



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Fisheries

2013/0307(COD)

23.1.2014

OPINION

of the Committee on Fisheries

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: Chris Davies

PA_Legam

SHORT JUSTIFICATION

It is estimated that there are over 12,000 animal and plant species within the European Union that did not originally occur here naturally. Numbers continue to grow with the movement of people, increase in trade and climate change. In some 10-15% cases such species may reproduce rapidly and out of control, with severe economic and environmental consequences.

The Commission's impact assessment suggests that the costs of this damage may already amount to €12 billion a year in damage and lost production. It also has serious consequences for biodiversity. The problem is growing, is transboundary in nature, and requires coordinated action. The Commission's proposals are aimed at preventing the spread of such species, eradicating them and, where necessary, managing them.

A list of invasive alien species will be agreed that may not be brought into the Union, kept, sold, grown or released into the environment. Member States may introduce emergency control measures as necessary, and will be required to establish action plans to detect the arrival of such species and to deal with them if they are already present. They will also be required to take various measures to restore damaged ecosystems.

As restrictions on trade will be involved there may be internal market and WTO issues to be resolved.

It is understood that there is no opposition within the Council to the principle of the approach proposed by the Commission, although the costs and effectiveness of the measures suggested will be a matter for debate.

Within the Parliament it is the Environment Committee that leads on this issue. In this draft Opinion your rapporteur has therefore confined his proposals to matters that may have relevance to the marine environment or aquaculture.

An essential first step must be to amend the Commission's proposal to limit to 50 the number of species listed as of Union concern. This is an entirely artificial concept that contradicts the Commission's own assessment of the expensive consequences of failing to tackle the problem. Belgium alone, for example, has identified 28 plant species that must not be planted. Prioritisation is necessary but the Union list should be prepared on the basis of best advice supplied by a scientific advisory group.

Some species naturally occurring within parts of the European Union may prove to be a problem if released in Member States with different environmental conditions. The rapporteur suggests that the same restrictions and need for action should apply as for foreign species of concern.

The discharge of ballast water from ships trading across the world has been significant in the introduction of alien invasive species to the aquatic environment. At time of

writing only four Member States have ratified the Ballast Water Convention. The Parliament should press for concerted efforts to be made to persuade all the EU's coastal Member States to endorse the Convention.

AMENDMENTS

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

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 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.

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 and be focused on those species that cause or are likely to cause significant economic damage, including that deriving from biodiversity loss.

Justification

A cap on the number of invasive alien species of Union concern will result in an ineffective implementation of the legislation.

Amendment 2

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 *are* 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 *restrictions* on species. ***They are to be laid down by a panel of experts to be appointed by the Commission, the Council, and the European Parliament.***

Amendment 3

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Some of the species that are invasive in the Union may be native in some of the Union's Outermost Regions and vice versa. In the Communication from the Commission on 'The outermost regions: an asset for Europe'¹⁸ it was recognised that the remarkable biodiversity of the outermost regions calls for the development and implementation of

Amendment

(15) Some of the species that are invasive in the Union may be native in some of the Union's Outermost Regions and vice versa. In the Communication from the Commission on 'The outermost regions: an asset for Europe'¹⁸ it was recognised that the remarkable biodiversity of the outermost regions calls for the development and implementation of

measures to prevent and manage invasive alien species in those regions as defined by the Treaty on the Functioning of the European Union taking into account European Council Decisions 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy¹⁹ and 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union²⁰. Therefore all the provisions of these new rules should apply to the Union's Outermost Regions except for provisions relating to invasive alien species of Union concern which are native to those regions. In addition, to allow for the necessary protection of the biodiversity in such regions, it is necessary that the **concerned** Member States draw up, as a complement to the list of invasive alien species of Union concern, specific lists of invasive alien species for their Outermost Regions to which these new rules should also apply.

¹⁸ COM (2008)642 final.

¹⁹ OJ L 325, 9.12.2010, p. 4.

²⁰ OJ L 204, 31.7.2012, p. 131.

measures to prevent and manage invasive alien species in those regions as defined by the Treaty on the Functioning of the European Union taking into account European Council Decisions 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy¹⁹ and 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union²⁰. Therefore all the provisions of these new rules should apply to the Union's Outermost Regions except for provisions relating to invasive alien species of Union concern which are native to those regions. In addition, to allow for the necessary protection of the biodiversity in such regions, it is necessary that **in all appropriate cases** the Member States **concerned** draw up **and update**, as a complement to the list of invasive alien species of Union concern, specific lists of invasive alien species for their Outermost Regions to which these new rules should also apply. ***This list shall be kept open and revised, as new invasive alien species are identified and considered to pose a risk. Some of the alien species that are invasive in the Union may be native to parts of the Union and to Outermost Regions and vice versa.***

¹⁸ COM (2008)642 final.

