



EUROPEAN PARLIAMENT

2009 - 2014

---

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

---

**2013/0307(COD)**

29.1.2014

# **COMPROMISE AND CONSOLIDATED AMENDMENTS**

## **1 - 9**

**Draft report**  
**Pavel Poc**  
(PE524.576v01-00)

on the proposal for a regulation of the European Parliament and of the Council  
on the prevention and management of the introduction and spread of invasive  
alien species

Proposal for a regulation  
(COM(2013)0620 – C7-0264/2013 – 2013/0307(COD))

AM\1017099EN.doc

PE528.064v01-00

AM\_Com\_LegCompr

**Compromise Amendment** 1

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Mark Demesmaeker**

on behalf of the Verts/ALE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments 85, 87, 133-138, 275, 276

**Proposal for a regulation**

**Article 3 – point 12**

*Text proposed by the Commission*

(12) ‘eradication’ means the complete and permanent removal of a population of invasive alien species by physical, chemical or biological means;

*Amendment*

(12) 'eradication' means the complete and permanent removal of a population of invasive alien species by ***lethal or non-lethal*** physical, chemical or biological means;

**Proposal for a regulation**

**Article 3 – point 14**

*Text proposed by the Commission*

(14) ‘management’ means any physical, chemical or biological action aimed at the eradication, population control or containment of a population of an invasive alien species;

*Amendment*

(14) ‘management’ means any ***lethal or non-lethal*** physical, chemical or biological action aimed at the eradication, population control or containment of a population of an invasive alien species, ***while also avoiding impact on non-targeted species and their habitats***;

**Proposal for a regulation**

**Article 3 – point 16**

*Text proposed by the Commission*

(16) 'population control' means physical, chemical or biological actions applied to a population of invasive alien species with the aim of keeping the number of individuals as low as possible, so that, while not being able to eradicate the species, its invasive capacity and adverse impacts on biodiversity and ecosystem services, or on human health and the economy, are minimised.

*Amendment*

(16) 'population control' means ***lethal or non-lethal*** physical, chemical or biological actions applied to a population of invasive alien species, ***while also avoiding impact on non-targeted species and their habitats***, with the aim of keeping the number of individuals as low as possible, so that, while not being able to eradicate the species, its invasive capacity and adverse impacts on biodiversity and ecosystem services, or on human health and the economy, are minimised.

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Consolidated Amendment 2**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Julie Girling**

on behalf of the ECR Group

Consolidated amendment replacing Amendments 24, 161, PECH 10, PECH 12

**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 13 and 15 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, nor is it causing significant damage in neighbouring Member States;***

***(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 socioeconomic 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

**Compromise Amendment 3**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Mark Demesmaecker**

on behalf of the Verts/ALE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments 25-27, 70, 162-183, PECH 13-15

**Proposal for a regulation**

**Article 5**

*Text proposed by the Commission*

Article 5

Risk assessment and delegated acts

1. The Commission *or* the Member States, *as relevant*, shall carry out the risk assessment referred to in Article 4(2)(c) and (3)(b) having regard to the following elements:

- (a) a description of the species with its taxonomic identity, its history, native range, potential range;
- (b) a description of its reproduction and spread patterns including an assessment of

*Amendment*

Article 5

Risk assessment and delegated acts

1. The Commission, *where appropriate with the assistance of* the Member States shall carry out the risk assessment referred to in Article 4(2)(c) and (3)(b) having regard to the following elements:

- (a) a description of the species with its taxonomic identity, its history, native range, potential range;
- (b) a description of its reproduction and spread patterns *and dynamics* including an

whether the environmental conditions necessary for reproduction and spread exist;

(c) a description of the potential pathways of entry and spread, both intentional and unintentional, including where relevant the commodities with which the species are generally associated;

(d) a thorough assessment of the risk of entry, establishment, spread in relevant biogeographical regions in current conditions and in foreseeable climate change conditions;

(e) a description of the current distribution of the species including whether the species is already present in the Union or in neighbouring countries;

(f) a description of the negative impact on biodiversity and ecosystem services, including on native species, protected sites, endangered habitats, on **human** health and **the economy including an assessment of the magnitude of future impact**;

(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**;

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

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

assessment of whether the environmental conditions necessary for reproduction and spread exist;

(c) a description of the potential pathways of entry and spread, both intentional and unintentional, including where relevant the commodities with which the species are generally associated;

(d) a thorough assessment of the risk of entry, establishment, spread in relevant biogeographical regions in current conditions and in foreseeable climate change conditions;

(e) a description of the current distribution of the species including whether the species is already present in the Union **as a native or alien species** or in neighbouring countries **and a projection of its likely future distribution**;

(f) a description, **or estimation based on the best available scientific knowledge**, of the negative impact on biodiversity and ecosystem services, including on native species, protected sites, endangered habitats, on **the economy, public health and safety**;

(g) **an assessment of the potential costs of damage** at Union level demonstrating the significance for the Union;

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

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

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)**

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.

