



# Invasive Alien Species Regulation

## Policy Review



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## Acknowledgments & Disclaimer

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## Invasive Alien Species Regulation

Policy Review
<b>Name/Type of the Legal Act or Policy</b>
The <a href="#">Regulation 1143/2014 on invasive alien species</a>
<b>Entry into force</b>
The <a href="#">Regulation 1143/2014 on invasive alien species</a> entered into force on 1 January 2015.
<b>Departments/Units in charge</b>
DG Environment, Unit B2 – Biodiversity and Unit B.3 – Nature
<b>Common Implementation strategy (CIS processes)</b>
<p><i><a href="#">Working Group on Invasive Alien Species (WGIAS)</a></i>: The mission of this group, chaired by DG Environment (Unit B.2 "Biodiversity" and Unit B.3 "Nature"), is to bring together the European Commission, Member States' representatives and various stakeholders (mainly NGOs) as well as the European Environment Agency. It aims at fostering an exchange views and coordinate issues related to the implementation of the Nature Directives (Birds Directive and Habitats Directive) and the EU 2020 Biodiversity Strategy in particular the targets and actions therein. This Group also reports to Nature Directors as appropriate.</p> <p>Main Task: Assist the Commission in the preparation of legislation or in policy definition; Coordinate with Member States to exchange of views and Provide expertise to the Commission when preparing implementing measures.</p> <p><i><a href="#">Committee on Invasive Alien Species</a></i>: The implementation of the Regulation is supported by a <a href="#">Committee</a> made up of representatives of all Member States.</p> <p><i><a href="#">Scientific Forum on Invasive Alien Species</a></i>: Furthermore, advice on scientific questions related to the implementation of the Regulation is provided through a <a href="#">Scientific Forum</a> with representatives of the scientific community appointed by the Member States.</p>
<b>Administrative body handling implementation in MS</b>
The implementation of the Regulation is supported by a <a href="#">Committee</a> made up of representatives of all Member States.
<b>Main Objective</b>
This Regulation sets out rules to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread within the Union, both intentional and unintentional, of invasive alien species.
<b>Other objectives/Key concepts/key elements of the legislation</b>

The Regulation includes three distinct types of measures, which follow an internationally agreed hierarchical approach to combatting IAS: Prevention: a number of robust measures are foreseen to prevent new IAS from entering the EU in the first place, either intentionally or unintentionally; Early warning and rapid response: Member States must put in place an early warning system to detect the presence of IAS as early as possible and take rapid measures to prevent it from becoming established; and Management of already established invasive alien species: some IAS are already well established in the EU territory, concerted action is needed to manage them so that they do not spread any further and to minimise the harm they cause.

The new EU Regulation centres around the development of a list of invasive alien species of Union Concern. This will contain a sub-set of IAS that are deemed to be the ‘worst offenders’ amongst the 1,000–1,800 IAS present in Europe. This will enable EU action to focus on those IAS that cause the most damage and where targeted measures are clearly required at EU level. As this is a new policy area, a prioritised approach is especially important as it will enable the system to be developed gradually, giving the Commission and Member States the opportunity to learn from experience. Decisions to list a species as IAS of Union Concern will rely on evidence-based risk assessments. The assessments must be done according to agreed criteria so that the results are valid for the whole of the EU, and will therefore only need to be undertaken once.

A Standing Committee of experts nominated by the Member States and the Commission will then evaluate each risk assessment and decide on whether the species should be included in the list of EU Concern. Species on the list will be effectively banned, and Member States will be required to take measures to ensure they are not introduced, traded, kept, bred, or released in the EU

### Terminology

*Alien species:* any live specimen of a species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural range; 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.

*Invasive alien species:* an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services.

*Contained holding:* keeping an organism in closed facilities from which escape or spread is not possible.

*Ex-situ conservation:* the conservation of components of biological diversity outside their natural habitat.

*Population control:* any lethal or non-lethal action applied to a population of invasive alien species, while also minimising the 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 impact on biodiversity, the related ecosystem services, on human health or the economy, are minimised.

