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*Committee on International Trade*

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**2013/0307(COD)**

24.1.2014

## **OPINION**

of the Committee on International Trade

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur: Catherine Bearder

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## SHORT JUSTIFICATION

The rapporteur welcomes the Commission's long overdue proposal for a Regulation on the prevention and management of the introduction and spread of invasive alien species, to put in place a legal framework that embraces the principles of prevention, early detection, rapid eradication and long-term management and control. These principles will ensure that Europe's invaluable biodiversity will be stewarded for years to come, and the EU is perfectly placed to coordinate action in this matter. The estimated 12,000 animal and plant species that are in the EU that do not occur naturally are the result of deliberate and accidental action.

Shares the Commission's view that a strong coordinated approach to the management and control of invasive alien species is the best way forward to ensure the protection of our precious biodiversity and minimise the potentially devastating economic, environmental and ecological damage that can occur with the intentional and unintentional introduction of invasive alien species, currently estimated at €12 billion per year in damage and loss of production.

Appreciates that the proposal for Regulation further addresses the environmental consequences but also the considerable consequential social and economic impact of the introduction of invasive alien species brought into the EU, however considers that the limitation of the list of actively monitored species to 50 is needlessly restrictive and in contradiction with the global scope necessary to truly tackle the issue of invasive alien species at hand. It is not consistent with the impact assessment provided. Therefore broadening 'species' to taxonomic group, will prevent the trade simply switching from a species on the list of Union concern to a similar, but unlisted species within the same taxonomic group.

The legal pet and food trade was worth 5.9 billion pounds in the UK alone in 2010. However, not all trade is legal, leaving smuggling and trafficking of endangered, and or exotic animals a lucrative option under cover of legal routes and a considerable threat to natural flora and fauna. It is estimated that the illegal trade in wildlife is worth \$7.8-10 billion globally. This regulation addresses the potential consequences of the legal trade, but with the black-market in timber worth an estimated \$7 billion and in fisheries worth \$4.2-9.5, accompanying measures to ensure that border enforcement must be competent in ensuring effective border control.

## AMENDMENTS

The Committee on International Trade calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 9**

*Text proposed by the Commission*

(9) Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture<sup>14</sup>, Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products<sup>15</sup> and Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>16</sup> provide for rules concerning the authorisation for the use of certain alien species for particular purposes. The use of certain species has already been authorised under those regimes at the time of entry into force of these new rules as they do not pose unacceptable risks to the environment, human health and the economy. In order to ensure a coherent legal framework, those species should thus be excluded from the new rules.

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<sup>14</sup>OJ L 168, 28.6.2007, p.1.

<sup>15</sup> OJ L 167, 27.6.2012, p. 1.

<sup>16</sup> OJ L 309, 24.11.2009, p. 1

## **Amendment 2**

### **Proposal for a regulation Recital 10**

*Text proposed by the Commission*

(10) 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

*Amendment*

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<sup>14</sup> OJ L 168, 28.6.2007, p.1

<sup>15</sup> OJ L 167, 27.6.2012, p. 1.

<sup>16</sup> OJ L 309, 24.11.2009, p. 1

*Amendment*

(10) In order to ensure that the subset of invasive alien species of Union concern remains proportionate ***and meets the objective of placing the emphasis on***

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.

*prevention, it is essential that the list is constantly revised and kept up-to-date. The list should be open, recognising an estimated 1500 invasive alien species currently present in the Union and that the rate of invasion is growing, and include all taxonomic groups include groups of species with similar ecological requirements to prevent derogations from species being traded in the Union to a similar but unlisted species. The list should be focused on those species that cause or are likely to cause significant economic damage, including that deriving from biodiversity loss.*

### 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 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.

*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 will submit a proposal for a list based on those criteria within one year of the entry into force of this legislation to the Committee. The criteria should **be based on the latest scientific evidence and** include a risk assessment pursuant to the applicable provisions under the **relevant** Agreements of the World Trade Organisation on placing trade restriction on species.

