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Committee on the Environment, Public Health and Food Safety

2013/0307(COD)

27.11.2013

*****I**

DRAFT REPORT

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

Committee on the Environment, Public Health and Food Safety

Rapporteur: Pavel Poc

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0620),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0264/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Austrian Bundesrat, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of ...¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on International Trade and the Committee on Fisheries (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The appearance of alien species, whether animals, plants, fungi or micro-organisms, in new locations is not always a cause for concern. However, a significant subset of alien species can become invasive and have serious adverse impacts on biodiversity and ecosystem services, as well as other economic and social impacts, which should be prevented. Some 12 000 species in the environment in the Union and other European countries are alien, of which roughly 10 to 15 % are estimated to be invasive.

Amendment

(1) The appearance of alien species, whether animals, plants, fungi or micro-organisms, in new locations is not always a cause for concern. However, a significant subset of alien species can become invasive and have serious adverse impacts on biodiversity and ecosystem services, as well as other economic and social impacts, which should be prevented. Some 12 000 species in the environment in the Union and other European countries are alien, ***of which over 40 % are native to some European countries but have been introduced by humans in the other European countries and*** of which roughly 10 to 15 % are estimated to be invasive.

Or. en

Justification

The Regulation should not exclude the species which are native to one biographical region but alien and invasive in another region. A species that is invasive and which would benefit from EU cooperative measures is of Union concern whether or not it is native to the EU.

Amendment 2

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) As invasive alien species are numerous, it is important to ensure that priority is afforded to addressing the subset of invasive alien species considered to be of Union concern. A list of such invasive

Amendment

(10) As invasive alien species are numerous, it is important to ensure that priority is afforded to addressing the subset of invasive alien species considered to be of Union concern. A list of such invasive

alien species considered to be of Union concern should therefore be drawn up. An invasive alien species should be considered of Union concern if the damage it is causing in the affected Member States is so significant that it justifies the adoption of dedicated measures the scope of which extends across the Union, including in the Member States that are not yet affected or even unlikely to be affected. In order to ensure that the subset of invasive alien species of Union concern remains proportionate, the list should be developed in line with a gradual and phased-in approach ***including 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*** and be focused on those species that cause or are likely to cause significant economic damage, including that deriving from biodiversity loss.

alien species considered to be of Union concern should therefore be drawn up. An invasive alien species should be considered of Union concern if the damage it is causing in the affected Member States is so significant that it justifies the adoption of dedicated measures the scope of which extends across the Union, including in the Member States that are not yet affected or even unlikely to be affected. In order to ensure that the subset of invasive alien species of Union concern remains proportionate, the list should be developed in line with a gradual and phased-in approach and be focused on those species that cause or are likely to cause significant economic damage, including that deriving from biodiversity loss.

Or. en

Justification

The proposed cap of 50 IAS is a serious shortcoming of the proposal, and is not even addressed by the impact assessment. Such a limitation is considered by the impact assessment itself as implausible for the future. The number of IAS establishing themselves in Europe should be minimised and management actions should be taken to reduce the impact of at least the worst IAS to acceptable levels. There is, however, no quantitative target for this indicator, as far as the expert opinion is concerned.

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The criteria to list invasive alien species considered to be of Union concern is the core instrument to apply these new rules. The Commission ***will do its utmost to submit a proposal for*** a list based on

Amendment

(11) The criteria to list invasive alien species considered to be of Union concern is the core instrument to apply these new rules. The Commission ***should therefore adopt the first*** list based on those criteria

those criteria *within one year* of the entry into force of this *legislation to the Committee*. The criteria should include a risk assessment pursuant to the applicable provisions under the Agreements of the World Trade Organisation on placing trade restriction on species.

within *18 months* of the entry into force of this *Regulation*. The criteria should include a risk assessment pursuant to the applicable provisions under the Agreements of the World Trade Organisation on placing trade restriction on species.

Or. en

Justification

An explicit deadline for the adoption of the first list of IAS of Union concern is important for an effective implementation of the new provisions, besides providing better transparency to the whole process and giving stakeholders the possibility to adapt and react to the new legislative situation.

Amendment 4

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Some of the species that are invasive in the Union as a whole are native in a particular Member State. It is therefore appropriate that provisions relating to invasive alien species of Union concern which are native to a Member State do not apply to the territory of that Member State, with the exception of containment measures to avoid the spread of the species into other Members States. In addition, flexibility should be introduced to allow Member States to request specific derogations from some of the provisions of this Regulation as regards alien species which are found not to be invasive in their territory, or in the case of particularly difficult socio-economic conditions, where the costs would be exceptionally high and disproportionate to the benefits and would prevent a proper implementation of the required measures.

Justification

Member States need more flexibility in particular to deal with species that are native in one region and invasive in another. The derogations should be granted only for the territory of the applying Member State. Derogations should also be foreseen in case of particularly difficult socio-economic conditions, where the costs would prevent a proper implementation of the required measures.