*Containment:* any action aimed at creating barriers which minimises the risk of a population of an invasive alien species dispersing and spreading beyond the invaded area.

*Management:* any lethal or non-lethal action aimed at the eradication, population control or containment of a population of an invasive alien species, while also minimising the impact on non-targeted species and their habitats.

### Derogations

In pursuing the objectives of this Regulation, it is appropriate to take account of the specific situation of the outermost regions, and in particular their remoteness, insularity and the uniqueness of their respective biodiversities. Therefore, the requirements under this Regulation to take restrictive and preventive measures relating to invasive alien species of Union concern should be adapted to the specificities of the outermost regions, as defined by the Treaty on the Functioning of the European Union (TFEU), taking into account European Council Decisions 2010/718/EU [\(15\)](#) and 2012/419/EU [\(16\)](#).

Art. (Art.) 6 – Provisions for the Outermost Regions: 1. Invasive alien species of Union concern shall not be subject to [Art. 7 or Art. 13 to 20](#) in the outermost regions; 2. By 2 January 2017, each Member State with outermost regions shall adopt for each of those regions a list of invasive alien species of concern, in consultation with those regions; 3. As regards the invasive alien species included on the lists referred to in paragraph 2 of this Article, Member States may, within the respective outermost regions, apply the measures as provided for in Art. 7 to 9, 13 to 17, 19 and 20, as appropriate. Those measures shall be compatible with the TFEU and be notified to the Commission in accordance with Union law; 4. Member States shall immediately notify the Commission and shall inform the other Member States of the lists referred to in paragraph 2 and of any update to those lists.

### Types of management measures

Art. 19 – Management Measures: Within 18 months of an invasive alien species being included on the Union list, Member States shall have in place effective management measures for those invasive alien species of Union concern which the Member States have found to be widely spread on their territory, so that their impact on biodiversity, the related ecosystem services, and, where applicable, on human health or the economy are minimised. Those management measures shall be proportionate to the impact on the environment and appropriate to the specific circumstances of the Member States, be based on an analysis of costs and benefits and also include, as far as is feasible, the restoration measures referred to in Art. 20. They shall be prioritised based on the risk evaluation and their cost effectiveness. 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. The commercial use of already established invasive alien species may be temporarily allowed as part of the management measures aimed at their eradication, population control or containment, under strict justification and provided that all appropriate controls are in place to avoid any further spread. When applying management measures and selecting methods to be used, Member States shall have due regard to human

health and the environment, especially non-targeted species and their habitats, and shall ensure that, when animals are targeted, they are spared any avoidable pain, distress or suffering, without compromising the effectiveness of the management measures. The surveillance system provided for in Art. 14 shall be designed and used to monitor the effectiveness of eradication, population control or containment measures in minimising the impact on biodiversity, the related ecosystems services and, where applicable, on human health or the economy. The monitoring shall also assess the impact on non-targeted species, as appropriate. Where there is a significant risk that an invasive alien species of Union concern will spread to another Member State, the Member States in which that species is present shall immediately notify the other Member States and the Commission. Where appropriate, the Member States concerned shall establish jointly agreed management measures. Where third countries may also be affected by the spread, the Member State affected shall endeavour to inform the third countries concerned.

### **Spatial coverage**

This Regulation applies to all invasive alien species. This Regulation does not apply to: species changing their natural range without human intervention, in response to changing ecological conditions and climate change; genetically modified organisms as defined in point 2 of Art. 2 of Directive 2001/18/EC; pathogens that cause animal diseases; for the purpose of this Regulation, animal disease means the occurrence of infections and infestations in animals, caused by one or more pathogens transmissible to animals or to humans; harmful organisms listed in Annex I or Annex II to Directive 2000/29/EC, and harmful organisms for which measures have been adopted in accordance with Art. 16(3) of that Directive; species listed in Annex IV to Regulation (EC) No 708/2007 when used in aquaculture; micro-organisms manufactured or imported for use in plant protection products already authorised or for which an assessment is ongoing under Regulation (EC) No 1107/2009; or micro-organisms manufactured or imported for use in biocidal products already authorised or for which an assessment is ongoing under Regulation (EU) No 528/2012

