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Committee on the Environment, Public Health and Food Safety

2013/0307(COD)

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AMENDMENTS 251 - 329

Draft report

Pavel Poc

(PE524.576v01-00)

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

Proposal for a regulation

(COM(2013)0620 – C7-0264/2013 – 2013/0307(COD))

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EN

United in diversity

EN

Amendment 251
Mark Demesmaecker

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

***Coordination and cooperation between
Member States***

- 1. Member States shall, when implementing their obligations under this Regulation in relation to invasive alien species as referred to in Article 4, make every effort to ensure close coordination with all Member States concerned.***
- 2. Whenever possible, Member States concerned shall make every effort to cooperate, including with third countries as appropriate, for the purpose of surveillance, early detection, eradication or management of invasive alien species of Member State concern as well as any other kind of measures for the purpose of preventing, minimising and mitigating the adverse impacts of the introduction and spread of invasive alien species of Member State concern on biodiversity and ecosystem services.***

Or. en

Justification

Derogations on the list of species of Union concern may lead to fragmentation and thus undermine the efficacy of this Regulation. Therefore, the list should not be extended to species of Member State concern. The management of species of Member State concern can best be achieved through coordination and cooperation between the Member States concerned.

Amendment 252
Jolanta Emilia Hibner

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. By [**18 months** from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have an official surveillance system in place which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into the Union.

Amendment

1. By [**3 years** from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have an official surveillance system in place which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into the Union.

Or. pl

Amendment 253
Sandrine Bélier

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. By [18 months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have an official surveillance system in place which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into the Union.

Amendment

1. By [18 months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have an official surveillance system in place which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to **confirm the absence, detect the first arrival or** prevent the spread of invasive alien species into the Union.

Or. en

Justification

The proposed wording captures better the objectives of the surveillance system. It is important to record absence of a given species, as part of the surveillance, because this may help calculate the probabilities that a species is in fact present but has not been detected.

Amendment 254
Renate Sommer

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall introduce a notification requirement for owners of companion animals kept for non-commercial purposes which belong to one of the species included in the list drawn up pursuant to Article 4(1).

Or. de

Amendment 255
Jolanta Emilia Hibner
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. By [**12** months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have in place fully functioning structures to perform the official controls on ***animals and plants including their seeds, eggs, or propagules***, brought into the Union, necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern.

1. By [**24** months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have in place fully functioning structures to perform the official controls on ***invasive alien species*** brought into the Union, necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern.

Or. pl

Amendment 256
Mark Demesmaeker

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. By [12 months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have in place fully functioning structures to perform the official controls on animals and plants including their seeds, eggs, or propagules, brought into the Union, necessary to prevent the **intentional** introduction into the Union of invasive alien species of Union concern.

Amendment

1. By [12 months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have in place fully functioning structures to perform the official controls on animals and plants including their seeds, eggs, or propagules, brought into the Union, necessary to prevent the introduction into the Union of invasive alien species of Union concern.

Or. en

Justification

Official controls may encounter both intentional and unintentional introductions of invasive alien species. There is no reason to exclude the unintentional introduction here.

Amendment 257

Mark Demesmaeker, Catherine Bearder

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The border control authorities shall keep record of the invasive alien species of Member State concern for which they have received information as defined in Article 10(2) and which are found during their controls.

Or. en

Justification

It is important that the information relating to the detection of invasive alien species of Member State concern is not lost.

Amendment 258
Renate Sommer

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2. ***The training programmes for custom authorities shall include information on filling the Single Administrative Document on which the customs declaration is made.***

Amendment

7. ***Based on best-practices***, Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2.

Or. en

Amendment 259
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2. The training programmes for custom authorities shall include information on filling the Single Administrative Document on which the customs declaration is made.

Amendment

7. ***The Commission, together with the Member States***, shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2. The training programmes for custom authorities shall include information on filling the Single Administrative Document on which the customs declaration is made.

Or. lt

Amendment 260
Mark Demesmaeker

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2. The training programmes for custom authorities shall include information on filling the Single Administrative Document on which the customs declaration is made.

Amendment

7. Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern **and, to the extent possible, those of Member State concern**, through cooperation between all authorities involved in the verifications referred to in paragraph 2. The training programmes for custom authorities shall include information on filling the Single Administrative Document on which the customs declaration is made.

Or. en

Justification

It is important to include information, to the extent possible, on invasive alien species of Member State concern, as they are the most likely candidate species of Union concern in the future and have demonstrated their impact as invasive alien species.

Amendment 261
Jolanta Emilia Hibner

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. After early detection and **within three** months after the transmission of the early detection notification referred to in Article 14, Member States shall apply eradication measures and notify those measures to the Commission **and inform** the other Member States.

Amendment

1. After early detection, **without delay** and **no later than five** months after the transmission of the early detection notification referred to in Article 14, Member States shall apply eradication measures and notify those measures to the Commission. The other Member States

shall be notified by the Commission.

Or. pl

Amendment 262

Pilar Ayuso, Cristina Gutiérrez-Cortines Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. After early detection and within **three** months after the transmission of the early detection notification referred to in Article 14, Member States shall apply eradication measures and notify those measures to the Commission and inform the other Member States.