Amendment 5**Proposal for a regulation****Recital 18 a (new)***Text proposed by the Commission**Amendment*

(18a) Member States should be allowed to maintain or adopt national rules for the management of invasive alien species that are more stringent than those laid down in this Regulation.

Justification

Member States (MS) are currently applying a variety of bans on import, trade and/or marketing of IAS: they have already been established in 13 MS. Conscious that limited resources may hamper the implementation of certain measures, the system has to be designed to cater for flexibility, whenever possible, and to recognise the fact that MS are already taking some action to tackle IAS. Therefore it has to be made clear that MS can put in place or maintain stricter measures.

Amendment 6**Proposal for a regulation****Recital 19***Text proposed by the Commission**Amendment*

(19) Member States should be able to adopt more stringent measures to tackle invasive alien species and to take

(19) Member States should be able to take measures, such as regulation of trade, use, transport and release into the wild,

measures proactively in respect of any species that are not listed as invasive alien species of Union concern. In order to adopt a more proactive stance on unlisted species, it should therefore be required that to release invasive alien species into the environment that are not listed as invasive alien species of Union concern, but for which Member States have found evidence that they pose a risk, an authorisation for release should be issued. Detailed rules for the authorisation of alien species to be used in aquaculture have already been established by Regulation (EC) No 708/2007 and should be taken into account by Member States in this context.

proactively in respect of any species that are not listed as invasive alien species of Union concern. In order to adopt a more proactive stance on unlisted species, it should therefore be required that to release invasive alien species into the environment that are not listed as invasive alien species of Union concern, but for which Member States have found evidence that they pose a risk, an authorisation for release should be issued. Detailed rules for the authorisation of alien species to be used in aquaculture have already been established by Regulation (EC) No 708/2007 and should be taken into account by Member States in this context.

Or. en

Justification

A non-exhaustive list with examples of the most suitable measure should be provided. The possibility for Member States to adopt more stringent measures is addressed in a separate Recital.

Amendment 7

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In order to develop an adequate knowledge base to address the problems raised by invasive alien species, it is important that Member States undertake research, monitoring and surveillance of such species. As surveillance systems offer the most appropriate means for early detection of new invasive alien species and for the determination of the distribution of already established species, they should include both targeted and general surveys and benefit from the involvement of different sectors and stakeholders,

Amendment

(21) In order to develop an adequate knowledge base to address the problems raised by invasive alien species, it is important that Member States undertake research, monitoring and surveillance of such species. As surveillance systems offer the most appropriate means for early detection of new invasive alien species and for the determination of the distribution of already established species, they should include both targeted and general surveys and benefit from the involvement of different sectors and stakeholders,

including local communities. Surveillance systems should imply paying continuous attention to any new invasive alien species anywhere in the Union. In the interest of efficiency and cost-effectiveness, existing systems of border control, surveillance and monitoring already established in Union legislation should be applied, in particular those set out Directives 2009/147/EC, 92/43/EEC, 2008/56/EC and 2000/60/EC.

including local communities. Surveillance systems should imply paying continuous attention to any new invasive alien species anywhere in the Union ***and should aim, in particular, to provide a highly effective and coherent picture at Union level.*** In the interest of efficiency and cost-effectiveness, existing systems of border control, surveillance and monitoring already established in Union legislation should be applied, in particular those set out Directives 2009/147/EC, 92/43/EEC, 2008/56/EC and 2000/60/EC.

Or. en

Justification

Systems (alert, information, follow-up) providing the knowledge base should not be left exclusively to the single countries, but rather should provide a highly effective and coherent picture at EU level along the whole cycle of management of IAS.

Amendment 8

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Invasive alien species generally cause damage to ecosystems and reduce their resilience. Therefore restoration measures ***are required*** to strengthen the ecosystems' resilience towards invasions, to repair the damage caused and to enhance the conservation status of species and their habitats in accordance with Article 4 of Directive 2009/147/EC and Article 6 of Directive 92/43/EEC, the ecological status of inland surface waters, transitional waters, coastal waters and groundwater in accordance with Article 11 of Directive 2000/60/EC, and the environmental status of marine waters in accordance with Article 13 of Directive 2008/56/EC.

Amendment

(25) Invasive alien species generally cause damage to ecosystems and reduce their resilience. Therefore ***proportionate*** restoration measures ***should be undertaken*** to strengthen the ecosystems' resilience towards invasions, to repair the damage caused and to enhance the conservation status of species and their habitats in accordance with Article 4 of Directive 2009/147/EC and Article 6 of Directive 92/43/EEC, the ecological status of inland surface waters, transitional waters, coastal waters and groundwater in accordance with Article 11 of Directive 2000/60/EC, and the environmental status of marine waters in accordance with Article 13 of Directive

Justification

Restoration measures are often more expensive than eradication, and Member States may be less compliant to eradicate IAS of the Union concern because of the corresponding induced costs.

