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Subject:	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

Following the examination of the abovementioned proposal by the Working Party on the Environment and the written comments received afterwards, the Presidency has prepared a revised text that delegations will find in the Annex to this Note.

Deletions in comparison to the original Commission proposal (doc. 13457/13) are indicated by [...], new text is in **bold**.

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**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Subject matter

This Regulation sets out rules to prevent, minimise and mitigate the adverse impacts of the introduction and spread, both intentional and unintentional, of invasive alien species [...].

Article 2

Scope

1. This Regulation applies to all invasive alien species in the Union as defined in Article 3(2).
2. This Regulation does not apply to:
 - (a) species changing their natural range without human intervention, in response to changing ecological conditions and climate change;
 - (b) genetically modified organisms as defined in Article 2 of Directive 2001/18/EC;
 - (c) animal diseases [...] as defined in Article 4(1)(14) of Regulation (EU) No XXX/XXXX [animal health law- COM(2013) 260 final];

- (d) pests of plants listed pursuant to Article 5(2) or Article 32(3) or subject to measures pursuant to Article 29(1) of Regulation (EU) No XXX/XXXX [on plant health COM(2013) 267 final];
- (e) species listed in Annex IV of Regulation (EC) No 708/2007;
- (f) micro-organisms manufactured or imported for use in plant protection products already approved or for which an assessment is on-going under Regulation (EC) No 1107/2009;
- (g) 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.

Article 3
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'alien species' means any live specimens of species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural past or present distribution; it includes any part, gametes, seeds, eggs, **embryos** or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce;
- (2) 'invasive alien species' means an alien species whose introduction or spread has been found [...] to threaten **or impact upon** biodiversity and ecosystem services, and that may also have a negative impact on human health or the economy;
- (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);

- (3)bis 'invasive alien species of Member State concern' 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 is of significance on their national territory;**
- (4) 'biodiversity' means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (5) 'ecosystem services' means the direct and indirect contributions of ecosystems to human wellbeing;
- (6) 'introduction' means the movement by human intervention of a species outside its past or present natural distribution;
- (7) 'research' means descriptive or experimental work, undertaken under regulated conditions to acquire new knowledge or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features, other than invasiveness, of invasive alien species only insofar as essential for enabling the breeding of those features into non-invasive species;
- (8) 'contained holding' means keeping an organism in closed facilities from which escape or spread is not possible;
- (9) 'ex-situ conservation' means the conservation of components of biological diversity outside their natural habitat;
- (10) 'pathways' means the routes and mechanisms of biological invasions;

- (11) 'early detection' means the confirmation of the presence of specimens of an invasive alien species in the environment before it has become widely spread;
- (12) 'eradication' means the complete and permanent removal of a population of invasive alien species by **environmental sound** physical, chemical or biological means;
- (13) 'widely spread' means an invasive alien species whose population has gone beyond the naturalisation stage, in which a population maintains a self-sustaining population, and has spread to colonise a large part of the potential range where it can survive and reproduce;
- (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;
- (15) 'containment' means actions aimed at creating barriers which minimise the risk for a population of an invasive alien species to disperse and spread beyond the invaded area;
- (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.

Article 4

List of invasive alien species of Union concern

1. A list of invasive alien species of Union concern shall be adopted, and updated, by the Commission by means of implementing acts on the basis of the criteria in paragraph 2. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

2. Invasive alien species shall only be included on the list referred to in paragraph 1 if they meet all of the following criteria:
 - (a) they are, having regard to scientific evidence available, found to be alien to the territory of the Union excluding the outermost regions;
 - (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;
 - (c) it is demonstrated by a risk assessment performed pursuant to Article 5(1) that action at Union level is required to prevent their establishment and spread.
3. Member States may submit to the Commission requests for the inclusion of invasive alien species on the list referred to in paragraph 1. Those requests shall include all of the following criteria:
 - (a) the name of the species;
 - (b) a risk assessment performed in accordance with Article 5(1);
 - (c) evidence that the species complies with the criteria set out in paragraph 2.
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.

Article 5

*Risk assessment and **implementing** 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 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;

[...]

- (k) a description of the **known** uses and benefits deriving from those uses of the species.