Amendment

1. After early detection and within **five** months after the transmission of the early detection notification referred to in Article 14, Member States shall apply eradication measures and notify those measures to the Commission and inform the other Member States.

Or. es

Justification

This period should be extended from three to five months.

Amendment 263

Oreste Rossi

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When applying eradication measures for invasive alien species fulfilling the criteria of point (ba) of Article 4(2), Member States shall ensure compensation of professional operators for the value of plants, plant products and other objects, subject to destruction, if any, in accordance with Article 19, paragraph 1, of Regulation (EU) [Regulation of the European Parliament and of the Council on the management of expenditure relating to the food chain, animal health

and animal welfare, and relating to plant health and plant reproductive material].

Or. en

Justification

To ensure that rapid eradication measures are effectively applied for IAS compromising plants kept for farming purposes, compensation to professional operators for the value of plant products and other objects subject to destruction should be possible. Furthermore, this amendment allows if necessary to address the financing of the implementation of early eradication measures under the Commission's proposal (COM(2013)327) on the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material.

Amendment 264

Véronique Mathieu Houillon

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ***ensuring*** that targeted animals are spared any avoidable pain, distress or suffering.

Amendment

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ***endeavouring to ensure*** that targeted animals are spared any avoidable pain, distress or suffering.

Or. fr

Justification

The Treaties provide for the Union to take full account of animal welfare in the implementation of certain policies listed in Article 13 TFEU. However, Article 13, which is the only provision referring to animal welfare in the Treaty, does not mention environmental policy. Consequently, the EU does not have the competence to take action on animal welfare in formulating or implementing environmental policy. That is solely the responsibility of the Member States.

Amendment 265

Julie Girling, Chris Davies

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ensuring that targeted animals are spared any avoidable pain, distress or suffering.

Amendment

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ensuring that **both** targeted **and non-targeted** animals are spared any avoidable pain, distress or suffering.

Or. en

Justification

This is to ensure due attention is also given to non-targeted animals.

Amendment 266

Mark Demesmaeker, Pavel Poc, Catherine Bearder, Kartika Tamara Liotard

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ensuring that targeted animals are spared any avoidable pain, distress or suffering.

Amendment

2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, and ensuring that targeted **and non-targeted** animals are spared any avoidable pain, distress or suffering.

Justification

Impact on non-targeted animals should equally be avoided.

Amendment 267

Julie Girling, Chris Davies, Pavel Poc

Proposal for a regulation

Article 16 – paragraph 2 – introductory part

Text proposed by the Commission

2. Applications for derogations shall be based on sound scientific evidence and only be submitted if the following conditions are met:

Amendment

2. Applications for derogations shall be based on sound scientific evidence and only be submitted if ***at least one of*** the following conditions are met:

Or. en

Justification

The justifications listed for derogations from the need to undertake rapid eradications are separate and not cumulative. As long as one or more is met, rather than all, a derogation may be granted.

Amendment 268

Renate Sommer

Proposal for a regulation

Article 16 – paragraph 2 – point c

Text proposed by the Commission

(c) eradication methods are not available or are available but have very serious negative impacts on human health ***or*** the environment.

Amendment

(c) eradication methods are not available or are available but have very serious negative impacts on human health, the environment ***or other species***.

Or. en

Amendment 269
Gerben-Jan Gerbrandy, Pavel Poc, Chris Davies

Proposal for a regulation
Article 16 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an invasive alien species of concern does not pose any significant negative cross-border effects.

Or. en

Justification

If Member States request a derogation for a certain type of species, negative effects of this derogation for (neighbouring) Member States should be excluded.

Amendment 270
Carl Schlyter

Proposal for a regulation
Article 16 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) eradication methods undertaken thus far are considered to be inhumane or ineffective, and the use of these methods would cause pain, distress or suffering to target or non-target animals.

Or. en

Justification

Derogations from eradication methods should be considered in the event that methods undertaken thus far have been demonstrated to be inhuman, ineffective or both, therefore eradication methods should be terminated and derogation from further action granted.

Amendment 271
Jolanta Emilia Hibner

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. By **12** months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

Amendment

1. By **24** months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

Or. pl

Amendment 272
Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. By **12** months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

Amendment

1. By **24** months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

Justification

The time allowed for setting up management measures needs to be extended to 24 months.

Amendment 273

Mark Demesmaeker, Kartika Tamara Liotard

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. By 12 months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall **be based on** an analysis of costs and benefits and also **include** the restoration measures referred to in Article 18.

Amendment

1. By 12 months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall **include** an analysis of costs and benefits and also the restoration measures referred to in Article 18.

Or. en

Justification

The wording "include" provides more flexibility to the Member States to define the appropriate management measures.

Amendment 274

Kartika Tamara Liotard

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

1. By 12 months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

Amendment

1. By 12 months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits, ***taking into account the impact on the environment and on the non-target species*** and also include the restoration measures referred to in Article 18.

Or. en

Justification

It is neither sufficient nor appropriate to limit decisions only to economic aspects (consider for example the case of the giant hogweed). The analysis of costs and benefits should also take into account the impact on non-target species.

Amendment 275

Mark Demesmaeker, Pavel Poc, Catherine Bearder

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The management measures shall consist of physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species. Where ***appropriate***, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions.