Amendment 9

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) A system to address invasive alien species should be underpinned by a centralised information system collating the existing information on alien species in the Union and allowing access to information on presence of species, their spread, their ecology, invasion history and all other information necessary to underpin policy and management decisions.

Amendment

(26) A system to address invasive alien species should be underpinned by a centralised information system collating the existing information on alien species in the Union and allowing access to information on presence of species, their spread, their ecology, invasion history and all other information necessary to underpin policy and management decisions. ***In the development of the centralised information system, the Commission should be able to rely on the European Environment Agency, where duly justified by the nature of the action and specific expertise of the Agency. Where the Commission does so, it should take due account of the impact on the Agency's governance structure and on its financial and human resources.***

Justification

The coordinated central information system is paramount for the success of the proposed measures, and the Commission should use all available resources to support the implementation work, including in particular the very relevant expertise of the European Environment Agency. Staff should be allocated as necessary, taking of course into account the

cost-effectiveness of delegating the tasks.

Amendment 10

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment²¹ establishes a framework for public consultation in environment related decisions. In defining action in the field of invasive alien species, effective public participation should enable the public to express, and the decision-maker to take account of, opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken.

²¹ OJ L 156, 25.6.2003, p. 17.

Amendment

(27) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment²¹ establishes a framework for public consultation in environment related decisions. In defining action in the field of invasive alien species, effective public participation should enable the public to express, and the decision-maker to take account of, opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken. ***Early and effective public participation is 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 by the Member States.***

²¹ OJ L 156, 25.6.2003, p. 17.

Or. en

Justification

The public is always very sensitive to restrictive measures. No progress in tackling the IAS is possible without an effective support of the public.

Amendment 11

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The implementation of this Regulation, in particular as regards establishing and updating the list of invasive 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, thus requiring the continuous, effective involvement of the scientific community. Input should therefore be actively sought through regular consultation with scientists, in particular through the establishment of a dedicated body (the “Scientific Forum”) to advise the Commission.

Or. en

Justification

Considering the broad coverage of the Regulation, it is very important to establish a dedicated technical/scientific body, the “Scientific Forum”, to support the decision making process with expert knowledge.

Amendment 12

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) In order to ensure uniform conditions for the application of this Regulation, ***for adopting and updating the list of invasive alien species of Union concern***, for granting derogations from the obligation of rapid eradication and for the adoption of

(28) In order to ensure uniform conditions for the application of this Regulation, for granting ***specific national derogations and*** derogations from the obligation of rapid eradication and for the adoption of Union emergency measures, implementing

Union emergency measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p. 13.

powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p. 13.

Or. en

Amendment 13

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) In order to take into account the latest scientific developments in the environmental field, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission 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. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(29) In order to take into account the latest scientific developments in the environmental field, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ***establishing and updating the list of invasive alien species of Union concern***, 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. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the

Amendment 14

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

Text proposed by the Commission

Amendment

(b) genetically modified organisms as defined in Article 2 of Directive 2001/18/EC; ***deleted***

Or. en

Justification

It is necessary to monitor potentially dangerous super-weeds which can pose great risk to the biodiversity of both natural and urban ecosystems. A regulatory framework to control the testing, movement and release of GMOs may have many points of similarity with measures to regulate introductions of alien species. A few countries, notably New Zealand, regulate GMOs under the same legislation used to address alien species introductions.

Amendment 15

Proposal for a regulation Article 3 – point 1

Text proposed by the Commission

Amendment

(1) 'alien species' means any live specimens of species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural past or present distribution; it includes any part, gametes, seeds, eggs, or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce;

(1) 'alien species' means any live specimens of species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural past or present distribution; it includes any part ***or developmental stages***, gametes, seeds, eggs, or propagules of such species, as well as any ***feral domestic species***, hybrids, varieties, or breeds that might survive and subsequently reproduce;

Justification

Developmental stages are important especially for invertebrates larvae, nymph, pupae or embryos of the vertebrates and ontogenetic stages of amphibians or fish. Moreover, the definition should cover animals such as rabbits, feral goats, etc. that are already treated as targets of LIFE projects.

Amendment 16

Proposal for a regulation
Article 3 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) 'invasive alien species of Member State concern' means invasive alien species other than invasive alien species of Union concern, for which a Member State considers that the adverse impact of their release and spread, even where not fully ascertained, is of significance for its territory;

Justification

If there is a definition of the IAS of EU concern, it is consistent to introduce the definition of the IAS of MS concern, as IAS not included in the list of IAS of EU concern for which Member States consider that the damage deriving from their release, while not fully ascertained, could be of significance. The decision on whether an alien species can be considered of MS concern will rest with each Member State.

Amendment 17

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. A list of invasive alien species of Union concern ***shall be adopted, and updated, by the Commission by means of***

1. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 23 to establish*** a list of invasive

implementing acts on the basis of the criteria in paragraph 2. ***The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).***

alien species of Union concern on the basis of the criteria ***laid down*** in paragraph 2. ***The list shall take the form of an Annex to this Regulation.***

Or. en

Justification

The list of IAS of Union concern should be annexed to the basic act because of its central importance and its close link with the scope of the act. Annexing the list to the basic act furthermore provides more legal clarity than a self-standing list. Correspondingly, the appropriate procedure to establish and update a list in an Annex of the Regulation is by delegated acts.