2. The Commission shall [...] further specify the type of [...] evidence **acceptable** in Article 4(2)(b) and to provide a detailed description of the application of [...] paragraph 1(a) to (h) of this Article, including the methodology to be applied in the assessment of such elements, **by means of implementing acts**, 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. **The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).**

Article 6

Provisions for the outermost regions

1. Species included on the list referred to in Article 4(1) which are native in an outermost region shall not be subject to the provisions of Articles 7, 8, 11 and 13 to 17 in the outermost region where they are native.
2. By [**24 months from the entry into force of this Regulation – date to be inserted**] at the latest, each Member State with outermost regions shall adopt a list of invasive alien species of concern for each of its outermost regions, in consultation with those regions.
3. The species included on the lists referred to in paragraph 2 shall within the respective outermost regions be subject to Articles 7, 8, 11 and 13 to 17.
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 of those lists.

CHAPTER II
PREVENTION

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 **or recklessly**:
 - (a) **introduced** into or transited through the Union territory;
 - (b) permitted to reproduce;
 - (c) transported, except for the transportation of species to facilities for eradication **or for some permitted activity under Activity 8**;
 - (d) placed on the market;
 - (e) used or exchanged;
 - (f) kept **in captivity for any purpose**;
 - (g) or grown **or cultivated**, including in contained holding;
 - (h) released into the environment.

2. Member States shall **ensure effective prevention of** the unintentional introduction of invasive alien species of Union concern in accordance with the provisions of Article 11(3) and (4).

Article 8

Permits for research, medicinal use and ex-situ conservation

1. By way of derogation from the bans set out in points (a), (b), (c), (e), (f) **and (g)** 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. **In exceptional cases of the undeniable contribution to human health, if there is no other option than the use of invasive alien species of Union concern, Member States can also include scientific medicinal use within the authorisation system.**

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 and 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 case of invasive alien species that are animals, they are marked where possible;

- (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;
 - (f) a continuous surveillance and a contingency plan to cater for possible escape or spread is drawn up, including an eradication plan.
 - (g) The permit referred to in paragraph 1 shall be limited to the number of species and specimens that is necessary for the research, **medicinal** 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 where 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.

- 5. When granting a permit, Member States shall do so using the format detailed in Annex to this Regulation. The forms on which movement derogations are drawn up shall conform, except as regards spaces reserved for national use, to the model set out in this Annex. The forms shall be printed and completed in one of the official Union languages as specified by the management authorities of each Member State.**

Article 9

Emergency measures

1. Where a Member State has evidence concerning the presence in, or imminent danger of entry into its territory of an invasive alien species, which is not included on the list referred to in Article 4(1) but which the relevant competent authorities have found, on the basis of preliminary scientific evidence, to be likely to meet the criteria set out in Article 4(2), it may immediately take emergency measures, consisting of any of the bans set out in Article 7(1).
2. The Member State introducing emergency measures in their national territory which include the application of points (a), (c) or (d) of Article 7(1) shall immediately notify to the Commission and the other Member States of the measures taken and the evidence justifying those measures.
3. The Member State concerned shall carry out a risk assessment pursuant to Article 5 for the species subject to the emergency measures without delay, given the available technical and scientific information, and in any case within 24 months from the day of the adoption of the decision to introduce emergency measures, with a view to include those species on the list referred to in Article 4(1).

4. Where the Commission receives the notification referred to in paragraph 2 or has other evidence concerning the presence in or imminent danger of entry into the Union of an invasive alien species which is not included on the list referred to in Article 4(1) but is likely to meet the criteria set out in Article 4(2), it shall, by means of an implementing act, conclude on the basis of preliminary scientific evidence whether the species is likely to meet these criteria and adopt emergency measures for the Union consisting of any of the bans set out in Article 7(1) for a limited time as regards the risks posed by that species, where it concludes that the criteria set out in Article 4(2) are likely to be fulfilled. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).
5. If provided for in the implementing acts referred to in paragraph 4 the measures taken by the Member States pursuant to paragraph 1 shall be repealed or amended.
6. The Member State taking emergency measures may maintain those measures until an implementing act has been adopted, establishing emergency measures at Union level in accordance with paragraph 4 or including the species on the list referred to in Article 4(1) on the basis of the risk assessment performed by the Member State concerned pursuant to paragraph 3.