Amendment

2. The management measures shall consist of ***lethal and non-lethal*** physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species. Where ***necessary***, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current

and future invasions.

Or. en

Justification

Non-lethal methods such as trapping, neutering and releasing, or habitat management can be effective methods as well. This is important to gain citizens' support for acting against invasive alien species. Measures should be taken when required.

Amendment 276

Andrea Zanoni

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The management measures shall consist of physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species. Where appropriate, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions.

Amendment

2. The management measures shall consist of physical, chemical or biological actions aimed at the eradication, population control or containment of a population of an invasive alien species. ***In the case of animal species, the measures to be adopted shall provide for the sole use of non-lethal methods.*** Where appropriate, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions.

Or. it

Amendment 277

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The management measures shall consist of physical, chemical or biological actions

Amendment

2. The management measures shall consist of physical, chemical or biological actions

aimed at the eradication, population control or containment of a population of an invasive alien species. Where appropriate, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions.

aimed at the eradication, population control or containment of a population of an invasive alien species. Where appropriate, management measures shall include actions applied to the receiving ecosystem aimed at increasing its resilience to current and future invasions. ***Member States shall take proportionate restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.***

Or. es

Justification

It would be better to include restoration measures here as they should be linked directly to management measures.

Amendment 278

Mark Demesmaeker, Kartika Tamara Liotard

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment and that, ***when animals are targeted, they*** are spared any avoidable pain, distress or suffering.

Amendment

3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment and that, targeted ***and non-targeted animals*** are spared any avoidable pain, distress or suffering. ***Member States shall ensure for management measures the following:***

(a) the need to act is justified;

(b) the benefits of management are achievable;

(c) the methods are humane;

(d) the methods are effective;

(e) the consequences of management are evaluated;

(f) the benefits of management are maintained and sustainable.

Or. en

Justification

Important for well-reflected management measures. Taking animal welfare into account is crucial to gain citizens' support for actions against invasive alien species.

Amendment 279

Kartika Tamara Liotard

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment and that, ***when*** animals ***are*** targeted, ***they*** are spared any avoidable pain, distress or suffering.

Amendment

3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment and that animals, ***whether*** targeted ***or not***, are spared any avoidable pain, distress or suffering.

Or. en

Amendment 280

Véronique Mathieu Houillon

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment and that, when animals are targeted, they are spared any avoidable pain, distress or suffering.

Amendment

3. When applying management measures, Member States shall ***endeavour to*** ensure that the methods used have due regard for human health and the environment and that, when animals are targeted, they are spared any avoidable pain, distress or suffering.

Justification

The Treaties provide for the Union to take full account of animal welfare in the implementation of certain policies listed in Article 13 TFEU. However, Article 13, which is the only provision referring to animal welfare in the Treaty, does not mention environmental policy. Consequently, the EU does not have the competence to take action on animal welfare in formulating or implementing environmental policy. That is solely the responsibility of the Member States.

Amendment 281**Mark Demesmaeker, Kartika Tamara Liotard****Proposal for a regulation****Article 17 – paragraph 4***Text proposed by the Commission*

4. The surveillance system provided for in Article 12 shall be designed and used to monitor how effective eradication, population control or containment measures are in minimising the impacts on biodiversity and ecosystems services, human health or the economy.

Amendment

4. The surveillance system provided for in Article 12 shall be designed and used to monitor how effective eradication, population control or containment measures are in minimising the impacts on biodiversity and ecosystems services, human health or the economy. ***Monitoring should also assess the impact on non-targeted species and the welfare impact on targeted species.***

Or. en

Justification

Monitoring can contribute to further refinement of management measures.

Amendment 282**Kartika Tamara Liotard****Proposal for a regulation****Article 17 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. If the monitoring finds the eradication, population control or containment measures to be ineffective at minimising impacts, an analysis of whether to modify or terminate the measure must be undertaken.

Or. en

Justification

If a measure is determined to be ineffective, an assessment must be undertaken to determine whether to modify or terminate the measure to avoid unnecessary use of resources and inconsequential impacts.

Amendment 283

Mark Demesmaeker, Catherine Bearder, Kartika Tamara Liotard

Proposal for a regulation

Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. Where there is a significant risk that an invasive alien species of Union concern will spread to a neighbouring Member State, the Member States in which the species is widely spread shall immediately notify the neighbouring Member States and the Commission. Where appropriate, the Member States concerned shall establish jointly agreed management measures. In the cases where third countries may also be affected by the spread, the Member State affected shall ***consider the need to*** inform the concerned third countries.

5. Where there is a significant risk that an invasive alien species of Union concern will spread to a neighbouring Member State, the Member States in which the species is widely spread shall immediately notify the neighbouring Member States and the Commission. Where appropriate, the Member States concerned shall establish jointly agreed management measures. In the cases where third countries may also be affected by the spread, the Member State affected shall inform the concerned third countries.

Or. en

Justification

Informing the concerned third countries is equally in the interest of EU Member States and in

line with the goal of the regulation, i.e. preventing the spread of invasive alien species.

Amendment 284

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Restoration of the damaged ecosystems

1. Member States shall take proportionate restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

2. The restoration measures referred to in paragraph 1 shall include at least the following:

(a) measures to increase the ability of an ecosystem exposed to disturbance to resist, absorb, accommodate to and recover from the effects of disturbance;

(b) measures ensuring the prevention of reinvasion following an eradication campaign.