¹⁹ OJ L 325, 9.12.2010, p. 4.

²⁰ OJ L 204, 31.7.2012, p. 131.

Amendment 4

Proposal for a regulation

Recital 20

Text proposed by the Commission

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

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 International Convention for the Control and Management of *Ships'* Ballast Water and Sediments. ***Accordingly the Commission shall take all appropriate steps to encourage Member States to ratify the Convention including promoting opportunities for debate between national ministers. Notwithstanding the provisions for Member State action plans laid down in Article 11, the Commission shall, three years from the date of implementation of this Regulation, report on Member States' implementation of the aforementioned voluntary measures and shall, if appropriate, come forward with legislative proposals to incorporate such measures into Union law. In the event of delays in the entry into force of the Convention, the Commission should seek coordinated action between Member States, non-EU shipping nations, and international shipping organisations to put forward measures preventing the unintentional introduction of species by this particular pathway.***

Justification

At the time of writing the Commission's Impact Assessment, only four Member States had ratified the Convention; yet the IEEP Report for the Commission (2010) stated that releases of untreated ballast water and hull fouling are by far the most significant vectors of accidental introduction of alien species. In the instance that voluntary measures do not prove successful therefore, the Commission should consider legislative action in this field.

Amendment 5

Proposal for a regulation

Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The implementation of this Regulation, in particular establishing and updating the list of invasive alien species of Union concern, elements of risk assessment, emergency measures and measures for rapid eradication at an early stage of invasion, should be driven by sound scientific evidence. This requires the effective involvement of relevant members of the scientific community. Advice should therefore be actively sought through regular consultation with scientists, in particular through the establishment of a dedicated body (the “Scientific Advisory Group”) advisory to the Commission.

Justification

Scientific advice from experts in the relevant field will ensure an effective and consistent implementation of the legislation.

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) ‘invasive alien species of Union

(3) ‘invasive alien species of Union

concern' means invasive alien species whose negative impact has been deemed such as to require concerted action at the level of the Union pursuant to Article 4(2);

concern' means invasive alien species ***whether non-native to the Union or native to certain regions of the Union but alien to others, or taxonomic groups of species,*** whose negative impact has been deemed such as to require concerted action at the level of the Union pursuant to Article 4(2).

Justification

In some instances species that are native to one region of the Union may be non-native, and invasive, in another; provision should accordingly be made for a differentiated approach between Member States for such species. Inclusion of taxonomic groups of species with similar ecological requirements on the Union list will help avoid trade switching and facilitate easier implementation of the Regulation.

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) 'intentional release' means the process by which an organism is placed into the environment, for any purpose, without the necessary measures to prevent its escape and spread.

Justification

Additional definition in accordance with changes in Amendment 12 (Article 10(1)).

Amendment 8

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 ***the best and most recent*** scientific evidence available, found to be alien to the territory of the Union excluding the outermost regions;

Amendment 9

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

(b) they are, having regard to scientific evidence available, found to be capable of establishing a viable population and spreading in the environment under current or foreseeable climate change conditions anywhere in the Union excluding the outermost regions;

Amendment

(b) they are, having regard to ***the best and most recent*** scientific evidence available, found to be capable of establishing a viable population and spreading in the environment under current or foreseeable climate change conditions anywhere in the Union excluding the outermost regions;

Amendment 10

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the case of invasive species of Union concern that are native to some regions of the Union while remaining alien to others, Member States may submit a derogation request to the Commission from the provisions laid down in Article 7(1). Such a derogation shall be granted by the Commission upon evaluation of the evidence provided, which shall include:

a) evidence that the species is either native and/or non-invasive to the Member State;

b) evidence that the Member State has taken appropriate measures, based on the precautionary principle and where possible in conjunction with other relevant Member States, to avoid the species' spread to other regions of the Union wherein that species might constitute an invasive threat.

Justification

In instances where a Member State has identified as an invasive species to its territory a species that is native or non-invasive to another Member State, the latter should be able to pursue a differentiated approach to the control of that species provided it fulfils certain obligations.

Amendment 11

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. **deleted**

Amendment 12

Proposal for a regulation Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Derogations accorded in line with Article 4, paragraph 3a shall be subject to evaluation by the Commission on an annual basis. This evaluation shall take into account the advice of the scientific advisory group established in Article 21 a.

