Basic information

2013/0307(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Prevention and management of the introduction and spread of invasive alien species Amended by 2013/0141(COD) See also 2015/3010(RSP) **Subject** 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity 6.20.02 Export/import control, trade defence, trade barriers	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	POC Pavel (S&D)	23/09/2013
	Shadow rapporteur SOMMER Renate (PPE) GERBRANDY Gerben-Jan (ALDE) DEMESMAEKER Mark (Verts/ALE) GIRLING Julie (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	BEARDER Catherine (ALDE)	27/11/2013
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
PECH Fisheries	DAVIES Chris (ALDE)	23/09/2013

Council of the European Union	Council configuration: General Affairs; Meetings: 3334; Date: 2014-09-29
European Commission	Commission DG: Environment; Commissioner: POTOČNIK Janez
European Economic and Social Committee	
European Committee of the Regions	

Key events

Date	Event	Reference	Summary
09/09/2013	Legislative proposal published	COM(2013)0620	Summary
12/09/2013	Committee referral announced in Parliament, 1st reading		
30/01/2014	Vote in committee, 1st reading		
04/02/2014	Committee report tabled for plenary, 1st reading	A7-0088/2014	Summary
16/04/2014	Decision by Parliament, 1st reading	T7-0425/2014	Summary
16/04/2014	Results of vote in Parliament		
29/09/2014	Act adopted by Council after Parliament's 1st reading		
22/10/2014	Final act signed		
29/10/2014	End of procedure in Parliament		
04/11/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0307(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2013/0141(COD) See also 2015/3010(RSP)
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/13766

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE524.576	27/11/2013	
Amendments tabled in committee		PE526.237	13/01/2014	
Amendments tabled in committee		PE526.283	13/01/2014	
Amendments tabled in committee		PE526.298	13/01/2014	
Committee opinion	PECH	PE521.601	23/01/2014	
Committee opinion	INTA	PE524.661	24/01/2014	
Amendments tabled in committee		PE528.064	29/01/2014	
Committee report tabled for plenary, 1st reading/single reading		A7-0088/2014	04/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0425/2014	16/04/2014	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00070/2014/LEX	22/10/2014	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0620	09/09/2013	Summary
Document attached to the procedure	SWD(2013)0321	09/09/2013	
Document attached to the procedure	SWD(2013)0322	09/09/2013	
Document attached to the procedure	SWD(2013)0323	09/09/2013	
Commission response to text adopted in plenary	SP(2014)471	09/07/2014	
Follow-up document	COM(2019)0085	19/02/2019	
Follow-up document	COM(2021)0628	13/10/2021	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0620	07/11/2013	

Contribution	ES_PARLIAMENT	COM(2013)0620	15/11/2013	
Contribution	IT_SENATE	COM(2013)0620	25/11/2013	
Contribution	RO_CHAMBER	COM(2013)0620	25/11/2013	
Contribution	CZ_SENATE	COM(2013)0620	29/03/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES6354/2013	22/01/2014	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2014/1143
OJ L 317 04.11.2014, p. 0035 Summary

Delegated acts

Reference	Subject
2018/2692(DEA)	Examination of delegated act

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

2013/0307(COD) - 09/09/2013 - Legislative proposal

PURPOSE: to prevent, minimise and mitigate the adverse impacts of invasive alien species (IAS) on biodiversity and ecosystem services.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: it has been estimated that of the over 12 000 alien species that are found in the European environment, 10-15% have reproduced and spread, causing environmental, economic and social damage.

Invasive alien species (IAS) are one of the **major, and growing, causes of biodiversity loss** and species extinction. They can be vectors of diseases or directly cause health problems. They can damage infrastructure and recreational facilities, hamper forestry or cause agricultural losses, to mention but a few. IAS are estimated to cost the Union at least EUR 12 billion per year and damage costs are continuing to rise.

The European Union currently lacks a comprehensive framework to address the threats posed by IAS. With the 2020 Biodiversity Strategy, the Union undertook to halt the loss of biodiversity by 2020, in line with the international commitments adopted by the parties to the Convention for Biological Diversity in 2010 in Nagoya, Japan.

IMPACT ASSESSMENT: in addition to the baseline option (option 0), which would maintain the status quo, the following options were identified:

- ***Option 1***: Enhancing cooperation and supporting voluntary action.
- ***Option 2.1***: Basic legislative instrument.
- ***Option 2.2***: Basic legislative instrument + permits for release of IAS of Member State.
- ***Option 2.3***: Basic legislative instrument + a strict general ban on the release of alien species, unless found to be safe.
- ***Option 2.4*: Basic legislative instrument + an obligation for the rapid eradication of newly establishing IAS of Union concern**: with this option, when it comes to rapid response, Member States would not have a choice, but rather an obligation to eradicate quickly any newly establishing IAS of Union concern and share information. Derogations are possible if approved by the Commission.