Or. es

Justification

This article is too vague and has been drafted as if this text were a directive instead of being a regulation. As it has no direct application it should be deleted. A reference to restoration measures has been included in Article 17 so as not to lose sight of the aim.

Amendment 285

Romana Jordan

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall **take proportionate** restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

Amendment

1. **1.** Member States shall **ensure that appropriate** restoration measures **are taken** to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

Where the liability of a person, natural or legal, private or public, who intentionally or out of negligence causes the introduction and spread of invasive alien species of Union concern, can be established, Member State shall ensure that such person contributes to the restoration of damaged ecosystem.

Or. en

Amendment 286

Gerben-Jan Gerbrandy, Chris Davies

**Proposal for a regulation
Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall take **proportionate** restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

Amendment

1. Member States shall take **appropriate** restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

Or. en

Justification

The use of the word ‘proportionate’ in relation to restoration measures points to a limitation based on economic terms but it does not specify in proportion to what – cost of removal?, value of the ecosystem? ‘Appropriate’ is a better expression in this context. The goal of restoration needs to be to increase the resilience of ecosystems as a guarantee of their long-term conservation. This should not be limited initially.

Amendment 287
Kartika Tamara Liotard

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall take proportionate restoration measures to assist the recovery of an ecosystem that has been degraded, damaged, or destroyed by invasive alien species of Union concern.

Amendment

1. Member States shall take proportionate 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 will be exceptionally high and disproportionate to the benefits of restoration. In such cases, where liability can be ascertained, the costs of restoration should be borne by those responsible for any damage, degradation or destruction to ecosystems.***

Or. en

Justification

Restoration measures are often more expensive than eradication. In case there is no possibility to derogate from the obligation to take such measures after the eradication, MS will be less compliant to eradicate IAS of the Union concern because of these induced costs.

Amendment 288
Gerben-Jan Gerbrandy, Pavel Poc, Chris Davies

Proposal for a regulation
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) measures to increase the ***ability*** of an ecosystem exposed to disturbance to resist, absorb, accommodate to and recover from the effects of disturbance;

Amendment

(a) measures to increase the ***capacity*** of an ecosystem exposed to disturbance to resist, absorb, accommodate to and recover from the effects of disturbance;

Or. en

Justification

Language correction, based on a technical consideration – ecosystems do not have the ability to resist disturbance but the capacity to do so.

Amendment 289

Julie Girling

Proposal for a regulation

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where appropriate, and possible, Member States may take account of the principle of recovery of the costs of restoration measures, including environmental and resources costs, in accordance with the polluter pays principle.

Or. en

Justification

Where a responsible body can be identified Member States should seek financial support for any restoration exercises from that body, on the basis of the polluter pays principle.

Amendment 290

Gerben-Jan Gerbrandy, Pavel Poc, Chris Davies

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Accountability

1. Based on the 'polluter-pays' principle, with a view to prevent and remedy ecosystem damage caused by invasive alien species, Member States shall take measures to ensure that the operator

(natural or legal, private or public person), who is ascertained to be liable for intentional or negligent introduction or spread of invasive alien species of Union concern, is held accountable and contributes to meeting the cost of restoration.

2. Responsibility for restoration of the operator ascertained to be liable for intentional or negligent introduction or spread of invasive alien species shall continue until the species is effectively removed and the ecosystem is restored.

Or. en

Justification

The polluter pays principle must be enshrined within the legislation. Those who intentionally or negligibly allow known problem species (listed species of EU concern) to become established or invade should contribute to the action necessary to remedy the problem. Enforcement action and associated cost recovery should form a strong component of the IAS Regulation, and be proportionate to the damage caused.

Amendment 291

Erik Bánki

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Funding

Member States shall have the right to avail themselves of such European Union support as is required to cover costs of implementation arising from the Regulation, proportionate to those costs, which the Commission shall provide from available Union funds and – if necessary – by making procurement arrangements more flexible and affording access to new funds. In the absence of commensurate

Union funding, Member States shall not be required to comply with the provisions of the Regulation.

Or. hu

Justification

The appropriations for environmental and nature protection planned for the next financial programming cycle are already overwhelmed now, and it will hardly be possible to draw on them to cover a task on such a scale. Apart from the large amount of funding required, its exploitability is also limited, as it is to be used only partially to fund the substantial costs arising from implementation of the Regulation. Some activities would make it necessary to use funding which is available at short notice, which none of the existing resources can provide.

Amendment 292

Gaston Franco

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

National measures on invasive alien species of Union concern

The Member States may maintain stricter national rules to prevent the introduction, establishment and spread of invasive alien species of Union concern, providing they do not conflict with EU law or existing international agreements.

Or. fr

Amendment 293

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. By **[three years from the date of entry into force of this Regulation – date to be inserted]** at the latest, and every **four** years thereafter, Member States shall transmit to the Commission updated information on the following:

1. By **1 June 2019**, and every **six** years thereafter, Member States shall transmit to the Commission updated information on the following:

Or. es

Justification

These reports ought to be in line with reports under the Habitat and Birds Directives. The first report should be in 2019 therefore, with subsequent ones every six years.