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, 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.
5. **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.**

Article 11

Action plans on the pathways of invasive alien species

1. Member States shall, by [*18 months after the list referred to in Article 4(1) is adopted*] at the latest carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species in their territory and identify the pathways which require priority action ('priority pathways'), because of the volume of species or of the damage caused by the species entering the Union through them. In doing so, Member States shall in particular focus on an analysis of the pathways of introduction of invasive alien species of Union concern.
2. By [*3 years after the list referred to in Article 4(1) is adopted*] at the latest, each Member State shall establish and implement an action plan to address the priority pathways it has identified pursuant to paragraph 1. That action plan shall include a timetable 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 the Union and into or within the environment.
3. The action plan referred to in paragraph 2 shall include measures designed on the basis of an analysis of costs and benefits with at least the following:
 - (a) awareness raising measures;
 - (b) regulatory measures to minimise contamination by invasive alien species of goods and commodities, and any vehicle and equipment, including measures tackling transport of invasive alien species from third countries;
 - (c) regulatory measures to ensure appropriate checks at the Union borders, other than the official controls pursuant to Article 13;
 - (d) **measures for the control and management of ships' ballast waters and sediments.**

4. The action plan developed in accordance with paragraph 2 shall be transmitted to the Commission without delay. Every **six** years after the last transmission, Member States shall review the action plan and retransmit it to the Commission.

CHAPTER III

EARLY DETECTION AND RAPID ERADICATION

Article 12

Surveillance system

1. By [*18 months after the list referred to in Article 4(1) is adopted*] at the latest, 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 the Union.
2. The surveillance system referred to in paragraph 1 shall:
 - (a) cover the territory of the Member States to determine the presence and distribution of new as well as already established invasive alien species of Union concern;
 - (b) include marine waters as defined in Article 3(1) of Directive 2008/56/EC;
 - (c) be sufficiently dynamic to detect rapidly the appearance in the environment of the territory or part of the territory of any invasive alien species of Union concern, whose presence was previously unknown;
 - (d) make use of the information provided by the existing systems of surveillance and monitoring set out in Article 11 of Directive 92/43/EEC, Article 11 of Directive 2008/56/EC and Article 8 of Directive 2000/60/EC.

Article 13

Official controls at the Union borders

1. By [12 months from the date of entry into force of this Regulation – date to be inserted] at the latest, Member States shall have in place fully functioning structures to perform the official controls on animals and plants including their seeds, eggs, or propagules, brought into the Union, necessary to prevent the intentional introduction into the Union of invasive alien species of Union concern.

2. Member States authorities shall perform the **appropriate risk-based** controls at the Union borders on the goods mentioned in paragraph 1 being brought into the Union verifying that either **one** of the following requirements are fulfilled:
 - (a) that they are not on the list referred to in Article 4(1);

 - (b) that the permits referred to in Article 8 are valid.

3. The verifications, through a documentary, identity and, where necessary, physical checks, referred to in paragraph 2 shall take place **when goods referred to in paragraph 1 enter into the territory of the Union. Member States shall confer the responsibility of performing controls to the following authorities:**
 - (a) at border control posts provided for in Article 57 of Regulation (EU) No XXX/XXXX [on official controls COM(2013)265] in the case of goods mentioned in paragraph 1, falling under Article 45 of that Regulation and subject to official controls at border control posts; in this case Member States shall confer the responsibility to the competent authorities provided for in Article 3 of Regulation (EU) No XXX/XXXX [on official controls COM(2013)265]

(b) **to the competent authorities provided for in Article 3 of Regulation (EU) No XXX/XXXX [on official controls COM(2013)265] [...] or to the customs authorities in the case of goods mentioned in paragraph 1 to which Article 45 of Regulation (EU) No XXX/XXXX [on official controls COM(2013)265] does not apply or that are exempted from official controls at border control posts according to Article 46 of the same Regulation [...].**

4(bis) The placing of consignments of goods referred to in paragraph 1 under the supervision or control by the customs authorities, including the entry or handling in free zones or customs warehouses, shall be subject to the presentation by the operator to the custom authorities of the CHED in cases where the controls have been carried out a border control post or a proof that the controls have been carried out. These documents can also be submitted electronically.

Customs authorities shall only allow the placing of the consignment under a customs procedure when the proof referred to in the first paragraph has been made available.