### **Reporting units – what are the specific transposition requirements**

Member State Level. Art. 13: 1. Member States shall, within 18 months of the adoption of the Union list carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory, as well as in their marine waters as defined in point (1) of Art. 3 of Directive 2008/56/EC, and identify the pathways which require priority action ('priority pathways') because of the volume of species or of the potential damage caused by the species entering the Union through those pathways. 2. Within three years of the adoption of the Union list, each Member State shall establish and implement one single action plan or a set of action plans to address the priority pathways it has identified pursuant to paragraph 1. Action plans shall include timetables for action and shall describe the measures to be adopted and, as appropriate, voluntary actions and codes of good practice, to address the priority pathways and to prevent the unintentional introduction and spread of invasive alien species into or within the Union. 3. Member States shall ensure coordination with the aim of establishing one single action plan or a set of action plans coordinated at the appropriate regional level in accordance with Art. 22(1). Where such

regional action plans are not established, Member States shall establish and implement action plans for their territory and as far as possible coordinated at the appropriate regional level.

### Timelines

*Art. 4: List of invasive alien species of Union concern:* The Commission shall adopt, by means of implementing acts, a list of invasive alien species of Union concern ('the Union list'), on the basis of the criteria laid down in paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Art. 27(2). The draft implementing acts shall be submitted to the Committee referred to in Art. 27(1) by 2 January 2016. The Commission shall undertake a comprehensive review of the Union list at least every six years and shall, in the meantime, update it, as appropriate

*Art. 6: Provisions for the outermost regions:* By 2 January 2017, each Member State with outermost regions shall adopt for each of those regions a list of invasive alien species of concern, in consultation with those regions.

*Art. 13: Action plans on surveillance:* Member States shall, within 18 months of the adoption of the Union list carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory, as well as in their marine waters as defined in point (1) of Art. 3 of Directive 2008/56/EC, and identify the pathways which require priority action ('priority pathways') because of the volume of species or of the potential damage caused by the species entering the Union through those pathways. Within three years of the adoption of the Union list, each Member State shall establish and implement one single action plan or a set of action plans to address the priority pathways it has identified pursuant to paragraph 1. Action plans shall include timetables for action and shall describe the measures to be adopted and, as appropriate, voluntary actions and codes of good practice, to address the priority pathways and to prevent the unintentional introduction and spread of invasive alien species into or within the Union.

*Art. 14: Surveillance System:* Within 18 months of the adoption of the Union list, Member States shall establish a surveillance system of invasive alien species of Union concern, or include it in their existing system, which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into or within the Union.

*Art. 15: Official Controls:* By 2 January 2016, Member States shall have in place fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern. Those official controls shall apply to the categories of goods falling within the Combined Nomenclature codes to which a reference is made in the Union list, pursuant to Art. 4(5).

*Art. 24: Reporting and Review:* By 1 June 2019, and every six years thereafter, Member States shall update and transmit to the Commission the following: a description, or an updated version thereof, of the surveillance system pursuant to Art. 14 and of the official control system on alien species entering the Union pursuant to Art. 15; the distribution of the invasive alien species of Union concern or regional concern in accordance with Art. 11(2) present in their territory, including information regarding migratory or reproductive

patterns; information about the species considered as invasive alien species of Member State concern pursuant to Art. 12(2); the action plans referred to in Art. 13(2); aggregated information covering the entire national territory on the eradication measures taken in accordance with Art. 17, the management measures undertaken in accordance with Art. 19, their effectiveness, and their impact on non-targeted species; the number of the permits referred to in Art. 8 and the purpose for which they were issued; measures taken to inform the public about the presence of an invasive alien species and any actions that citizens have been requested to take; the inspections required under Art. 8(8); and information on the cost of action undertaken to comply with this Regulation, when available.

