusion on the list of invasive alien species should not be capped at 50** as the Commission had suggested, but rather should be **open and based on clear criteria**, which should also make sure that the invasive alien species having the most significant adverse impact among the potential invasive alien species currently known are those that will be listed.

The list should be developed and updated in line with a gradual and phased-in approach and be focused on species whose inclusion in the list would effectively prevent, minimise or mitigate their adverse impacts in a cost efficient manner. As species within the same taxonomic group often have similar ecological requirements and may pose similar risk, the inclusion of taxonomic groups of species into the list of invasive alien species of Union concern should be allowed, where appropriate.

The Commission would submit a proposal for a list based on those criteria **within one year** of the entry into force of the Regulation.

The Regulation would not apply, inter alia, to: (i) pathogens that cause animal diseases; (ii) harmful organisms listed in Directive 2000/29/EC.

Selection criteria: invasive alien species of Union concern should only be included on the list under the conditions set out in the amended text, including: (i) they were, based on available scientific evidence, likely to have significant **adverse impacts** on biodiversity or the related ecosystem services, and may also have an adverse impact on human health or the economy; (ii) it was demonstrated **by a risk assessment that action at Union level was required** to prevent their introduction, establishment and spread; (ii) it was likely that the inclusion in the list will effectively prevent, minimise or mitigate their adverse impacts.

In adopting or updating the list (through implementing acts), the Commission should apply these criteria with due consideration to the implementation cost for the Member States, the cost of non-action, the cost-effectiveness and the socio-economic aspects. The list should include **as a priority** those invasive alien species that: (i) were not yet present in the Union or are at an early stage of invasion and were most likely

to have significant adverse impacts; (ii) already established in the Union and had the most significant adverse impacts.

Risk assessment: such an assessment must have regard to a description of the adverse impact on biodiversity and the related ecosystem services, as well as on human health, safety, and the economy including an assessment of the potential future impacts having regard to available scientific knowledge.

The Commission should carry out the risk assessments, when proposing species for listing as invasive alien species of Union concern. Whenever a Member State submitted a request for the inclusion of a species on the list of invasive alien species of Union concern it should be responsible for carrying out a risk assessment assisted by the Commission if necessary.

Invasive alien species of Member State concern: following Parliament's suggestion, the amended text contained a definition for such species and included in the scope of the regulation were those species which were invasive to one part of the Union, but native to another. Member States may **establish a national list of invasive alien species of Member State concern**. For these invasive alien species, Member States may apply restrictions as provided in the amended regulation to these species. Those measures shall be compatible with the TFEU and be notified to the Commission.

Member States may identify, from their national list of Member State concern, species native or non native to the Union that required **enhanced regional cooperation**.

Invasive alien species of regional concern which were native in a Member State should not be subject to the certain provisions in the territory of that Member State. Member States where these species are native should cooperate with the Member States concerned for the **assessment of the pathways** and, in consultation with the other Member States, may adopt relevant measures to avoid further spread of these species.

Action plans on the pathways of invasive alien species: within **18 months** from the adoption of the list, Member States must carry out a comprehensive analysis of the **pathways of unintentional introduction** and spread of invasive alien species of Union concern, at least, in their territory, as well as in their marine and identify the pathways which require priority action. Within **three years** from the adoption of the, each Member State should establish and implement one single action plan or a set of action plans to address the priority pathways. Action plans should include **timetables for action** and describe the measures to be adopted and, as appropriate, voluntary actions and codes of good practice. Member States should also ensure coordination with the aim of establishing one single action plan or a set of action plans coordinated at the appropriate regional level according to the provisions in the text.

Management measures: for those invasive alien species of Union concern which the Member States had found to be widely spread on their territory, they must have in place effective management measures **within 18 months** of an invasive alien species being included on the list of invasive alien species of Union concern.

Permits: by way of derogation from the restrictions set out, a permit system should be established allowing establishments to carry out research or ex-situ conservation on invasive alien species of Union concern. Where the use of products derived from invasive alien species of Union concern is unavoidable to advance human health, the permit system could include scientific production and subsequent medicinal use.

The amended text went onto provide that the Commission should adopt, by way of an implementing act, the **format of the document serving as evidence for the permit** granted by a Member State, containing certain specified information such as the purpose for which the permit had been granted.

Authorisations: Parliament and Council agreed on the introduction of a new Article on authorisations, which provided that in **exceptional cases**, for reasons of compelling public interest, including those of a social or economic nature, Member States may allow permits for establishments to carry out activities other than the activities allowed under a permit, **following an authorisation by the Commission**, in accordance with the procedure and under the conditions specified in the amended text. The Commission should set up and operate an electronic authorisation system and decide on applications for authorisation within 60 days of receipt.

Following the authorisation by the Commission, the relevant competent authority may issue the permit and was obliged to include in the permits provisions specified in the authorisation by the Commission.

Official controls: these provisions were strengthened by Parliament and Council in the amended text. **Within a year**, fully functioning structures to perform the official controls as described must be in place. Costs incurred while the verification is completed and those arising from the non-compliance shall be at the expense of the natural or legal person within the Union who brought the goods into the Union, except where the Member State concerned determines otherwise.

Costs recovery: in accordance with the **polluter pays principle**, Member States should aim at recovering the costs of the measures needed to prevent, minimise or mitigate the adverse impacts of the invasive alien species, including environmental and resources costs as well as the restoration cost.

Cooperation and coordination: enhanced measures on cooperation and coordination are inserted into the text. Member States should make every effort to ensure close coordination with all Member States concerned and particularly with other Member States sharing the same marine subregions, the same biogeographical region, the same borders, or the same river basin.

Scientific Forum: the Commission should ensure the participation of representatives of the scientific community appointed by the Member States to provide advice on any scientific question related to the application of the Regulation.

Penalties: these may include fines, seizure of the non-compliant invasive alien species of Union concern and immediate suspension or withdrawal of a permit.

Delegated acts: the power to adopt acts should be delegated to the Commission for a period of five years in respect of determining how to conclude that invasive alien species are capable of establishing viable populations and of spreading, as well as for setting out the common elements for the development of risk assessments.

Report: by 1 June 2021, the Commission shall assess the application of this Regulation. The review should also examine the effectiveness of the implementing provisions on **invasive alien species of regional concern**, the need and feasibility to include **native species** in the list and whether further harmonisation is needed to increase the effectiveness of the action plans and measures taken by the Member States.