Amendment 294
Chris Davies

Proposal for a regulation
Article 19 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the distribution of the invasive alien species of Union concern present in their territory;

(b) the distribution of the invasive alien species of Union concern present in their territory **and marine waters including information regarding migratory or reproductive patterns**;

Or. en

Justification

Such information will help to inform other Member States of the potential risk posed by certain marine invasive alien species.

Amendment 295
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a regulation
Article 19 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the cost of implementing the Regulation.

Or. It

Amendment 296
Erik Bánki

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

Amendment

(3) Within 5 years from [date of adoption], the Commission shall assess the effectiveness of the current Regulation including the list referred to in Article 4(1), the action plans referred to in Article 11(3), the surveillance system, border checks, eradication obligation and management obligations, and submit a report to the European Parliament and to the Council which may be accompanied by proposals for its amendment including changes to the list in Article 4(1).

(3) Within 5 years from [date of adoption], the Commission shall assess the effectiveness of the current Regulation including the list referred to in Article 4(1), the action plans referred to in Article 11(3), the surveillance system, border checks, eradication obligation and management obligations, ***as well as the appropriateness of the financing of implementation***, and submit a report to the European Parliament and to the Council which may be accompanied by proposals for its amendment including changes to the list in Article 4(1) ***and which, on the basis of an examination of the financial background, shall make a proposal concerning European Union financial support in the next financial cycle.***

Or. hu

Justification

There is no funding source available to assist the implementation of the Regulation's provisions, specially designated for the purpose, although on the basis of the estimates published to date, the cost of combating invasive alien species at EU level is EUR 12 bn per annum. It is therefore extremely important that the five-year assessment should also cover financial aspects, and that the report to be submitted to Parliament and the Council should also include a proposal on the development of financing, which can thus be implemented

better when preparing and negotiating on the next financial cycle.

Amendment 297

Radvilė Morkūnaitė-Mikulėnienė

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

3. Within 5 years from [date of adoption], the Commission shall assess the effectiveness of the current Regulation including the list referred to in Article 4(1), the action plans referred to in Article 11(3), the surveillance system, border checks, eradication obligation and management obligations, and submit a report to the European Parliament and to the Council which may be accompanied by proposals for its amendment including changes to the list in Article 4(1).

Amendment

3. Within 5 years from [date of adoption], the Commission shall assess the effectiveness of the current Regulation including the list referred to in Article 4(1), the action plans referred to in Article 11(3), the surveillance system, border checks, eradication obligation and management obligations, ***as well as the expenditure incurred by the Member States in implementing the Regulation***, and submit a report to the European Parliament and to the Council which may be accompanied by proposals for its amendment including changes to the list in Article 4(1).

Or. It

Amendment 298

Pilar Ayuso, Cristina Gutiérrez-Cortines

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

4. In a third phase, the data support mechanism referred to in paragraph 2 shall become a mechanism for exchanging information on other aspects of the application of this Regulation.

Amendment

4. In a third phase, the data support mechanism referred to in paragraph 2 shall become a mechanism for exchanging information on other aspects of the application of this Regulation, ***including invasive alien species of Member State concern***.

Or. es

Justification

A reference to the lists of species of concern to Member States needs to be included to encourage coordination between neighbouring Member States and the exchange of information in order to know which species are causing problems in other states.

Amendment 299
Renate Sommer

Proposal for a regulation
Article 21 – title

Text proposed by the Commission

Public participation

Amendment

Participation *of relevant stakeholders*

Or. en

Amendment 300
Andrea Zanoni

Proposal for a regulation
Article 21 – title

Text proposed by the Commission

Public participation

Amendment

Public participation *and stakeholder involvement and exchange of information*

Or. en

Amendment 301
Renate Sommer

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Where action plans are being established pursuant to Article 11 and where measures are being established pursuant to Article 17, Member States shall ensure that ***the public is given early and effective***

Amendment

1. Where action plans are being established pursuant to Article 11 and where measures are being established pursuant to Article 17, Member States shall ensure that ***relevant stakeholders are provided with***

opportunities to participate in their preparation, modification or review using the arrangements already determined by the Member States in accordance with the second subparagraph of Article 2(3) of Directive 2003/35/EC.

opportunities to participate in their preparation, modification or review using the arrangements already determined by the Member States in accordance with the second subparagraph of Article 2(3) of Directive 2003/35/EC.

Or. en

Amendment 302
Andrea Zanoni

Proposal for a regulation
Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. With a view to facilitate an effective and transparent exchange of information concerning implementation of various aspect of the Regulation, the Commission shall establish and regularly convene an invasive alien species forum composed of representatives of Member States, the industries and sectors concerned and non-governmental organisations promoting environmental protection and animal welfare.

In particular, the Commission shall take account of recommendations of the forum on drawing up and updating the list referred to in Article 4(1) and emergency measures to be adopted in accordance with Article 9(4) for the Union for invasive alien species not included on the list referred to in Article 4(1). It shall also use the forum to promote exchange of information relative to species distribution and management options, including humane control methods.

Or. en

Justification

Relevant stakeholders should have an opportunity to engage in the development of the list of species of European concern, as well as in actions to support prevention and adopt humane control methods. To ensure effective and active exchange of information between Member States, the industries and sectors concerned, relevant non-governmental organisations and the Commission a forum functioning in a transparent manner is needed.