Amendment 18

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The delegated acts referred to in paragraph 1 shall be adopted by ...* [OJ please insert date: 18 months after the date of entry into force of this Regulation].

Or. en

Justification

An explicit deadline for the adoption of the first list of IAS of Union concern is important for an effective implementation of the new provisions, besides providing better transparency to the whole process and giving stakeholders the possibility to adapt and react to the new legislative situation.

Amendment 19

Proposal for a regulation

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall be empowered to adopt delegated acts, in accordance with Article 23, to update the list referred to in paragraph 1 on the basis of the criteria laid down in paragraph 2.

Or. en

Justification

The procedure of updating the list should be clearly separated from the procedure of establishing it.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) they are, having regard to scientific evidence available, found to be alien to the territory of the Union excluding the outermost regions;

(a) they are, having regard to scientific evidence available, found to be alien to **a substantial part of** the territory of the Union excluding the outermost regions;

Or. en

Justification

In connection to the new proposed Article 4a, this takes account of invasive alien species native to one Member State or region and invasive to another, introducing a similar regime as the one in the Habitats Directive 92/43/EEC (prohibitions not applicable to some species and some Member States).

Amendment 21

Proposal for a regulation

Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

Member States may submit to the

Member States may submit to the

Commission requests for the inclusion of invasive alien species on the list referred to in paragraph 1. Those requests shall include all of the following *criteria*:

Commission requests for the inclusion of invasive alien species on the list referred to in paragraph 1. Those requests shall include all of the following *data*:

Or. en

Amendment 22

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The list referred to in paragraph 1 shall be annotated to indicate whether a Member State has applied for, or has been granted, any derogations pursuant to Article 4a.

Or. en

Amendment 23

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. The list referred to in paragraph 1 ***shall comprise a maximum of fifty species including any species which may be added*** as result of the emergency measures ***foreseen by*** Article 9.

4. ***Species may be added to*** the list referred to in paragraph 1 as a result of the emergency measures ***implemented by Member States in accordance with*** Article 9.

Or. en

Justification

The proposed cap of 50 IAS is a serious shortcoming of the proposal, and is not even addressed by the impact assessment. Such a limitation is considered by the impact assessment itself as implausible for the future. The number of IAS establishing themselves in Europe

should be minimised and management actions should be taken to reduce the impact of at least the worst IAS to acceptable levels. There is, however, no quantitative target for this indicator, as far as the expert opinion is concerned.

Amendment 24

Proposal for a regulation Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

National derogations for invasive alien species of Union concern

1. Invasive alien species of Union concern which are native in a Member State shall not be subject to the restrictions referred to in points (b) to (g) of Article 7(1) and in Articles 8, 11 to 15 and 19 in the territory of the Member State where they are native.

2. Member States may submit to the Commission an application for a derogation from any or all of the restrictions referred to in points (b) to (g) of Article 7(1) and in Articles 8, 11 to 15 and 19 for an invasive alien species of Union concern.

3. An application for a derogation shall be submitted only if one of the following conditions is met:

(a) it is demonstrated on the basis of sound scientific evidence that that species is not invasive to the territory of that Member State;

(b) 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, taking into account the socio-economic situation of that Member State.

4. An application for a derogation shall be duly reasoned and shall be accompanied

by the evidence referred to in point (a) or (b) of paragraph 3.

5. The Commission shall decide, by means of implementing acts, to approve or reject the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

6. Member States shall ensure that containment measures are in place to avoid further spread of the species until the decision referred to in paragraph 5 is adopted.

Or. en

Justification

The new Article gives Member States more flexibility and makes it possible to include species that are native in one region and invasive in another in the IAS list of Union concern. The derogations should be granted only for the territory of the applying Member State. Derogations should also be foreseen in case of particularly difficult socio-economic conditions, where the costs would prevent a proper implementation of the required measures.

Amendment 25

Proposal for a regulation Article 5 – paragraph 1 – point h

Text proposed by the Commission

(h) a description of the possible uses and benefits deriving from those uses of the species.

Amendment

(h) a description of the **known and** possible uses and benefits deriving from those uses of the species;

Or. en

Justification

It is necessary to be aware of existing uses of the species, not only to speculate about the possible uses.

Amendment 26

Proposal for a regulation

Article 5 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) an evaluation and selection of options to reduce the risk of introduction and spread of invasive alien species.

Or. en

Justification

Element of risk management should also be included and assessed.

