

## EU Policy Update (EU2013.07)

# Prevention and Management of the Introduction and Spread of Invasive Alien Species

Updated: April 2014

### Summary of main points in the proposal

On 9 September 2013, the European Commission (the Commission) proposed legislation COM(2013)620 that aims to coordinate the efforts of European Union (EU) Member States to help combat the threats posed by invasive alien species (IAS)<sup>1</sup>. The Commission stated that the proposed legislative package will protect biodiversity, whilst also focusing on the most serious threats posed by IAS.

The proposal **centres on control of a list of 50 IAS of greatest EU concern** (yet to be specified) and introduces three pathways for intervention:

- **prevention of introduction** through stricter controls on invasion pathways used by these species;
- **early warning and rapid response** of detected invasive species;
- **management** of IAS that are already established within the **EU** to minimize the harm they cause.

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<sup>1</sup> Invasive alien species are non-native organisms whose introduction or spread has been found to threaten biodiversity and ecosystem services and that may also have a negative impact on human health or the economy. The term 'invasive non-native species' is also sometimes used.

**Prevention** will focus on banning the import or movement of IAS, except under permits given for research and ex-situ conservation, the regulation also proposes to give emergency measures if a Member State is under threat from an IAS not in the previously mentioned list.

**Monitoring** systems for detection of IAS must be put in place in all Member States within 18 months of the introduction of the proposed legislation; within 12 months Member States must have in place a method to control movement of IAS entering and within the EU. Following detection of an IAS, Member States should apply **eradication** measures within three months and notify other members of the EU.

**Management** for IAS that are already present within the EU should be put in place within 12 months of the introduction of this legislation and a surveillance programme to monitor how effective these schemes are.

**A list of IAS of European Union concern** will be drawn up to include the top three per cent of the 1,500 IAS currently in the EU and will be focused on species that have the potential to cause, or currently cause significant economic damage to Member States, including damage deriving from biodiversity loss. The list will be developed based on scientific evidence and risk assessment and the Commission intends to submit a list within one year of the current proposal entering into force as legislation. The proposed legislative package will be complemented with a legal obligation for Member States to eradicate rapidly newly establishing IAS on this list following detection.

The legal basis of this proposal is Article 192(1) of the Treaty on the Functioning of the European Union.<sup>2</sup>

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<sup>2</sup> European Commission, *Proposal for a Regulation of the European Parliament and Council on the prevention and management of the introduction and spread of invasive alien species*, 2013/0307 (COD) [accessed 28 October 2013]

## Background context to the proposal

For a summary of the relevant actions that directed the development of this European legislative proposal please refer to the Defra document: *Towards an EU Strategy on Invasive Alien Species*.<sup>3</sup> For a comprehensive review of IAS, the impacts of invasive species in Wales, including their financial and ecological costs, please refer to the research paper produced by the Assembly's Research Service in April 2013.<sup>4</sup>

There are currently over 12,000 non-native species in Europe, over 1,500 of which are defined as IAS and they are rapidly growing in number, causing damage worth at least €12.5 billion per year through costs of control/eradication, hazards to human health, damage to infrastructure and yield losses in agriculture.<sup>5</sup> The Commission has stated that it is aware that many EU Member States are already expending considerable resources dealing with IAS, but these efforts are not effective at a purely Member State level because of potential reinvasion across Member State borders.<sup>6</sup>

In 2003, the Delivering Alien Invasive Species Inventories for Europe (DAISIE) project was established to produce a Europe-wide inventory of IAS.<sup>7</sup> Currently there is no European framework for dealing with IAS comprehensively. A few IAS are addressed by specific EU legislation, including plant health regime (2000/29/EC), the Wildlife Trade Regulation (338/97), the Birds Directive (2009/147/EC) and the Habitats Directive (92/43/EEC); however, the Commission states that most existing EU action leaves many IAS unaddressed.

<sup>3</sup> Defra, *Towards an EU Strategy on Invasive Alien Species*, May 2011 [accessed 12 November 2013].

<sup>4</sup> National Assembly for Wales, Research Note RN-13-006 *Invasive Alien Species*, April 2013 [accessed 30 October 2013]

<sup>5</sup> European Commission, *Proposal for a Regulation of the European Parliament and Council on the prevention and management of the introduction and spread of invasive alien species*, 2013/0307 (COD) [accessed 28 October 2013]

<sup>6</sup> Ibid

<sup>7</sup> *Delivering Alien Invasive Species Inventories for Europe (DAISIE)* (website) [accessed 30 October 2013]

The Commission states that the current policies/initiatives to control IAS are not effective given their rising numbers. It suggests that coordinated action will ensure that rapid response to new IAS entering the EU. In addition the Commission has argued that whilst some Member States already have legislation to deal with IAS in place they will benefit from neighbouring countries being required to adopt a common approach.

The EU has been working towards the development of a strategy on IAS since 2008, taking into account the **Review of the EU Common Plant Health Regime** and the **Animal Health Strategy**.