## **Proposal for a regulation**

### **Recital 12**

#### *Text proposed by the Commission*

(12) In order to ensure compliance with the rules of the World Trade Organisation and ensure the coherent application of these new rules common criteria should be established to perform the risk assessment. Those criteria should use when appropriate existing national and international standards and should encompass different aspects of the characteristics of the species, the risk and modes of entry into the Union, the negative economic, social and biodiversity impacts of the species, the potential benefits of uses and the costs of mitigation to weight them against the negative impacts, as well as *a quantified forecast of the* environmental, economic and social damage *costs* at Union level demonstrating the significance for the Union, *so as to further justify action*. In order to develop the system progressively and build upon the experience gained, the overall approach should be evaluated after five years.

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 damage *to human health and the economy*, including that deriving from biodiversity loss.

#### *Amendment*

(12) In order to ensure compliance with the rules of the World Trade Organisation and ensure the coherent application of these new rules common criteria should be established to perform the risk assessment. Those criteria should use when appropriate existing national and international standards and should encompass different aspects of the characteristics of the species, the risk and modes of entry into the Union, the negative economic, social and biodiversity impacts of the species, the potential benefits of uses and the costs of mitigation to weight them against the negative impacts, as well as *an assessment of the potential costs* of environmental, economic and social damage at Union level demonstrating the significance for the Union. In order to develop the system progressively and build upon the experience gained, the overall approach should be evaluated after five years.

Or. en

**Consolidated Amendment**                      **4**  
**Pavel Poc**  
on behalf of the S&D Group  
**Renate Sommer**



on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments 29-33, 76, 185-192, INTA 4, INTA 18

**Proposal for a regulation**

**Article 7**

*Text proposed by the Commission*

Article 7

**Ban** on invasive alien species of Union concern

1. Species ***included on the list referred to in Article 4(1)*** shall not be intentionally:
  - (a) ***brought*** into or transited through ***the Union territory***;
  - (b) permitted to reproduce;
  - (c) transported, except for the transportation of species to facilities for eradication;
  - (d) placed on the market;
  - (e) used or exchanged;
  - (f) kept or grown, including in contained holding;
  - (g) released into the environment.
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).

*Amendment*

Article 7

**Restrictions** on invasive alien species of Union concern

1. ***Invasive alien*** species ***of Union concern*** shall not be intentionally ***or negligently***:
  - (a) ***introduced*** into or transited through ***a Member State***;
  - (b) permitted to reproduce;
  - (c) transported, except for the transportation of species to facilities ***in the context of*** eradication;
  - (d) placed on the market ***or offered for sale***;
  - (e) used or exchanged;
  - (f) ***notwithstanding Article 8***, kept or grown, including in contained holding;
  - (g) released into the environment.
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).
- 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.***

*(The amendment of “ban” to “restrictions” applies throughout the text. Adopting it will necessitate corresponding*

*changes throughout.)*

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

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

*Amendment*

(16) The risks and concerns associated with invasive alien species represent a cross-border challenge affecting the whole of the Union. It is therefore essential to adopt at Union level a ban on intentionally ***or negligently introducing into any Member State***, 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.

Or. en

**Consolidated Amendment**      **5**  
**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Julie Girling**

on behalf of the ECR Group

Consolidated amendment replacing Amendments 34, 35, 77, 79, 104, 112, 193-216, 217, INTA 19

**Proposal for a regulation**  
**Article 8**

*Text proposed by the Commission*

Article 8

Permits ***for research and ex-situ conservation***

1. By way of derogation from the ***bans*** set

*Amendment*

Article 8

Permits

1. By way of derogation from the

out in points (a), (b), (c), (e) and (f) of Article 7(1), Member States shall establish a permit system allowing establishments that are authorised to carry out research or ex-situ conservation to perform such activities on invasive alien species of Union concern.