Amendment 27

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 23 to further specify the type of admissible scientific evidence referred to in Article 4(2)(b) and to provide a detailed description of the application of the elements set out in paragraph 1(a) to **(h)** of this Article, including the methodology to be applied in the assessment of such elements, taking into account relevant national and international standards and the need to prioritise action against species associated with or that have the potential to cause significant economic damage, including that deriving from biodiversity loss.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 23 to further specify the type of admissible scientific evidence referred to in Article 4(2)(b) and to provide a detailed description of the application of the elements set out in paragraph 1(a) to **(ha)** of this Article, including the methodology to be applied in the assessment of such elements, taking into account relevant national and international standards and the need to prioritise action against species associated with or that have the potential to cause significant economic damage, including that deriving from biodiversity loss.

Or. en

Amendment 28

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. Species ***included on the list referred to in Article 4(1)*** which are native in an outermost region shall not be subject to the provisions of Articles 7, 8, 11 and 13 to 17 in the outermost region where they are native.

Amendment

1. ***Invasive alien*** species ***of Union concern*** which are native in an outermost region shall not be subject to the provisions of Articles 7, 8, 11 and 13 to 17 in the outermost region where they are native.

Or. en

Justification

As the definition of IAS of Union concern is in place, it is better to refer to the definition explicitly everywhere in the text.

Amendment 29

Proposal for a regulation Article 7 – title

Text proposed by the Commission

Ban on invasive alien species of Union concern

Amendment

Restrictions on invasive alien species of Union concern

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See e.g. Recital 16 and Articles 8(1), 9(1) and 9(4).)

Amendment 30

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Species ***included on the list referred to in Article 4(1)*** shall not be intentionally:

1. ***Invasive alien*** species ***of Union concern*** shall not be intentionally ***or negligently***:

Or. en

Amendment 31

Proposal for a regulation

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) brought into or transited through the Union territory;

(a) introduced into a Member State;

Or. en

Justification

The proposed reformulation is clearer and consistent with definitions.

Amendment 32

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall prevent ***the*** unintentional introduction of invasive alien species of Union concern in accordance with the provisions of Article 11(3) and (4).

2. Member States shall prevent ***any other*** unintentional introduction of invasive alien species of Union concern in accordance with the provisions of Article 11(3) and (4).

Or. en

Amendment 33

Proposal for a regulation Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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.

Or. en

Justification

Member States (MS) are currently applying a variety of bans on import, trade and/or marketing of IAS: they have already been established in 13 MS. Conscious that limited resources may hamper the implementation of certain measures, the system has to be designed to cater for flexibility, whenever possible, and to recognise the fact that MS are already taking some action to tackle IAS. Therefore it has to be made clear that MS can put in place or maintain stricter measures.

Amendment 34

Proposal for a regulation Article 8 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) in case of invasive alien species that are animals, they are marked where possible;

(d) in **the** case of invasive alien species **of Union concern** that are animals, they are marked where possible;

Or. en

Amendment 35

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. When applying for a permit, the **establishment** shall provide all necessary evidence to allow the competent authority to assess whether the conditions referred to in paragraphs 2 and 3 are fulfilled.

4. When applying for a permit, the **applicant** shall provide all necessary evidence to allow the competent authority to assess whether the conditions referred to in paragraphs 2 and 3 are fulfilled.

Or. en

Justification

It is clarified that it is up to the person who applies for permit to provide all necessary evidence.

Amendment 36

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Amendment

Restrictions on ***the intentional release of*** invasive alien species of Member State concern

Restrictions on invasive alien species of Member State concern

Or. en

Amendment 37

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ***ban any intentional release into the environment, that is the process by which an organism is placed into the environment, for any purpose, without the necessary measures to prevent its escape and spread, of invasive alien species other than invasive alien species of Union concern for which Member***

1. ***With the aim of preventing the introduction, establishment and spread of invasive alien species of Member State concern, Member States shall either take measures in relation to invasive alien species of Member State concern consisting of any of the restrictions set out in Article 7(1) or maintain or lay down***

States consider, on the basis of scientific evidence, that the adverse impact from their release and spread, even where not fully ascertained, is of significance on their national territory ('invasive alien species of Member State concern').

more stringent national rules.

Or. en

Justification

It is better and clearer to allow Member States to apply any of the restrictions they deem useful against invasive species of MS concern. In addition, as said, the system has to be designed to cater for flexibility and to recognise the fact that MS are already taking some action to tackle IAS. Therefore it has to be made clear that MS can put in place or maintain stricter measures

Amendment 38

**Proposal for a regulation
Article 10 – paragraph 2**

Text proposed by the Commission

2. Member States shall inform the Commission and the other Member States of the species *it considers* as invasive alien species of Member State concern.