## Relevance to Wales

The rate of IAS establishment in the UK has steadily increased since 1800; a Defra commissioned study in 2012 reported that there are currently 280 IAS in UK and that between 2000 and 2010, an average of 1.4 additional IAS established each year.<sup>8</sup>

A Defra commissioned report by the Centre for Agricultural Bioscience International estimated market costs incurred by IAS to be £1.7 billion per year in the UK and £125 million per year in Wales. In addition to the market costs resulting from IAS, the total non-market costs incurred, including disturbance of ecosystem services, have been estimated to £96 billion in the UK and £7 billion in Wales.<sup>9</sup>

The Great Britain Non Native Species Secretariat (GBNNSS) was established in 2005 and it provides individual species risk assessments for IAS.<sup>10</sup> In Wales, responsibility for IAS lies with the Wales Invasive Non-

<sup>8</sup> Helen E. Roy, Jim Bacon, Björn Beckmann, Colin A. Harrower, Mark O. Hill, Nick J.B. Isaac, Chris D. Preston, Biren Rathod, Stephanie L. Rorke (2012) *Non-Native Species in Great Britain: establishment, detection and reporting to inform effective decision making*, NERC Centre for Ecology and Hydrology [accessed 30 October 2013]

<sup>9</sup> F. Williams, R. Eschen, A. Harris, D. Djeddour, C. Pratt, R.S. Shaw, S. Varia, J. Lamontagne-Godwin, S.E. Thomas, S.T. Murphy (2010) *The Economic Cost of Invasive Non-Native Species on Great Britain*, Defra Commissioned report from CABI 2010 [accessed 29 October 2013].

<sup>10</sup> National Assembly for Wales, Environment and Sustainability Committee, *E&S(4)-14-13 paper 5: Non-native Species Secretariat*, 9 May 2013 [accessed 29 October 2013]

Native Species (WINNS) Group, which has the remit to:

- Provide a forum for policy development;
- Coordinate IAS research;
- Raise awareness of IAS issues;
- Assess impacts of IAS; and
- Implement monitoring schemes, prioritising prevention of new IAS establishing.<sup>11</sup>

There are a number of initiatives underway in Wales to tackle IAS, together with the GBNNSS, the WINNS Group runs “**Stop the Spread – Check, Clean, Dry**”, which was developed in response to the spread of Killer Shrimp in Welsh waterways, and “**Be Plant Wise**” to highlight the dangers of disposing of aquatic plants in the wild.

Also, under the *Wildlife and Countryside Act 1981* the Welsh Government has introduced a ban on the sale of five invasive plant species – Floating Pennywort, Australian Swamp Stone-Crop, Water Primrose, Water Fern and Parrot’s Feather.

The WINNS Group has identified a list of 111 IAS present in Wales, including 15 High Alert Species prioritised to prevent establishment in Wales; 11 species currently being eradicated; and 31 established IAS that are undergoing control programmes.

The 15 High Alert species IAS, which are not currently in Wales, but are prioritised for rapid reaction to prevent establishment and spread include: Japanese Kelp, Quagga Mussel, Rapa Whelk, Oak Processionary Moth, Asian Hornet, Carrion Shrimp, all non-native Crayfish species, Chinese Water Deer, Monk Parakeet, American Bull Frog, Alpine Newt and Italian Crested Newt. To assist with the consideration of priority IAS species, the Welsh Government has commissioned ADAS to refine this decision making framework.<sup>12</sup>

The WINNS Group produced an audit of all IAS research and management projects undertaken in Wales in

<sup>11</sup> National Assembly for Wales, Research Note RN-13-006 *Invasive Alien Species*, April 2013 [accessed 30 October 2013]

<sup>12</sup> Welsh Government, *Paper for the Environment and Sustainability Committee on Invasive Alien Species, Annex A*, 13 June 2013 [accessed 30 October 2013]

2013. It found that the majority of these projects were led by agencies of the Welsh Government (i.e. Natural Resources Wales (NRW)).<sup>13</sup>

In May 2013, the Minister for Natural Resources and Food, Alun Davies AM, announced that £1.5 million would be made available for Resilient Ecosystem Fund projects that promote ecosystem health in Wales, including management of IAS, restoring priority habitats or improving ecological connectivity. The Resilient Ecosystem Fund is administered by NRW, with the applications for funding assessed by the Wales Biodiversity Partnership.<sup>14</sup>

## UK Government position

Defra published an Explanatory Memorandum on the Commission’s proposals on 10 September 2013. Although Defra supports a coordinated approach to invasive species management, it criticised the Commission’s proposal for a priority list of 50 IAS, stating that it is a tiny fraction of the species traded in the UK and the capped figure has not been justified.<sup>15</sup> Defra also stated that the measures proposed largely mirror the approaches already taken in accordance with the GBINNS Framework Strategy, which has been in place since 2008 and is currently under review.<sup>16</sup>