Option 2.4 was retained and informs the present proposal.

LEGAL BASIS: Article 192(1) of the Treaty on the Functioning of the European Union.

CONTENT: this proposal aims to tackle the issues highlighted above by establishing a **framework for action** to prevent, minimise and mitigate the adverse impacts of IAS on biodiversity and ecosystem services. Furthermore, it will seek to limit social and economic damage.

In practical terms, the proposal seeks to attain these objectives through measures addressing : (i) the **intentional introduction of IAS** into the Union and their intentional release into the environment; (ii) the unintentional introduction and release of IAS, the need to set up an **early warning and rapid response system**; (ii) the need to **manage the IAS** spread throughout the Union.

The proposal:

- provides the tools for prioritising IAS of Union concern to enable Union resources to be prioritised on the basis of risk and scientific evidence;
- establishes the measures necessary to prevent the introduction into the Union and the introduction or release into the environment of IAS;
- sets out the tools to ensure that IAS of Union concern can be detected early in the environment and at the Union borders and describes the measures that are triggered when these IAS are detected;
- establishes the obligations necessary to tackle IAS of Union concern that are already present in the Union or new ones that have eluded the prevention measures and early detection measures and managed to spread widely.

BUDGETARY IMPLICATION: the budgetary implication on the credit appropriations of an administrative nature is estimated at EUR 560 000 for the first seven years (2015-2021).

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU).

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

2013/0307(COD) - 04/02/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Pavel POC (S&D, CZ) 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.

The committee recommended that Parliament's position in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Initial capping of the list of invasive alien species: whilst the Commission had proposed an initial capping of the number of invasive alien species of Union concern to the top 3% of some 1500 invasive alien species in Europe, the committee felt that **this percentage was arbitrary and unjustifiable**, adding that inclusion on the list should be based on clear criteria, without any limit being set.

In order to ensure that the subset of invasive alien species of Union concern met the objective of placing the emphasis on prevention, it was essential that the list was constantly revised and kept up- to-date. The list should be open, recognising an estimated 1500 invasive alien species currently present in the Union and that the rate of invasion was growing, and include all taxonomic groups include groups of species with similar ecological requirements to prevent derogations from species being traded in the Union to a similar but unlisted species.

'Invasive alien species of Member State concern' was defined a invasive alien species other than invasive alien species of Union concern, for which a Member State considered that the adverse impact from their release and spread, was of significance for its territory and required action at the level of that Member State.

Since the Commission proposal only covered those species which were alien to the entire territory of the EU, Members amended the text so that **included in the scope of the regulation** were those **species which were invasive to one part of the Union, but native to another.**

National derogations for invasive alien species of Union concern: invasive alien species of Union concern which are native in a Member State shall not be subject to the restrictions referred to in the regulation in the territory of the Member State where they are native.

An application for a derogation shall be submitted only if one of certain conditions is met, including a cost-benefit analysis showing that the costs will be exceptionally high and disproportionate to the benefits.

Selection criteria: species included on the list will be selected on the basis of criteria that take account of the extent to which the species is, or could become, invasive within the territory of the Union, the scale of the actual or potential impact on biodiversity or ecosystem services, and human health or economic interests.

Establishment of list through a delegated act: the Commission shall be empowered to adopt delegated acts to establish and update a list setting out invasive alien species and taxonomic groups of species of Union concern on the basis of the criteria laid down in the text. The list shall take the form of an Annex to the Regulation.

Restrictions on invasive alien species of Union concern: Member States may maintain or lay down more stringent national rules with the aim of preventing the introduction, establishment and spread of invasive alien species of Union concern.

Restrictions on invasive alien species of Member State concern: Member States shall ensure coordination of their activities with relevant neighbouring Member States when adopting measures on invasive alien species of Member State concern in their national territory, if there is a significant risk of spread of such an invasive alien species to the territory of neighbouring Member States, or where a joint action would prove more effective,

Action plans on the pathways of invasive alien species: within **two years** from the adoption of the list, there must be comprehensive analyses of the pathways of unintentional introduction and spread of invasive alien species of Union concern identifying the pathways which require priority action.

Within **three years** from the adoption of the list each Member State shall establish and implement an **action plan** to address the priority pathways.

Action plans **do not have to include the measures** of the International Convention for the Control and Management of Ships Ballast Water and Sediments as the Commission had proposed.

Accountability: the report contained a new clause stating the operator (natural or legal, private or public person), who was ascertained to be responsible for intentional or negligent introduction or spread of invasive alien species of Union concern, must held accountable and contributes substantially to meeting the cost of restoration, based on the 'polluter-pays' principle, and with a view to preventing and remedying ecosystem damage caused by invasive alien species.