2. Member States shall empower the relevant competent authorities to issue the permits referred to in paragraph 1 for activities carried out in contained holding that fulfil all of the following conditions:

- (a) the invasive alien species of Union concern is kept in and handled in closed facilities as referred to in paragraph 3;
- (a) the activity is to be carried out by personnel possessing the scientific **and** technical qualifications prescribed by the competent authorities;
- (a) transport to and from the closed facility is authorised by the competent authority and is carried out under conditions that exclude escape of the invasive alien species;
- (a) in case of invasive alien species that are animals, they are marked where possible;
- (a) the risk of escape or spread or removal is effectively managed, taking into account the identity, biology and means of dispersal

**restrictions** set out in points (a), (b), (c), **(d)**, (e) and (f) of Article 7(1), Member States shall establish a permit system allowing establishments that are authorised to carry out research or ex-situ conservation to perform such activities on invasive alien species of Union concern.

***Member States may also establish a permit system allowing specialised establishments that carry out commercial cultivation of plant species or commercial breeding of animals covered by Council Directive 98/58/EC to perform such activities on invasive alien species of Union concern, provided those species have a high economic, social or environmental value and without prejudice to point (b) of Article 22 of Directive 92/43/EEC and Article 11 of Directive 2009/147EC.***

2. Member States shall empower the relevant competent authorities to issue the permits referred to in paragraph 1 for activities carried out in contained holding that fulfil all of the following conditions:

- (a) the invasive alien species of Union concern is kept in and handled in closed facilities as referred to in paragraph 3;
- (b) the activity is to be carried out by personnel possessing the scientific **or** technical qualifications prescribed by the competent authorities;
- (c) transport to and from the closed facility is authorised by the competent authority and is carried out under conditions that exclude escape of the invasive alien species;
- (d) in **the** case of invasive alien species **of Union concern** that are animals, they are marked where possible **using methods that do not cause preventable pain, distress or suffering**;
- (e) the risk of escape or spread or removal is effectively managed, taking into account the identity, biology and means of dispersal

of the species, the activity and the closed facility envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that species;

(a) a continuous surveillance and a contingency plan to cater for possible escape or spread is drawn up, including an eradication plan.

(a) The permit referred to in paragraph 1 shall be limited to **the** number of species and specimens that **is necessary for the research or ex-situ conservation concerned and shall** not exceed the capacity of the closed facility. It shall include the restrictions necessary to mitigate the risk of escape or spread of the species concerned. It shall accompany the invasive alien species to which it refers at all times when these are kept, brought into and transported within the Union.

3. Specimens shall be considered to be kept in closed facilities if the following conditions are fulfilled:

(a) they are physically isolated and they cannot escape or spread or be removed from the facilities **were** they are kept by unauthorised persons; cleaning and maintenance protocols shall ensure that no specimens or reproducible parts can escape, spread or be removed by unauthorised persons;

(b) their removal from the facilities or disposal **or** destruction is done in such way as to exclude propagation or reproduction outside of the facilities.

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.

of the species, the activity and the closed facility envisaged, the interaction with the environment and other relevant factors relating to the risk posed by that species;

(f) a continuous surveillance and a contingency plan to cater for possible escape or spread is drawn up, including an eradication plan **as a last resort**.

(g) The permit referred to in paragraph 1 shall be limited to **a** number of species and specimens that **does** not exceed the capacity of the closed facility. It shall include the restrictions necessary to mitigate the risk of escape or spread of the species concerned. It shall accompany the invasive alien species to which it refers at all times when these are kept, brought into and transported within the Union.

3. Specimens shall be considered to be kept in closed facilities if the following conditions are fulfilled:

(a) they are physically isolated and they cannot escape or spread or be removed from the facilities **where** they are kept by unauthorised persons; cleaning, **waste handling** and maintenance protocols shall ensure that no specimens or reproducible parts can escape, spread or be removed by unauthorised persons;

(b) their removal from the facilities or disposal, destruction **or humane cull** is done in such way as to exclude propagation or reproduction outside of the facilities.

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.

**4a. Member States shall ensure that inspections are carried out by the competent authorities to ensure the facility's compliance with the conditions**

*set out for the permit issued.*

*4b. The Commission may object, by means of an implementing act, to a permit issued pursuant to paragraph 2, on the basis of the fact that any of the conditions referred to in that paragraph are not fulfilled. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).*

## **Proposal for a regulation**

### **Article 19 – paragraph 1 – point f**

#### *Text proposed by the Commission*

(f) the format of the permits referred to in *Article 8*.