### Amendment 4

#### Proposal for a regulation

##### Recital 16

*Text proposed by the Commission*

(16) The risks and concerns associated with invasive alien species represent a

*Amendment*

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cross-border challenge affecting the whole of the Union. It is therefore essential to adopt at Union level a ban on intentionally bringing into the Union, reproducing, growing, transporting, buying, selling, using, exchanging, keeping and releasing invasive alien species of Union concern, to ensure that consistent action is taken across the Union so as to avoid distortions of the internal market and to prevent situations where action taken in one Member State is undermined by inaction in another Member State.

cross-border challenge affecting the whole of the Union. It is therefore essential to adopt at Union level a ban on intentionally bringing into the Union, reproducing, growing, transporting, buying, selling, using, exchanging, keeping and releasing invasive alien species of Union concern, to ensure that **early and** consistent action is taken across the Union so as to avoid distortions of the internal market and to prevent situations where action taken in one Member State is undermined by inaction in another Member State.

## Amendment 5

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(18) There may be cases where alien species not yet recognised as invasive alien species of Union concern appear at the Union borders or are detected in the Union territory. Member States should therefore be granted the possibility to adopt on the basis of available scientific evidence certain emergency measures. Such emergency measures would allow immediate reaction against species which may pose risks related to their introduction, establishment and spread in those countries, while Member States assess the effective risks posed by them, in line with the applicable provisions of the **Agreements of the World Trade Organisation**, in particular with a view to having those species recognised as invasive alien species of Union concern. There is a need to couple national emergency measures with the possibility of adopting emergency measures at Union level in order to comply with the provisions of the **agreements** of the World Trade Organisation. Furthermore, Union level

##### *Amendment*

(18) There may be cases where alien species not yet recognised as invasive alien species of Union concern appear at the Union borders or are detected in the Union territory **and which may pose risks through their accidental or deliberate introduction to the environment**. Member States should therefore be granted the possibility to adopt on the basis of available scientific evidence **and good practice** certain emergency measures. Such emergency measures would allow immediate reaction against species which may pose risks related to their introduction, establishment and spread in those countries, while Member States assess the effective risks posed by them, in line with the applicable provisions of the **relevant Agreements of the World Trade Organisation**, in particular with a view to having those species recognised as invasive alien species of Union concern. There is a need to couple national emergency measures with the possibility of adopting emergency measures at Union level in

emergency measures would equip the Union with a mechanism to act swiftly in case of presence or imminent danger of entry of a new invasive alien species in accordance with the precautionary principle.

order to comply with the provisions of the **relevant** Agreements of the World Trade Organisation. Furthermore, Union level emergency measures would equip the Union with a mechanism to act swiftly in case of presence or imminent danger of entry of a new invasive alien species in accordance with the precautionary principle.

## Amendment 6

### 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.***

## Amendment 7

### Proposal for a regulation Recital 20

*Text proposed by the Commission*

*Amendment*

(20) A large proportion of invasive alien species are introduced unintentionally into the Union. It is therefore crucial to manage the pathways of unintentional introduction. Action in this area would need to be gradual, given the relatively limited experience in this field. Action should include voluntary measures, such as the actions proposed by the International Maritime Organisation's Guidelines for the Control and Management of Ships' Biofouling, and mandatory measures and should build on the experience gained in the Union and in Member States in managing certain pathways, including measures established through the

(20) A large proportion of invasive alien species are introduced unintentionally into the Union. It is therefore crucial to manage the pathways of unintentional introduction ***more effectively***. Action in this area would need to be gradual, given the relatively limited experience in this field. Action should include voluntary measures, such as the actions proposed by the International Maritime Organisation's Guidelines for the Control and Management of Ships' Biofouling, and mandatory measures and should build on the experience gained in the Union and in Member States in managing certain pathways, including measures established through the

International Convention for the Control and Management of Ships Ballast Water and Sediments.

International Convention for the Control and Management of Ships Ballast Water and Sediments.