By 5 November 2015, Member States shall notify the Commission and inform the other Member States of the competent authorities in charge of applying this Regulation. By 1 June 2021, the Commission shall review the application of this Regulation including the Union list, the action plans referred to in Art. 13(2), the surveillance system, customs controls, eradication obligation and management obligations, and submit a report to the European Parliament and to the Council, which may be accompanied by legislative proposals for the amendment of this Regulation, including changes to the Union list. That review shall also examine the effectiveness of the implementing provisions on invasive alien species of regional concern, the need for and the feasibility of, including species native to the Union in the Union list and whether further harmonisation is needed to increase the effectiveness of the action plans and measures undertaken by the Member States. The Commission shall, by means of implementing acts, specify the technical formats for reporting in order to simplify and streamline reporting obligations for the Member States in relation to the information pursuant to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Art. 27(2).

**Integration/coordination issues with other related pieces of legislation**

Link with CBD: The Union, as a party to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC, is bound by Art. 8(h) of that Convention, according to which the Parties shall, as far as possible and as appropriate, 'prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species'.

This regulation supports the achievement of the objectives of Directives 2000/60/EC, 2008/56/EC and 2009/147/EC of the European Parliament and of the Council and Council Directive 92/43/EEC, by preventing, minimising and mitigating the adverse effects of invasive alien species on biodiversity and related ecosystem services, and on human health and safety as well as to reduce their social and economic impact. See [here](#) an overview of socio-economic and environmental impacts of IAS.

**Coordination issues with the EU Biodiversity Strategy**

This regulation impacts the implementation of the entire Biodiversity Strategy – IAS are a major threat to Europe’s biodiversity and can cause the local extinction of indigenous species, for instance through competition for limited resources such as food and habitats, inter-breeding, or the spread of exotic diseases. The impact of IAS may sometimes be so profound that they can alter the structure and functioning of entire ecosystems,



compromising their ability to provide valuable ecosystem services, such as pollination, water regulation or flood control.

The IAS regulation obviously relates to Target 5 (Combat IAS) and also links to Target 2 (Maintaining and restoring ecosystems and their services), Target 4 (Ensuring the sustainable use of fisheries resources and ensuring good environmental status of the marine environment), and Target 6 (Avert global biodiversity loss).

### Relevance to ecosystems/habitats?

*Ecosystems/habitats addressed explicitly by the legal act/policy:* This Regulation applies to all invasive alien species and therefore implicitly addresses all ecosystems and habitats.

*Ecosystems affected by relevant policies:* All ecosystems are implicitly impacted.

*Links to Aquatic Biodiversity and Ecosystem Services:* Yes, the IAS regulation aims to prevent, minimise and mitigating the adverse effects of invasive alien species on biodiversity and related ecosystem services, and on human health and safety as well as to reduce their social and economic impact. See [here](#) an overview of socio-economic and environmental impacts of IAS.

### Drivers

*Drivers addressed in legal text :* Invasive Alien Species enter the EU in a wide variety of ways. Some are introduced intentionally for use in farming, forestry, aquaculture, horticulture or for recreational purposes, or even as pets and garden plants or as biocontrol agents (e.g. Asian ladybirds). Others came into the EU unintentionally, either as contaminants of other commodities (e.g. ragweed seeds in bird feed mixtures) or as ‘hitchhikers’ and ‘stowaways’ on board vessels or equipment). The pathways of release in the environment vary considerably according to the species group and the surrounding environment. Alien plant species mostly escape from cultivation (e.g. gardens, farms) whereas freshwater alien species are often intentionally released for aquaculture or recreational angling. In the marine environment, most alien species come into Europe as unintentional stowaways.

*Indicators:* See report [Invasive alien species indicators in Europe](#). To support the 'Streamlining European 2010 Biodiversity Indicators' (SEBI 2010) process, the European Environment Agency (EEA) commissioned a study to revisit and further develop the indicator 'Invasive alien species in Europe'. The aim of the current project is to critically review and improve this indicator, and propose an updated methodology. Further, options for methodologies of new indicators, which monitor IAS over time across Europe, will be discussed. Particular attention is given to closely linking the indicator(s) to recent biodiversity policy goals and developments.