#### *Amendment*

(f) the format **and number** of the permits referred to in *Article 8(2) and the results of the inspections referred to in Article 8(4a)*.

## **Proposal for a regulation**

### **Recital 17**

#### *Text proposed by the Commission*

(17) With a view to enabling scientific research and ex-situ conservation activities, it is necessary to provide specific rules for the invasive alien species of Union concern subject to those activities. Those activities should be carried out in closed facilities where the organisms are in contained holding and with all the necessary measures taken to avoid the escape or unlawful release of invasive alien species of Union concern.

#### *Amendment*

(17) With a view to enabling scientific research and ex-situ conservation activities, **and in some cases commercial cultivation or breeding of species of high economic, social or environmental value**, it is necessary to provide specific rules for the invasive alien species of Union concern subject to those activities. Those activities should be carried out in closed facilities where the organisms are in contained holding and with all the necessary measures taken to avoid the escape or unlawful release of invasive alien species of Union concern.

Or. en

**Consolidated Amendment 6**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments 16, 36-39, 120-124, 184, 226-233, 292, INTA 11, PECH 6, PECH 16

**Proposal for a regulation**

**Article 3 – point 3**

*Text proposed by the Commission*

(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);

*Amendment*

(3) 'invasive alien species of Union concern' means invasive alien species, ***which are alien to the territory of the Union excluding the outermost regions, or alien to one biogeographical region of the Union but native to another,*** whose negative impact ***on one or more Member States*** has been deemed such as to require concerted action at the level of the Union pursuant to Article 4(2);

**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 on the basis of scientific evidence that the adverse impact from their release and spread, even where not fully ascertained, is of significance for its territory, or part of it, and requires action at the level of that Member State;***

**Proposal for a regulation**  
**Article 10**

*Text proposed by the Commission*

**Article 10**

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

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 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').***

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.

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

*Amendment*

**Article 10**

Restrictions on invasive alien species of Member State concern

1. Member States shall ***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 more stringent national rules, for the purpose of preventing their introduction or of controlling the establishment and development of their populations.***

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.***

***2a. Member States shall ensure coordination of their activities with relevant neighbouring Member States when adopting measures on invasive alien species of Member State concern in their national territory, if there is a significant risk of spread of such an invasive alien species to the territory of neighbouring Member States, or where a joint action would prove more effective, with the aim of producing joint action plans for such species.***

*provided that the following conditions have been fully taken into account:*

*(a) there are no alternative non-invasive species that can be used to obtain similar benefits;*

*(b) the benefits of the release are exceptionally high in comparison to the risks of damage of the species concerned;*

*(c) the release will include risk mitigation measures so as to minimise the impact on biodiversity and ecosystem services as well as on human health and the economy;*

*(d) adequate surveillance is in place and a contingency plan is drawn up to eradicate the species to be applied in case the damage caused by the species is considered by the competent authority to be unacceptable.*

4. Any authorisation for the introduction of alien species for their use in aquaculture shall be issued in accordance with the provisions of Regulation (EC) No 708/2007.

4. Any authorisation for the introduction of alien species for their use in aquaculture shall be issued in accordance with the provisions of Regulation (EC) No 708/2007.

Or. en

**Consolidated Amendment**

**7**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments 8, 45, 46, 89, 90, 277, 284-290

**Proposal for a regulation**

**Article 18**



*Text proposed by the Commission*

Article 18

Restoration of the damaged ecosystems

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

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

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

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

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

Article 18

Restoration of the damaged ecosystems

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

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

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

(b) measures ***to support*** the prevention of reinvasion following an eradication campaign.