## **Amendment 8**

### **Proposal for a regulation Recital 33 a (new)**

*Text proposed by the Commission*

*Amendment*

***(33a) Member States may maintain or adopt national rules for the management of invasive alien species that are more stringent than those laid down in this Regulation for invasive species of Union concern and may extend the provisions on invasive species of Union concern to cover alien invasive species of Member State concern.***

## **Amendment 9**

### **Proposal for a regulation Article 2 – paragraph 2 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) species used in closed aquaculture facilities in accordance with Regulation (EC) No 708/2007.***

## **Amendment 10**

### **Proposal for a regulation Article 3 – paragraph 1 – 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

(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;

such species, as well as any *feral domestic species*, hybrids, varieties or breeds that might survive and subsequently reproduce;

## Amendment 11

### Proposal for a regulation

#### Article 3 – paragraph 1 – 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;***

## Amendment 12

### 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 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).

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

## Amendment 13

### Proposal for a regulation

#### Article 4 – paragraph 2

*Text proposed by the Commission*

2. Invasive alien species shall only be included on the list referred to in paragraph 1 if **they meet** all of the following criteria:

*Amendment*

2. Invasive alien species **or the taxonomic groups of species to which they belong** shall only be included on the list referred to in paragraph 1 if **each of them meets** all of the following criteria, **taking into account the relevant international standards**:

#### **Amendment 14**

##### **Proposal for a regulation Article 4 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) they are, having regard to scientific evidence available, found to be **invasive species** alien to **one or more Member States**, excluding the outermost regions;

#### **Amendment 15**

##### **Proposal for a regulation Article 4 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the name of the species;

*Amendment*

(a) the name of the species or **taxonomic group of species**;

#### **Amendment 16**

##### **Proposal for a regulation Article 4 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) evidence that the species complies with the criteria set out in paragraph 2.

*Amendment*

(c) evidence that the species **or taxonomic group of species** complies with the criteria set out in paragraph 2.

## Amendment 17

### Proposal for a regulation Article 4 – paragraph 4

*Text proposed by the Commission*

**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.**

*Amendment*

**deleted**

## Amendment 18

### Proposal for a regulation Article 7 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 19

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

*Text proposed by the Commission*

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

*Amendment*

(d) in case of invasive alien species that are animals, they are marked where possible; **identification and registration of those animals will enable traceability ownership and easier control.**

## Amendment 20

### 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 **and monitoring capacity** on animals and plants including their seeds, eggs, or propagules, **parasites and pathogenic infections** brought into the Union, necessary to prevent the intentional **or accidental** introduction into the Union of invasive alien species of Union concern.

## Amendment 21

### 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, **the health and survival of the endemic species** and the environment, and ensuring that targeted animals are spared any avoidable pain, distress or suffering.

## Amendment 22

### 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 health of the endemic species*** or the environment.

### **Amendment 23**

#### **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, ***the health of the endemic species*** and the environment and that, when animals are targeted, they are spared any avoidable pain, distress or suffering.

### **Amendment 24**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) data related to the invasive alien species of Union and Member State concern pursuant to Article 10(2) imported in or in transit through the Union.***

## PROCEDURE

<b>Title</b>	Prevention and management of the introduction and spread of invasive alien species
<b>References</b>	COM(2013)0620 – C7-0264/2013 – 2013/0307(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 12.9.2013
<b>Opinion by</b> Date announced in plenary	INTA 24.10.2013
<b>Rapporteur</b> Date appointed	Catherine Bearder 27.11.2013
<b>Date adopted</b>	21.1.2014
<b>Result of final vote</b>	+: 27 –: 1 0: 2
<b>Members present for the final vote</b>	Laima Liucija Andrikiienė, Maria Badia i Cutchet, David Campbell Bannerman, Daniel Caspary, María Auxiliadora Correa Zamora, Christofer Fjellner, Yannick Jadot, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Vital Moreira, Paul Murphy, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Peter Šťastný, Robert Sturdy, Henri Weber, Jan Zahradil, Paweł Zalewski
<b>Substitute(s) present for the final vote</b>	Catherine Bearder, Béla Glattfelder, Syed Kamall, Elisabeth Köstinger, Katarína Neveďalová, Tokia Saïfí, Matteo Salvini, Peter Skinner, Jarosław Leszek Wałęsa
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Sophie Auconie, Franco Frigo