4(ter) If the controls establish non-compliance with this Regulation customs shall suspend the clearance of the goods and the competent authorities provided in Article 3 of Regulation (EU) No XXX/XXXX [on official controls COM(2013)265] or the customs authorities, as the case may be, shall inform without delay the competent authority in charge of applying this Regulation. The latter authority shall act according to the national legislation in force. Where goods are confiscated, they shall be entrusted to the competent authority in charge of applying this Regulation. Member States may delegate specific functions to other authorities.

4(quart) Costs incurred while the verification is completed and those arising from the non-compliance shall be at the expense of the operator, except where the Member State concerned determines otherwise.

[...]

6. Member States shall put in place procedures to ensure the exchange of information relevant to arriving consignments and the efficient and effective coordination and cooperation for the verifications referred to in paragraph 2 between all authorities involved and the operator [...].
7. Member States shall develop guidelines and training programmes to facilitate the identification and detection of invasive alien species of Union concern through cooperation between all authorities involved in the verifications referred to in paragraph 2. [...]

7(bis) Operators shall declare in their customs declaration (box 44 of the Single Administrative Documents or corresponding data element in an electronic customs declaration as referred to in Article 161(5) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, that the goods declared are not included on the list referred to in Article 4(1), where goods referred to in paragraph 1 are concerned.

7(ter) Where permits for research and ex-situ conservation have been issued in accordance with Article 8, reference to a valid permit covering the declared goods shall be made in the customs declaration.

Article 14

Early detection notifications

1. Member States shall use the surveillance system established in accordance with Article 12 and the information collected at official controls provided for by Article 13 to support early detection of the entry or presence of invasive alien species of Union concern **listed in accordance with Article 4.**

2. Member States shall notify in writing without delay the early detection of the presence of invasive alien species of Union concern to the Commission and inform the other Member States, in particular:
 - (a) the appearance on their territory or part of their territory of any species included on the list referred to in Article 4(1) whose presence was previously unknown in their territory or in part of their territory;
 - (b) the re-appearance on their territory or part of their territory of any species included on the list referred to in Article 4(1) after it has been reported as eradicated.

Article 15

Rapid eradication at an early stage of invasion

1. After early detection and within **five** months after the transmission of the early detection notification **of invasive alien species of Union concern** referred to in Article 14, Member States shall apply eradication measures and notify those measures to the Commission and inform the other Member States.
2. When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, **especially for non-targeted species and their habitats**, and ensuring that [...] pain, distress or suffering **of animals is minimised**.
3. The surveillance system provided for in Article 12 shall be designed and used to monitor also the effectiveness of the eradication.

4. Member States shall notify the Commission and inform the other Member States when a population of an invasive alien species of Union concern has been eradicated.
5. Member States shall also inform the Commission and the other Member States of the effectiveness of the measures taken.

Article 16

Derogations from the rapid eradication obligation

1. Member States may submit to the Commission an application for a derogation from the obligation to apply the eradication measures referred to in Article 15 for invasive alien species of Union concern that have been subject to an early detection notification referred to in Article 14.
2. Applications for derogations shall be based on sound scientific evidence and only be submitted if **at least one of** the following conditions are met:
 - (a) eradication is demonstrated to be technically unfeasible because the eradication methods available cannot be applied in the environment where the species are established;
 - (b) a cost-benefit analysis demonstrates on the basis of the available data with reasonable certainty that the costs will, in the long term, be exceptionally high and disproportionate to the benefits of eradication;
 - (c) eradication methods are not available or are available but have very serious negative impacts on human health or the environment.

3. Member States shall submit applications for derogation, duly motivated and accompanied by the evidence referred to in points (a), (b) and (c) of paragraph 2, to the Commission.
4. The Commission shall decide, by means of implementing acts in accordance with paragraph 6, to approve or reject the application referred to in paragraph 3.
5. 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 an implementing decision is adopted on the derogation pursuant to paragraph 3.
7. Where a derogation from the eradication obligation is approved, the species shall be subject to the management measures referred to in Article 17. If the application for derogation is rejected, the Member State concerned shall apply the eradication measures referred to in Article 15 without delay.

CHAPTER IV

MANAGEMENT OF INVASIVE ALIEN SPECIES THAT ARE WIDELY SPREAD

Article 17

Management measures

1. By **18** months of an invasive alien species being included on the list referred to in Article 4(1) at the latest, Member States shall have in place 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 impacts on biodiversity and ecosystem services, human health and the economy are minimised. Those management measures shall be based on an analysis of costs and benefits and also include the restoration measures referred to in Article 18.