Amendment

2. Member States shall inform the Commission and the other Member States of the species *they consider* as invasive alien species of Member State concern *and of the restrictions set out in accordance with paragraph 1.*

Or. en

Amendment 39

**Proposal for a regulation
Article 10 – paragraph 3 – introductory part**

Text proposed by the Commission

3. The competent authorities of Member States may issue *authorisations for certain intentional releases of invasive alien*

Amendment

3. The competent authorities of Member States may issue *derogations from the restrictions set out in accordance with*

species of Member State concern, provided that the following conditions have been fully taken into account:

paragraph 1, provided that the following conditions have been fully taken into account:

Or. en

Amendment 40

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall, **by [18 months from the entry into force of this Regulation – date to be inserted] at the latest** carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species in their territory and identify the pathways which require priority action ('priority pathways'), because of the volume of species or of the damage caused by the species entering the Union through them. ***In doing so, Member States shall in particular focus on an analysis of the pathways of introduction of invasive alien species of Union concern.***

Amendment

1. Member States shall, ***within two years from the adoption of the list referred to in Article 4(1)*** carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species ***of Union concern*** in their territory and identify the pathways which require priority action ('priority pathways'), because of the volume of species or of the damage caused by the species entering the Union through them.

Or. en

Justification

The whole process has to be consequent: Member States cannot develop an action plan until the list of invasive species is in place. An extension to the timeframe to carry out the analysis is also proposed, as the original timeframe may be unrealistic. Similar amendments are also introduced in Articles 11(2), 12(1) and 13(1).

Amendment 41

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. By [3 years from the entry into force of this Regulation - date to be inserted] at the latest, each Member State shall establish and implement an action plan to address the priority pathways it has identified pursuant to paragraph 1. That action plan shall include a timetable for action and shall describe the measures to be adopted to address the priority pathways and to prevent the unintentional introduction and spread of invasive alien species into the Union and into or within the environment.

Amendment

2. Within three years from the adoption of the list referred to in Article 4(1), each Member State shall establish and implement an action plan to address the priority pathways it has identified pursuant to paragraph 1. That action plan shall include a timetable for action and shall describe the measures to be adopted to address the priority pathways and to prevent the unintentional introduction and spread of invasive alien species into the Union and into or within the environment.

Or. en

Amendment 42

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. Within 18 months from the adoption of the list referred to in Article 4(1), 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. en

Amendment 43

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. **Within 12 months from the adoption of the list referred to in Article 4(1)** 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, **developmental stages** or propagules, brought into the Union, necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern.

Or. en

Justification

Mentioning developmental stages is important especially for invertebrates larvae, nymph, pupae or embryos of the vertebrates and ontogenetic stages of amphibians or fish.

Amendment 44

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

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**

measures referred to in Article 18.

on the environment 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).

Amendment 45

**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.***

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 46

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

Text proposed by the Commission

(b) measures ***ensuring*** the prevention of

PE524.576v01-00

Amendment

(b) measures ***to support*** the prevention of

32/43

PR1010988EN.doc

reinvansion following an eradication campaign.

reinvansion following an eradication campaign.

Or. en

Justification

It is not technically possible to ensure prevention of reinvansion.

Amendment 47

**Proposal for a regulation
Article 20 – title**

Text proposed by the Commission

Amendment

Information support ***mechanism***

Information support ***system***

Or. en

Justification

The use of “system” rather than “mechanism” is preferable and avoids confusion with the data support mechanism referred to in paragraph 2 of the Article.

Amendment 48

**Proposal for a regulation
Article 20 – paragraph 1**

Text proposed by the Commission

Amendment

1. The Commission shall ***gradually*** establish an information support ***mechanism*** necessary to facilitate the application of this Regulation.

1. The Commission shall, ***within 12 months from the adoption of the list referred to in Article 4(1)***, establish an information support ***system*** necessary to facilitate the application of this Regulation.

Or. en

Justification

The information support system is an essential part for the IT support of the whole process and thus has to be put in place as a whole and within a specified timeframe.

Amendment 49

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. *In an initial phase* the system shall include a data support mechanism interconnecting existing data systems on invasive alien species, paying particular attention to information on the invasive alien species of Union concern so as to facilitate the reporting pursuant to Article 19.

Amendment

2. The system shall include a data support mechanism interconnecting existing data systems on invasive alien species, paying particular attention to information on the invasive alien species of Union concern so as to facilitate the reporting pursuant to Article 19.

Or. en

Amendment 50

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. *In a second phase*, the data support mechanism referred to in paragraph 2 shall become a tool to assist the Commission in handling the relevant notifications required in Article 14(2).

Amendment

3. The data support mechanism referred to in paragraph 2 shall become a tool to assist the Commission in handling the relevant notifications required in Article 14(2).

Or. en

Amendment 51

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

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.

4. The ***information support system*** referred to in ***paragraph 1*** shall ***include*** a mechanism for exchanging information on other aspects of the application of this Regulation, ***especially with regards to the early detection and rapid eradication of invasive alien species.***

Or. en

Amendment 52

Proposal for a regulation

Article 20 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission may entrust, in part or in full, the activities of the information support system to the European Environment Agency, taking due account of the cost efficiency of entrusting those tasks and of the impact on the body's governance structure and on its financial and human resources.