Accountability for restoration of the operator ascertained to be responsible for intentional or negligent introduction or spread of invasive alien species shall **continue until that species is effectively removed and the ecosystem is restored.**

Information support system: the committee wanted this to be established within 12 months.

Scientific Forum: the implementation of the Regulation, in particular establishing and updating the list of invasive alien species of Union concern, elements of risk assessment, emergency measures and measures for rapid eradication at an early stage of invasion, should be driven by sound scientific evidence. This required the effective involvement of relevant members of the scientific community and the establishment of a dedicated body called the Scientific Forum. .

The Forum will:

- provide opinions concerning species that may be considered for risk assessment with a view to their possible inclusion (and removal(in the list of invasive alien species of Union concern; and
- upon request, conduct risk assessments.

The Scientific Forum shall be chaired by the Commission.

Sanctions: sanctions should take into account the polluter pays principle and apply to all persons (commercial or non-commercial) responsible for introducing non-native species whether intentionally or not.

Public participation: early and effective public participation was particularly important during the process to adopt or update the list of invasive alien species of Union concern and the establishment of action plans and measures. Local and regional authorities must also be involved in decisions taken by Member States on tackling invasive species, as they played a vital role in the implementation of those decisions and in raising public awareness and providing information.

Report: within 5 years from the date of adoption of the regulation, the Commission shall assess the effectiveness of the regulation **including the appropriateness of financing its implementation**, and, on the basis of an examination of the financial background, should make a proposal concerning **Union financial support** in the next financial cycle.

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 shoudl 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 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.

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

2013/0307(COD) - 22/10/2014 - Final act

PURPOSE: to prevent, minimise and mitigate the adverse impacts of invasive alien species on biodiversity and ecosystem services.

LEGISLATIVE ACT: Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species.

CONTENT: this Regulation sets out rules to **prevent, minimise and mitigate the adverse impact on biodiversity** of the introduction and spread within the Union, both intentional and unintentional, of invasive alien species.

Whether it be animals, plants, fungi or micro-organisms, some 12 000 species in the environment of the Union and in other European countries are alien, of which roughly 10 to 15 % are estimated to be invasive.

The main elements of the Regulation are the following:

List of invasive alien species of Union concern: the Regulation provides that the Commission shall adopt, by means of implementing acts, **an open list** of invasive alien species of Union concern, which will be **regularly updated and reviewed at least every six years**. The draft implementing acts shall be submitted to the Committee by 2 January 2016.

When proposing species for listing as invasive alien species of Union concern, the Commission shall carry out the **risk assessment** in relation to the current and potential range of invasive alien species, having regard to certain elements.

Restrictions: the Regulation stipulates that species on this list may not be intentionally brought into the territory of the EU, nor may they be kept, bred, transported to, from or within the Union, placed on the market, grown or released into the environment.

Authorisations and permits: the Regulation also provides for a system of authorisations and permits to allow certain activities based on invasive alien species.

Competent authorities may issue the permits for activities carried out in contained holding that fulfil a certain number of conditions: (i) the invasive alien species of Union concern is kept in and handled in contained holding; (ii) transport to and from contained holding is carried out under conditions that exclude escape of the invasive alien species as established by the permit.

Invasive alien species of regional concern and species native to the Union: the Regulation states that Member States may identify, from their national list of invasive alien species of Member State concern, species native or non-native to the Union that require **enhanced regional cooperation**. The Commission shall act to facilitate the cooperation and coordination among those Member States involved.

Action plans on the pathways of invasive alien species: within three years of the adoption of the Union list, each Member State shall establish and implement one single action plan or a set of action plans to **address the priority pathways** and to prevent the unintentional introduction and spread of invasive alien species of concern, at least in their territory, as well as in their marine waters.

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

Restoration of the damaged ecosystems: Member States shall carry out appropriate restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern unless a cost-benefit analysis demonstrates, on the basis of the available data and with reasonable certainty, that the costs of those measures will be high and disproportionate to the benefits of restoration.

Early detection: the Regulation also establishes a **surveillance system** for early detection (within 18 months of the adoption of the Union list, Member States shall establish a **surveillance system** of invasive alien species of Union concern) and measures for **rapid eradication**. Furthermore, Member States must provide for **penalties** if the Regulation is not correctly applied (seizure of the non-compliant invasive alien species of Union concern; immediate suspension or withdrawal of a permit issued).

Information support system: the Commission shall progressively establish an information support system necessary to facilitate the application of this Regulation. By 2 January 2016 that system shall include a data support mechanism interconnecting existing data systems on invasive alien species.

The Commission will **assess** the application of this Regulation by 1 June 2021.

ENTRY INTO FORCE: 1.1.2015.

DELEGATED ACTS: in order to take into account the latest scientific developments in the environmental field, the power to adopt acts should be delegated to the Commission for a period of **five years from 1 January 2015**.

The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects, the delegated act shall not enter into force.