*Amendment*

***Article 18a***

***Accountability***

***1. Based on the ‘polluter-pays’ principle, with a view to prevent and remedy ecosystem damage caused by invasive alien species, Member States shall take measures to ensure that the operator (natural or legal, private or public person), who is ascertained to be liable for intentional or negligent introduction or spread of invasive alien species of Union concern, is held accountable and contributes substantially to meeting the***

*cost of restoration.*

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

## **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 ***appropriate*** 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 2008/56/EC. ***Operators who are ascertained to be liable for intentional or negligent introduction or spread of invasive alien species of Union concern should be held accountable and should contribute substantially to meeting the cost of restoration, in accordance with the 'polluter pays' principle.***

Or. en

**Compromise Amendment**

**8**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Mark Demesmaeker**

on behalf of the Verts/ALE Group

**Julie Girling**

on behalf of the ECR Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Compromise amendment replacing Amendments 11, 53, 54, 95, 299-305, PECH 5, PECH 12, PECH 19-22

## **Proposal for a regulation**

### **Article 21**

*Text proposed by the Commission*

#### Article 21

##### Public participation

1. Where action plans are being established pursuant to Article 11 and where measures are being established pursuant to Article 17, Member States shall ensure that the public **is** given early and effective opportunities to participate in their preparation, modification or review using the arrangements already determined by the Member States in accordance with the second subparagraph of Article 2(3) of Directive 2003/35/EC.

*Amendment*

#### Article 21

##### Public **and stakeholder** participation

1. Where action plans are being established pursuant to Article 11 and where measures are being established pursuant to Article 17, Member States shall ensure that the public **and relevant stakeholders are** given early and effective opportunities to participate in their preparation, modification or review using the arrangements already determined by the Member States in accordance with the second subparagraph of Article 2(3) of Directive 2003/35/EC.

***1a. The Commission shall ensure a balanced participation of representatives of Member States and other interested parties, including relevant stakeholders, in issues related to the implementation of this Regulation, including in drawing up and updating of the list referred to in Article 4(1) and adopting emergency measures in accordance with Article 9(4). They shall meet in a consultation forum. The Commission shall also use this forum to promote exchange of information relative to species distribution and management options, including humane control methods.***

**Proposal for a regulation**  
**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22a**

**Scientific Forum**

***1. The Commission shall set up a Scientific Forum as a dedicated body. It shall provide an opinion to the Commission and the Committee referred to in Article 22 on any scientific or technical questions related to the implementation of this Regulation, in particular as regards Articles 4 and 5, Article 9(4) and Article 16. More specifically, the Scientific Forum shall:***

***(a) provide opinions 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 also consult the Scientific Forum prior to proposing any removal of a species from the list of invasive alien species of Union concern; and:***

***(b) upon request, conduct risk assessments.***

***2. The Scientific Forum shall be chaired by the Commission. It shall consist of representatives of the scientific community appointed by the Member States on the basis of their experience and expertise relevant to performing the task specified in paragraph 1. The number of members of Scientific Forum shall be determined in accordance with requisite needs and taking into account geographical distribution reflecting diversity of scientific problems and approaches in the Union.***

**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, risk assessment, emergency measures and measures for rapid eradication at an early stage of invasion, should be informed by sound scientific evidence, thus requiring the continuous, effective involvement of the relevant members of 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

**Consolidated Amendment 9**

**Pavel Poc**

on behalf of the S&D Group

**Renate Sommer**

on behalf of the PPE Group

**Gerben-Jan Gerbrandy**

on behalf of the ALDE Group

**Mark Demesmaecker**

on behalf of the Verts/ALE Group

**Kartika Tamara Liotard**

on behalf of the GUE/NGL Group

Consolidated amendment replacing Amendments 308-315

**Proposal for a regulation**

**Article 24**

*Text proposed by the Commission*

*Amendment*

Article 24

Article 24

Administrative measures and sanctions

Administrative measures and sanctions

1. Member States shall lay down the rules

1. Member States shall lay down the rules

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

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

***1a. Without prejudice to their supervisory powers, competent authorities shall have the power to impose at least the following administrative measures and sanctions:***

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

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

***(c) a temporary ban on an activity;***

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

***(e) administrative pecuniary sanctions;***

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

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

***(a) the gravity and duration of the breach;***

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

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

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

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

***(f) previous breaches by the person***

*responsible;*

*(g) the economic impact of the damage caused and the principle that the polluter should pay.*

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

**Proposal for a regulation**  
**Article 25**

*Text proposed by the Commission*

*Amendment*

**Article 25**

*deleted*

**Sanctioning powers**

**1. Competent authorities shall have the power to impose administrative measures and sanctions on any natural or legal person who does not comply with this Regulation.**

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

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

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

**(c) a temporary ban on an activity;**

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

**(e) administrative pecuniary sanctions;**

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

**(a) the gravity and duration of the breach;**

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

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

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

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

*(f) previous breaches by the person responsible.*

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

Or. en