Or. en

Justification

The coordinated central information system is paramount for the success of the proposed measures, and the Commission should use all available resources to support the implementation work, including in particular the very relevant expertise of the European Environment Agency. Staff should be allocated as necessary, taking of course into account the cost-effectiveness of delegating the tasks.

Amendment 53

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When the list of invasive species of Union concern is being adopted or updated, the Commission shall, at least by consulting the relevant non-governmental organisations, ensure that the public is given an effective opportunity to participate in the adoption or update process.

Or. en

Justification

The public is always very sensitive to restrictive measures. No progress in tackling the IAS is possible without an effective support of the public.

Amendment 54

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Scientific Forum

1. A Scientific Forum shall be set up as a dedicated body. It shall advise the Commission with regard to any scientific question related to the application of this Regulation, in particular as regards Articles 4 and 5, Article 9(4) and Article 16.

2. The Scientific Forum shall be chaired by the Commission. It shall consist of representatives of the scientific community appointed by the Member States.

3. The Scientific Forum shall make recommendations concerning species that may be considered for risk assessment with a view to their possible inclusion in the list of invasive alien species of Union

concern, in light of their current or potential risk of becoming invasive in the Union. The Commission shall consult the Scientific Forum prior to proposing any removal of a species from the list of invasive alien species of Union concern.

4. The Committee referred to in Article 22 shall be kept fully informed of the advice provided by the Scientific Forum.

Or. en

Justification

Considering the broad coverage of the Regulation, it is very important to establish a dedicated technical/scientific body, the “Scientific Forum”, to support the decision making process with expert knowledge

Amendment 55

Proposal for a regulation Article 23

Text proposed by the Commission

Article 23

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
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.
3. The delegation of power referred to in Article 5(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall

Amendment

Article 23

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Article **4(1), Article 4(1b) and Article 5(2)** shall be conferred on the Commission for an undetermined period of time from the entry into force of this Regulation.
3. The delegation of power referred to in Article **4(1), Article 4(1b) and Article 5(2)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union

not affect the validity of any delegated act already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 5(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

or at a later date specified therein. It shall not affect the validity of any delegated act already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article **4(1), Article 4(1b) and Article 5(2)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 56

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 companion animals not kept for commercial purposes that belong to the species included on the list **of invasive alien species of Union concern** shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:

Or. en

EXPLANATORY STATEMENT

Alien species are transported outside their natural range across ecological barriers due to direct or indirect human action. Some of these species cannot adapt to the new environment and die out rapidly, others may survive, reproduce and spread.

Invasive alien species (henceforth IAS) are those species whose introduction or spread has been found to threaten biodiversity and ecosystem services, or to have a negative impact on the environment, human health and socio-economic development. IAS include animals, plants, fungi and micro-organisms, and affect the EU's continental landmass and water bodies, seas and islands.

Only 11 % out of more than 12 000 alien species recorded in Europe have an impact on biodiversity and ecosystems, while 13 % have some economic impact.

However, their effects on biodiversity are significant and IAS are considered to be second in importance only to habitat loss as a driver of biodiversity loss and recognised as being a major cause of species extinction.

When it comes to social and economic impacts, IAS can be vectors of diseases or directly cause health problems (e.g. asthma, dermatitis, allergies). IAS can damage infrastructure and recreational facilities and hamper forestry or cause agricultural losses.

It is expected that biological invasions in Europe will increase. Estimates based on reliable available data show that the number of IAS of model taxa, types of habitat or parts of continents concerned has risen by 76% in Europe over the last 35 years.

Current trends related to the establishment of new species indicate that the problem is far from under control, with impacts on biodiversity expected to increase because of the growing number of species involved, and growing vulnerability of ecosystems to invasions, which results from other pressures such as habitat loss, degradation, fragmentation, over-exploitation and climate change.

IAS are estimated to have cost the EU at least €12 billion/year over the past 20 years, and the damage costs continue to grow. The cost for preventing dissemination, regulation and eradication of invasive species in the EU varies from 40 to 100 million € per year.

Context of the proposal

IAS is a priority issue under the Convention on Biological Diversity with a specific post-Nagoya target (Aichi Biodiversity Target 9) stating that 'By 2020, IAS and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment'.

In 2009 the European Parliament and Environment Council strongly endorsed the development of an IAS strategy for the EU.

IAS was one of 10 priority objectives of the Biodiversity Action Plan and also the fifth target of the EU Biodiversity 2020 strategy aiming to ensure a comprehensive and coordinated EU-level response to prevent and control the introduction and spread of harmful IAS across the EU.

Under the new Biodiversity Strategy the Commission was supposed to propose a dedicated legislative instrument by 2012 to address common challenges associated with IAS in the EU.

Commission proposal

On 9 September 2013 the European Commission published the legislative proposal on the prevention and management of the introduction and spread of IAS.

Earlier, the Commission had already concluded that a basic legislative instrument would be the only useful option to deal with the issue of IAS effectively. This was confirmed by the Impact Assessment. Consequently the Commission presented a proposal for a Regulation. In order to ensure effectiveness, it should be combined with an obligation for the rapid eradication of newly establishing IAS of Union concern.