## Welsh Government position

As of 16 December 2013, the Welsh Government has not released a statement regarding the EU proposals. NRW has stated that the EU proposals will not significantly change current controls put in place by the Welsh Government, but it encourages cooperation between EU Member States, which is particularly important given the spread of IAS across international

<sup>13</sup> Wales Invasive Non-Native Species Working Group, *INNS Action Audit*, June 2013 [accessed 11 November 2013]

<sup>14</sup> Welsh Government Written Statement, May 2012 *Additional Funding for Ecosystem Resilience* [Accessed 18 March 2013]

<sup>15</sup> Defra, Explanatory Memorandum on European Community Legislation, 13457/13 *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*, 10 September 2013 [accessed 30 October 2013]

<sup>16</sup> GB Non-native Species Secretariat, *GB Strategy Review 2013*, September 2013 [accessed 30 October 2013]

borders. It also suggests that the Environment Bill being developed by Welsh Government<sup>17</sup> may be used to adapt current IAS management strategies to a wider landscape scale and provide a more strategic approach to managing IAS across Wales.<sup>18</sup>

## Progress of dossier in EU institutions

*This section will be updated as the negotiations take place in Brussels and the official positions of the EU Institutions become clear.*

### Monitoring the dossier

Before the Regulation becomes EU law, Member States and the European Parliament must consider the proposals through the 'ordinary legislative procedure' (co-decision), which requires agreement between the European institutions.

### European Parliament

The lead committee responsible for this proposal within the European Parliament is the Environment, Public Health and Food Safety Committee (the Committee).

On 30 January 2014, the European Parliament approved an amendment allowing individual EU Member States to derogate the entire regulation in specific circumstances allowing enterprises to breed non-European plant and animal species within the EU. Such derogation would not require Commission approval and could be justified on any ground of economic interest.

MEPs also wanted exemptions for so called 'incapables' - alien species that only spread to parts of the EU.<sup>19</sup> The European Parliament called for an open-ended list of alien species 'of Union concern' as opposed to the Commission's initial proposal restricting the list to 50 species.<sup>20</sup>

<sup>17</sup> Welsh Government, *Environment Bill*, 23 October 2013 [accessed 29 October 2013]

<sup>18</sup> National Assembly for Wales, Environment and Sustainability Committee, *E&S(4)-14-13 paper 4: Natural Resources Wales*, 9 May 2013 [accessed 29 October 2013]

<sup>19</sup> Ends Europe, *EU lawmakers hammer out deal on invasive species*, 6 March 2014 [accessed 20 March 2014]

<sup>20</sup> Ends Europe, *EU lawmakers hammer out deal on invasive species*, 6 March 2014 [accessed 20 March 2014]

## Council of Ministers

The **Environment Council** is taking the lead on this dossier in the Council of Ministers, and discussed the proposals for the first time on 13 December 2013.<sup>21</sup>

Views were mixed on whether the proposal should be extended to species that occur naturally in some parts of the EU. It was concluded that species native to one part of the EU but alien, invasive and damaging in other regions would be dealt with through regional cooperation.<sup>22</sup>

Most Member States wanted the proposed cap on the number of species to be tackled (50 species) to be removed.

### Agreement

Member State and European Parliament officials reached a provisional agreement on 5 March 2014 and the compromise text was adopted on 19 March 2014.

The Parliament's call for national derogations to the proposed restrictions was rejected by the Greek Presidency. The Parliament's amendment to exempt so called incapables was also rejected by the Presidency.<sup>23</sup>

The Presidency backed the Parliament's amendment on the Commission's capped list of 50 target invasive species. Under this agreement an open-ended list will prioritise species that represent an emerging issue and that cause the most significant damage.

The agreement will have to be formally approved by the Parliament and Council of Ministers. The Parliament's plenary vote is due to take place on 15 April 2014<sup>24</sup> and the Council is due to take its decision after the Parliament's vote.<sup>25</sup>

<sup>21</sup> Council of the European Union, *Main Topics for the Coming Fortnight: 2-15 December 2013*. Friday 13 December 2013 Environment Council - overview of the agenda [accessed 4 March 2014]

<sup>22</sup> Ends Europe, *EU lawmakers hammer out deal on invasive species*, 6 March 2014 [accessed 20 March 2014]

<sup>23</sup> Ends Europe, *EU lawmakers hammer out deal on invasive species*, 6 March 2014 [accessed 20 March 2014]

<sup>24</sup> Ends Europe, *Compromise reached on tackling invasive species*, 21 March 2014 [accessed 24 March 2014]

<sup>25</sup> The Greek Presidency, *Protecting our ecosystem from invasive alien species*, 19 March 2014, [accessed 25 March 2014]

## Further information

For further information please contact:

**Elfyn Henderson** ([elfyn.henderson@wales.gov.uk](mailto:elfyn.henderson@wales.gov.uk))

Research Service

**Gregg Jones** ([gregg.jones@wales.gov.uk](mailto:gregg.jones@wales.gov.uk))

EU Office

Research Service

National Assembly for Wales

Tŷ Hywel, Cardiff Bay

Cardiff

CF99 1NA