Amendment 13

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

Text proposed by the Commission

Amendment

(e) a description of the current distribution

(e) a description of the current distribution

of the species including whether the species is already present in the Union or in neighbouring countries;

of the species including whether the species is already present in the Union *as a native or alien species* or in neighbouring countries;

Amendment 14

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

Text proposed by the Commission

(g) *a quantified forecast* of the *damage* costs at Union level *demonstrating the significance for the Union, so as to further justify action because the overall damage would outweigh the cost of mitigation*;

Amendment

(g) *an assessment* of the *potential* costs at Union level;

Justification

Potential risks and costs posed by invasive alien species are difficult to quantify.

Amendment 15

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

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

(h) a description of the possible uses and benefits *that may be derived from* the species.

Amendment 16

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ban any intentional release into the environment, *that is the process by which an organism is placed*

Amendment

1. Member States shall ban any intentional release into the environment of invasive alien species other than invasive alien

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 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').

species of Union concern for which Member States consider, on the basis of *the best available* scientific evidence, that the adverse impact from their release and spread is of significance on their national territory ('invasive alien species of Member State concern').

Justification

Definitions should be included under Article 3.

Amendment 17

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

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 18

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

Text proposed by the Commission

Amendment

(fa) Measures taken to inform the public about the presence of an alien species and

any actions that citizens have been requested to take.

Justification

In many instances citizens may have a role to play in avoiding the further spread of alien species. It is therefore important that Member States take measures to keep the public informed.

Amendment 19

**Proposal for a regulation
Article 21 a (new)**

Text proposed by the Commission

Amendment

Article 21 a

Scientific Advisory Group

1. The Commission shall establish a scientific advisory group which shall be composed of independent scientists with relevant expertise in the specific field of the prevention and management of the introduction of invasive alien species. The group shall be charged in particular with:

- a) identifying new invasive species of possible Union concern and proposing them for inclusion on the Union list;***
- b) scrutinising Member State risk assessments;***
- c) scrutinising Member State requests for derogation from the provisions laid down in Article 4(1) and (2) in accordance with Article 4(3)(a) and (4)(a).***

Justification

Scientific advice from experts in the relevant field will ensure an effective, consistent and successful implementation and oversight of the legislation.

Amendment 20

Proposal for a regulation Article 21 b (new)

Text proposed by the Commission

Amendment

Article 21b

Scientific Review Group

1. A Scientific Review Group is hereby established.

The Scientific Review Group shall be responsible for preparing the opinion considered by the Commission and the Committee of Article 22 on the following issues:

(a) preparing and updating the list of invasive alien species of Union concern;

(b) scientific and technical matters concerning the type of admissible specific evidence referred to in Article 4(2)(b) and application of elements set out in Article 5(1)(a) to (h), including the methodology to be applied in the assessment of such elements, in accordance with Article 5(2);

(c) risk assessments conducted in accordance with Article 5(1);

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

(e) at the request of the Commission or of Member States' competent authorities, any other scientific or technical questions that arise from the operation of this Regulation.

2. The Scientific Review Group members shall be appointed by the Commission on the basis of their experience and expertise relevant to performing the tasks specified in paragraph 1, taking into account geographical distribution that reflects the

diversity of scientific problems and approaches in the Union. The Commission shall determine the number of members in accordance with the requisite needs.

Justification

The successful implementation of this Regulation, particularly in relation to preventative measures, requires the presence of an independent advisory body. Scientific and technical advice is needed to forecast what organisms might be introduced or become problematic. A group composed of independent scientific and technical experts should therefore be established. Key tasks for this group include giving an opinion on species to be listed and scrutinising risk assessments.

Amendment 21

Proposal for a regulation

Article 21 – title

Text proposed by the Commission

Public participation

Amendment

Public participation ***and stakeholder involvement and exchange of information***

Amendment 22

Proposal for a regulation

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

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

Justification

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

PROCEDURE

Title	Prevention and management of the introduction and spread of invasive alien species
References	COM(2013)0620 – C7-0264/2013 – 2013/0307(COD)
Committee responsible Date announced in plenary	ENVI 12.9.2013
Opinion by Date announced in plenary	PECH 12.9.2013
Rapporteur Date appointed	Chris Davies 23.9.2013
Discussed in committee	17.10.2013
Date adopted	22.1.2014
Result of final vote	+: 13 -: 7 0: 0
Members present for the final vote	John Stuart Agnew, Antonello Antinoro, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Jarosław Leszek Wałęsa
Substitute(s) under Rule 187(2) present for the final vote	Izaskun Bilbao Barandica, Ole Christensen, Jens Nilsson