This option obliges Member States to act without delay and to share information. Derogations are possible if approved by the Commission.

The core of the draft proposal is a list of IAS of Union concern, whose negative impact requires concerted action at Union level. It will be drawn up by the Commission in cooperation with the Member States. Species listed as species of EU concern will be banned, with some limited exemptions. Member States will have to take measures to ensure these species are not introduced, traded, kept, bred, or released in the EU. Such species may cause damage throughout the Union or only in parts of the Union, but the severity of their impact justifies calling on the assistance of the other EU Member States.

The Commission proposes to cap the list of species of EU concern at 50 species initially to focus efforts on the most dangerous species and provide enough regulatory certainty for Member States to put in place the necessary management structures.

The proposal also foresees an early warning system. Member States will have to warn the Commission and other Member States immediately if they spot IAS that have suddenly appeared on their territory, to stop any further spread.

If a species included in the list of species of EU concern is already present in some Member States, these Member States will have to take measures to eradicate or manage them and ensure they are kept under control.

Rapporteur's proposal

The Rapporteur agrees with the Commission that the proposal should be based on three key principles:

- **PREVENTION**

Prevention will seek to reduce the number of new IAS entering the EU, thus avoiding increasing threats to biodiversity and negative impacts on society and economy.

- **PRIORITISATION**

Prioritisation will allow acting efficiently by focusing resources on the worst IAS, i.e. where most benefit is to be obtained for biodiversity and for society and the economy.

- **COORDINATION**

Acting in a coherent and coordinated manner across the EU will increase the effectiveness of actions at EU level, i.e. avoiding action in one Member State being undermined by lack of action in another Member State.

The Rapporteur welcomes the Commission proposal, but considers that there are several aspects that need to be amended.

Main changes proposed in the draft report

- **Cap to the number of listed species**

The proposed cap of 50 IAS with a review option only after five years is a serious shortcoming of the proposal. The cap of 50 species is not addressed by the impact assessment and the summary of the impact assessment even states that ‘it is impossible to know in advance how many and what invasions will need to be tackled and what and how many species will be included in the list of IAS of EU concern’.

The number of IAS establishing in Europe should be minimized and actions should be taken to reduce the impact of at least the most dangerous IAS to acceptable levels. There is, however, no quantitative target for this indicator.

The scientific community agrees that limiting the application of this Regulation to a capped list of 50 species as proposed has no scientific base and will most certainly lead to the EU failing to meet the Aichi Biodiversity Target 9 for 2020. Such a cap should be removed and the system substituted by one that is flexible, responsive and can be updated as frequently as needed.

- **Establishment and update of the IAS list**

The list of IAS of Union concern should be annexed to the basic act because of its central importance and its close link with the scope of the act. Annexing the list to the basic act furthermore provides more legal clarity than a self-standing list. Correspondingly, the appropriate procedure to establish and update the list is by delegated acts rather than implementing acts.

- **Species native to some parts of Europe but invasive to others**

Cooperative measures at Union level can be beneficial to deal with specific species which are invasive to parts of the territory of the Union, independently of the fact that those species are native in another part of the Union or are introduced from outside the Union. The effect of the comprehensive listing of all invasive species, whether endemic to any part of the EU or not, would mean that all Member States would have to consider what level of cooperative action would be necessary or justified to prevent or manage any impacts.

- **IAS of MS concern (voluntary action)**

It is useful to allow for action at Member State level as regards IAS which are not included in the list of IAS of EU concern, but for which Member States consider that the damage deriving from their release, while not fully ascertained, could be of significance. The decision on whether an alien species can be considered of MS concern will rest with each Member State. The only obligation that this will imply is that Member States introduce a permit system for the release into the environment of the species they consider being of their concern.

- **More stringent rules possible**

Conscious that limited resources may hamper the implementation of certain measures, the system has to be designed to cater for flexibility, whenever possible, and to recognise the fact that Member States are already taking some action to tackle IAS. Therefore the Rapporteur aims to ensure that Member States can put in place or maintain stricter measures.

- **Derogations**

The purpose and effect of derogations from most, but not all, restrictions and obligations is to allow for regional variations in the justification and need for any action to prevent the establishment or spread of the species, allowing Member States to prioritise action appropriate to the conditions in their territory and thus reduce the cost implications on a biogeographic basis.

- **Information Support system**

The Rapporteur believes that the information support system is a precondition of any successful implementation of the regulation and that it needs to be established within 12 months from the date of entry into force of the Regulation. The system may also benefit from relevant expertise of the European Environment Agency.

- **Public participation**

Provisions for public participation should be strengthened as effective public participation would enable the public to express, and the decision-maker to take

account of, opinions and concerns which may be relevant for those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness about environmental issues and support for the decisions taken.

- **Scientific forum**

Considering the broad coverage of the Regulation it is important to establish a dedicated technical/scientific body supporting the decision making process with expert knowledge.