### Pressures

*Definition Pressures:* No definition of pressures found.

*Pressures addressed:* Human drivers (i.e. farming, forestry, aquaculture, horticulture) can cause the spread of IAS which can result in the local extinction of indigenous species, for instance through competition for limited resources such as food and habitats, inter-

breeding, or the spread of exotic diseases. They can also alter the structure and functioning of entire ecosystems, compromising their ability to provide valuable ecosystem services, such as pollination, water regulation or flood control.

*Indicators:* See above section on Drivers.

**Assessment of Environmental State**

Legislation still in early stages – in the process towards implementation

**Assessment of Status**

Legislation still in early stages – in the process towards implementation

**Data**

The European Alien Species Information Network (EASIN) is an online platform that aims to facilitate the exploration of existing information on alien species from distributed sources. Preparatory study, August 2015 – In order to support the prioritisation of invasive alien species for future risk assessments, a horizon scanning methodology for the Europe was developed and implemented. The outcome was a list of 95 species, including all taxa (except microorganisms) within marine, terrestrial and freshwater environments, considered as very high or high priority for risk assessment. The results presented in its report cannot be in any way regarded as the list that the Commission will be proposing, nor to represent the opinion of the Commission.

**Funding**

A number of EU funds can be used to assist Member States in eradicating or managing IAS on their territory, including the Rural Development Programme, INTERREG and the EU LIFE fund. The EU’s LIFE–Nature Fund has supported over 180 projects to–date to assist tackling IAS in Natura 2000 sites, at a cost of some €44 million.

## About AQUACROSS

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Knowledge, Assessment, and Management for AQUATIC Biodiversity and Ecosystem Services aCROSS EU policies (AQUACROSS) aims to support EU efforts to protect aquatic biodiversity and ensure the provision of aquatic ecosystem services. Funded by Europe's Horizon 2020 research programme, AQUACROSS seeks to advance knowledge and application of ecosystem-based management (EBM) for aquatic ecosystems to support the timely achievement of the EU 2020 Biodiversity Strategy targets.

Aquatic ecosystems are rich in biodiversity and home to a diverse array of species and habitats, providing numerous economic and societal benefits to Europe. Many of these valuable ecosystems are at risk of being irreversibly damaged by human activities and pressures, including pollution, contamination, invasive species, overfishing and climate change. These pressures threaten the sustainability of these ecosystems, their provision of ecosystem services and ultimately human well-being.

AQUACROSS responds to pressing societal and economic needs, tackling policy challenges from an integrated perspective and adding value to the use of available knowledge. Through advancing science and knowledge; connecting science, policy and business; and supporting the achievement of EU and international biodiversity targets, AQUACROSS aims to improve ecosystem-based management of aquatic ecosystems across Europe.

The project consortium is made up of sixteen partners from across Europe and led by Ecologic Institute in Berlin, Germany.

## AQUACROSS PARTNERS

Ecologic Institute (ECOLOGIC)   Germany	University of Liverpool (ULIV)   United Kingdom
Leibniz Institute of Freshwater Ecology and Inland Fisheries (FVB-IGB)   Germany	University College Cork, National University of Ireland (UCC)   Ireland
Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO)   France	Royal Belgian Institute of Natural Sciences (RBINS)   Belgium
Wageningen Marine Research (WMR)   Netherlands	Stockholm University, Stockholm Resilience Centre (SU-SRC)   Sweden
University of Natural Resources & Life Sciences, Institute of Hydrobiology and Aquatic Ecosystem Management Austria	Danube Delta National Institute for Research & Development (INCDDD)   Romania
Fundación IMDEA Agua (IMDEA)   Spain	Eawag – Swiss Federal Institute of Aquatic Science and Technology (EAWAG)   Switzerland
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