Amendment 303

Andrea Zanoni

Proposal for a regulation

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Scientific Body on Invasive Alien Species

1. A Scientific Body on Invasive Alien Species is hereby established. It shall be responsible for preparing an opinion for consideration by the Commission and the Committee referred to in Article 22 on the following issues:

(a) preparing and updating the list of invasive alien species of Union concern, including through conducting risk assessments pursuant to Article 5(1);

(b) Member States' requests for the inclusion of invasive alien species on the list referred to in Article 4(1) pursuant to Article 4(3);

(c) scientific and technical matters concerning the methodology to be applied in the assessment of elements set out in points (a) to (h) of Article 5(1), in accordance with Article 5(2);

(d) emergency measures to be adopted in accordance with Article 9(4) for the Union for invasive alien species not included on the list referred to in Article 4(1);

(e) at the request of the Commission or of

Member States' competent authorities, any other scientific or technical questions that arise from the operation of this Regulation.

2. The members of the Scientific Body on Invasive Alien Species shall be appointed by the Commission on the basis of their experience and expertise relevant to performing the tasks specified in paragraph 1, taking into account a geographical distribution that reflects the diversity of scientific problems and approaches in the Union. The Commission shall determine the number of members in accordance with the requisite needs.

3. Member States and the Scientific Body on Invasive Alien Species shall exchange information relative to species distribution and ecology, management options and lessons learned.

Or. en

Justification

A group composed of independent scientific and technical experts should be established to ensure the implementation of this Regulation is robust and up to the challenge of tackling various impacts of alien invasion. Scientific and technical advice is needed to forecast what organisms might be introduced or become problematic, or what management options are available. Key tasks of this group would also include conducting risk assessments, as this would reduce the burden of proof for Member States.

Amendment 304

Jolanta Emilia Hibner

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by the Committee. That Committee shall be a committee within the meaning of

Amendment

1. The Commission shall be assisted by the Committee. That Committee shall be a committee within the meaning of

Regulation (EU) No 182/201123.

Regulation (EU) No 182/201123. *It shall have a scientific base and shall be made up of experts with specialist knowledge of invasive alien species.*

²³ OJ L 55, 28.2.2011, p. 13.

²³ OJ L 55, 28.2.2011, p. 13.

Or. pl

Amendment 305
Julie Girling, Chris Davies

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Scientific sub-committee

The Committee may establish a scientific sub-committee, to support it in considering scientific matters relevant to this Regulation, including but not limited to, the adoption of lists of species subject to this regulation, and actions taken pursuant to this regulation in respect of those species.

Or. en

Justification

For clarity and cohesion, the scientific support mechanism for the implementation of this Regulation should be a sub-committee, since this would utilise existing resources rather than creating an additional bureaucratic burden.

Amendment 306
Julie Girling, Chris Davies

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 5(2) shall be conferred on the Commission for ***an undetermined*** period of ***time from the*** entry into force of this Regulation.

Amendment

2. The delegation of power referred to in Article 5(2) shall be conferred on the Commission for ***a*** period of ***five years*** ***from [the date of*** entry into force of this Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. en

Amendment 307
Renate Sommer

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 5(2) shall be conferred on the Commission for ***an undetermined*** period of ***time*** from the entry into force of this Regulation.

Amendment

2. The delegation of power referred to in Article 5(2) shall be conferred on the Commission for ***a*** period of ***five years*** from the entry into force of this Regulation.

Or. en

Amendment 308
Kartika Tamara Liotard

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on administrative measures and sanctions applicable to breaches of this Regulation. Member States shall take all necessary measures to ensure that they are enforced. The measures and sanctions provided for must be effective, proportionate and dissuasive.

Amendment

1. Member States shall lay down the rules on administrative measures and sanctions applicable to breaches of this Regulation. Member States shall take all necessary measures to ensure that they are enforced. The measures and sanctions provided for must be effective, proportionate and dissuasive. ***Member States should apply the 'polluter pays' principle where appropriate.***

Or. en

Justification

The polluter pays principle is well established in other areas of environmental pollution and should equally apply to restoration of the environment due to damage caused by invasive alien species.

Amendment 309
Julie Girling

Proposal for a regulation
Article 24 – paragraphs 1 a (new), 1 b (new), 1 c (new)

Text proposed by the Commission

Amendment

1a. Those administrative measures and sanctions may include:

(a) an order requiring the natural or legal person responsible for the breach to cease the conduct and to desist from a repetition of that conduct;

(b) an order requiring the confiscation of the non-compliant invasive alien species of Union concern at issue;

(c) a temporary ban on an activity;

(d) permanent withdrawal of the authorisation of an activity;

(e) administrative pecuniary sanctions;

(f) an order requiring the natural or legal person to take remedial measures.

1b. When determining the type of administrative measures and sanctions, competent authorities shall take into account all relevant circumstances, including:

(a) the gravity and duration of the breach;

(b) the degree of involvement of the person responsible for the invasion;

(c) the profit the natural or legal person makes from the breach;

(d) the environmental, social and economic damage caused by the breach;

(e) the level of cooperation of the person responsible with the competent authority;

(f) previous breaches by the person responsible.

1c. Member States shall ensure that decisions taken by the competent authorities in accordance with this Article are subject to the right of appeal.

Or. en

Justification

Article 24 has been combined with Article 25 - enforcement and sanctions are a Member State competence and should not be prescribed in this Regulation.

Amendment 310

Julie Girling

Proposal for a regulation

Article 25

Text proposed by the Commission

Amendment

Article 25

deleted

Sanctioning powers

1. Competent authorities shall have the

power to impose administrative measures and sanctions on any natural or legal person who does not comply with this Regulation.

2. Without prejudice to their supervisory powers, competent authorities shall have the power to impose at least the following administrative measures and sanctions:

(a) an order requiring the natural or legal person responsible for the breach to cease the conduct and to desist from a repetition of that conduct;

(b) an order requiring the confiscation of the non-compliant invasive alien species of Union concern at issue;

(c) a temporary ban on an activity;

(d) permanent withdrawal of the authorisation of an activity;

(e) administrative pecuniary sanctions;

(f) an order requiring the natural or legal person to take remedial measures.

3. When determining the type of administrative measures and sanctions, competent authorities shall take into account all relevant circumstances, including:

(a) the gravity and duration of the breach;

(b) the degree of involvement of the person responsible for the invasion;

(c) the profit the natural or legal person makes from the breach;

(d) the environmental, social and economic damage caused by the breach;

(e) the level of cooperation of the person responsible with the competent authority;

(f) previous breaches by the person responsible.

4. Member States shall ensure that decisions taken by the competent authorities in accordance with this Article are subject to the right of appeal.

Justification

Article 25 has been combined with Article 24 - enforcement and sanctions are a Member State competence and should not be prescribed in this Regulation.

Amendment 311

Gerben-Jan Gerbrandy, Pavel Poc, Chris Davies

Proposal for a regulation

Article 25 – paragraph 2 – point f

Text proposed by the Commission

(f) an order requiring the natural or legal person to take remedial measures.

Amendment

(f) an order requiring the natural or legal person to take remedial measures ***and/or contribute to meeting the costs of restoration measures.***

Justification

The principle that the polluter should pay is established in Article 191 (2) of the Treaty on the Functioning of the European Union and is a fundamental principle of environmental law. The reference to it on this Article will make it available for the authorities to take into account in the establishment of pecuniary sanctions where the damage can be estimated and the author is known.

Amendment 312

Kartika Tamara Liotard

Proposal for a regulation

Article 25 – paragraph 2 – point f

Text proposed by the Commission

(f) an order requiring the natural or legal person to take remedial measures.

Amendment

(f) an order requiring the natural or legal person to take remedial measures ***in line with the 'polluter pays' principle.***

Justification

The 'polluter pays' principle is well established in other areas of environmental pollution and should equally apply to restoration of the environment due to damage caused by invasive alien species. Indeed, Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage establishes a precedent for the legislative use of the 'polluter pays' principle, particularly in the context of protecting species and natural habitats.

Amendment 313

Gerben-Jan Gerbrandy, Pavel Poc, Chris Davies

Proposal for a regulation

Article 25 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the economical impact of the damage caused and the principle that the polluter should pay.

Or. en

Justification

The principle that the polluter should pay is established in Article 191 (2) of the Treaty on the Functioning of the European Union and is a fundamental principle of environmental law. The reference to it on this Article will make it available for the authorities to take into account in the establishment of pecuniary sanctions where the damage can be estimated and the author is known.

Amendment 314

Kartika Tamara Liotard

Proposal for a regulation

Article 25 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the 'polluter pays' principle.

Or. en

Justification

The 'polluter pays' principle is well established in other areas of environmental pollution and should equally apply to restoration of the environment due to damage caused by invasive alien species. Indeed, Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage establishes a precedent for the legislative use of the 'polluter pays' principle, particularly in the context of protecting species and natural habitats.

Amendment 315 **Andrea Zanoni**

Proposal for a regulation **Article 25 – paragraph 3 – point f a (new)**

Text proposed by the Commission

Amendment

(fa) the quantity of specimens of the invasive alien species that are the subject of the breach.

Or. it

Amendment 316 **Julie Girling, Chris Davies, Pavel Poc**

Proposal for a regulation **Article 26 – paragraph 1 – introductory part**

Text proposed by the Commission

Amendment

1. By way of derogation from to Article 7(1)(c) and (f), owners of ***companion*** animals not kept for commercial purposes that belong to the species included on the list referred to in Article 4(1) shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

1. By way of derogation from to Article 7(1)(c) and (f), owners of ***pet*** animals not kept for commercial purposes that belong to the species included on the list referred to in Article 4(1) shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

Or. en

Justification

The term ‘companion animal’ is not defined nor is it used in other EU regulations; rather it should be amended to ‘pet animal’ and the related definition in Regulation (EC) 998/2003 on the non-commercial movement of pet animals and the proposed Animal Health Law (COM(2013)620 final) should be used and extended to other animals kept as pets. This terminology is also used in the Bern Convention’s European Code of Conduct on Pets and Invasive Alien Species (T-PVS/Inf (2011) 1 rev).

Amendment 317 **Renate Sommer**

Proposal for a regulation **Article 26 – paragraph 1 – introductory part**

Text proposed by the Commission

1. By way of derogation from to Article 7(1)(c) and (f), owners of **companion** animals not kept for commercial purposes that belong to the species included on the list referred to in Article 4(1) shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

Amendment

1. By way of derogation from to Article 7(1)(c) and (f), owners of **pet** animals not kept for commercial purposes that belong to the species included on the list referred to in Article 4(1) shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

Or. en

Amendment 318 **Renate Sommer**

Proposal for a regulation **Article 26 – paragraph 1 – point a (new)**

Text proposed by the Commission

Amendment

(aa) the competent authorities have been informed;

Or. de

Amendment 319 **Jolanta Emilia Hibner**

Proposal for a regulation
Article 26 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the specimens are marked in accordance with Article 8(2)(d);

Or. pl

Amendment 320
Julie Girling, Chris Davies

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. For non-commercial owners who cannot ***ensure that the conditions set out in paragraph 1 are met***, Member States ***shall offer to them the possibility of having their specimens taken over from them and shall give due regard to animal welfare when handling them.***

3. For non-commercial owners who cannot ***comply with the requirements*** in paragraph 1, Member States ***must remove the animals, ensuring that they are spared any avoidable pain, distress or suffering.***

Or. en

Justification

This amendment is necessary to avoid allowing owners to keep their pets when they cannot comply with the requirements in paragraph 1 to secure them against escape or release.

Amendment 321
Véronique Mathieu Houillon

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. For non-commercial owners who cannot ensure that the conditions set out in

3. For non-commercial owners who cannot ensure that the conditions set out in

paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them and shall give due regard to animal welfare when handling them.

paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them and shall **endeavour to** give due regard to animal welfare when handling them.

Or. fr

Justification

The Treaties provide for the Union to take full account of animal welfare in the implementation of certain policies listed in Article 13 TFEU. However, Article 13, which is the only provision referring to animal welfare in the Treaty, does not mention environmental policy. Consequently, the EU does not have the competence to take action on animal welfare in formulating or implementing environmental policy. That is solely the responsibility of the Member States.

Amendment 322

Kartika Tamara Liotard

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission

3. For non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them **and shall give** due regard **to animal** welfare when handling them.

Amendment

3. For non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them, **if suitable facilities that can provide specialist care are available. If Member States take specimens over from non-commercial owners, they must ensure that they give due regard to animals welfare and provide the animals with their needs as appropriate.** Due regard **should be given to the animals'** welfare when handling them.

Or. en

Justification

In reality rescue facilities for exotic pets are few and it is unrealistic to assume that Member

States will have access to such facilities. Where facilities do exist, they require the relevant specialist knowledge in order to care for the animals correctly and to provide them with their needs.

Amendment 323

Andrea Zanoni

Proposal for a regulation

Article 26 – paragraph 3

Text proposed by the Commission

3. For non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them and shall give due regard to animal welfare when handling them.

Amendment

3. For non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them and shall give due regard to animal welfare when handling them, ***sending them to ex-situ conservation centres, pursuant to Article 8.***

Or. it

Amendment 324

Jolanta Emilia Hibner

Proposal for a regulation

Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The specimens referred to in paragraph 3 may be kept by the establishments referred to in Article 8 or in facilities specially set up for that purpose.

Or. pl

Amendment 325

Jolanta Emilia Hibner

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or *ex-situ conservation institutions* referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to slaughter them to exhaust their stock.

Amendment

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research *institutions, zoos or botanical gardens* referred to in Article 8, provided that the specimens are *marked in accordance with Article 8(2)(d) and* kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to slaughter them to exhaust their stock.

The animal specimens referred to in this paragraph may also be handed over to facilities specially set up for that purpose.

Or. pl

Amendment 326
Julie Girling, Chris Davies

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to *two years* after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts *of those species to the research or ex-situ conservation institutions referred to in Article 8,*

Amendment

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to *12 months* after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts, provided that the specimens are kept and transported in contained holding and all appropriate

provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to **slaughter** them to exhaust their stock.

measures are put in place to ensure that reproduction or escape are not possible, or to **humanely cull** them to exhaust their stock.

Or. en

Justification

There is a risk that by restricting the sale of pre-Regulation stock to ex-situ conservation institutions, traders will suffer a loss of value. As a compromise, this restriction is lifted but the timeframe for sales to take place is shortened to 12 months. Moreover, the word 'slaughter' is not appropriate in this context as it is often used to refer to the killing of animals for food or fur use; it should be replaced with 'humanely cull'.

Amendment 327 **Radvilė Morkūnaitė-Mikulėnienė**

Proposal for a regulation **Article 27 – paragraph 1**

Text proposed by the Commission

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list **referred to in Article 4(1)** shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to slaughter them to exhaust their stock.

Amendment

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list **of invasive alien species considered to be of Union concern** shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to slaughter them to exhaust their stock.

Or. It

Amendment 328
Andrea Zanoni

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, ***or to slaughter them to exhaust their stock.***

Amendment

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to one year after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible.

Or. it

Amendment 329
Renate Sommer

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that

Amendment

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reproduction or escape are not possible, or to slaughter them to exhaust their stock.

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Or. en