2. The management measures shall consist of **environmentally sound** 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.
3. When applying management measures, Member States shall ensure that the methods used have due regard for human health and the environment **especially for non-targeted species and their habitats** and that, when animals are targeted, **their** pain, distress or suffering is **minimised**.
4. The surveillance system provided for in Article 12 shall be designed and used to monitor how effective eradication, population control or containment measures are in minimising the impacts on biodiversity and ecosystems services, human health or the economy.
5. Where there is a significant risk that an invasive alien species of Union concern will spread to a neighbouring Member State, the Member States in which the species is widely spread shall immediately notify the neighbouring Member States and the Commission. Where appropriate, the Member States concerned shall establish jointly agreed management measures. In the cases where third countries may also be affected by the spread, the Member State affected shall consider the need to inform the concerned third countries.

Article 18

Restoration of the damaged ecosystems

1. Member States shall take proportionate restoration measures **as far as feasible** 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 **caused by the presence of invasive alien species of Union concern** to resist, absorb, accommodate to and recover from the effects of disturbance;
 - (b) measures ensuring the prevention of reinvasion following an eradication campaign.

Where appropriate, Member States shall take account of the principle of recovery of the costs of restoration measures, including environmental and resources costs, in accordance with the polluter pays principle.

CHAPTER V

FINAL PROVISIONS

Article 19

Reporting

1. By **1 June 2019**, and every **six** years thereafter, Member States shall transmit to the Commission updated information on the following:
 - (a) a description of the surveillance system pursuant to Article 12 and official control system on alien species entering the Union pursuant to Article 13;
 - (b) the distribution of the invasive alien species of Union concern present in their territory;
 - (c) information about the species considered as invasive alien species of Member State concern pursuant to Article 10(2);

- (d) the action plan referred to in Article 11(2);
 - (e) aggregated information covering the entire national territory on the eradication measures taken in accordance with Article 15 and the management measures provided for in Article 17 and their effectiveness;
 - (f) the **number** of the permits referred to in Article 8.
2. Member States shall notify the Commission and inform the other Member States of the competent authorities in charge of applying this Regulation.
 3. Within 5 years from [**1 June 2019**], the Commission shall assess the effectiveness of the current Regulation including the list referred to in Article 4(1), the action plans referred to in Article 11(3), the surveillance system, border checks, eradication obligation and management obligations, and submit a report to the European Parliament and to the Council which may be accompanied by proposals for its amendment including changes to the list in Article 4(1).

Article 20

Information support mechanism

1. The Commission shall gradually establish an information support mechanism necessary to facilitate the application of this Regulation.
2. **By [one year from the date of entry into force of this Regulation – date to be inserted]** the system shall include a data support mechanism interconnecting existing data systems on invasive alien species, paying particular attention to information on the invasive alien species of Union concern, so as to facilitate the reporting pursuant to Article 19.

3. In a second phase, the data support mechanism referred to in paragraph 2 shall become a tool to assist the Commission **and the Member States** in handling the relevant notifications required in Article 14(2).
4. In a third phase, the data support mechanism referred to in paragraph 2 shall become a mechanism for exchanging information on other aspects of the application of this Regulation, **including on invasive alien species of Member State concern, pathways and risk assessment.**

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.

Article 22

Committee

1. The Commission shall be assisted by the Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 ¹.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

[...]

¹ OJ L 55, 28.2.2011, p. 13.

Article 24

Administrative measures and sanctions

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.

Article 25

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. **Those administrative measures and sanctions may include:**
 - (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.

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

Article 26

Transitional provisions for non-commercial owners

1. By way of derogation from to Article 7(1)(c) and (f), owners of companion animals not kept for commercial purposes that belong to the species included on the list referred to in Article 4(1) shall be allowed to keep them until the end of the animals' natural life, provided the following conditions are met:
 - (a) the specimens were kept before their inclusion on the list referred to in Article 4(1);
 - (b) the specimens are kept in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible.

2. Competent authorities shall inform non-commercial owners of the risks posed by keeping the specimens referred to in paragraph 1 and the measures to be taken to minimise the risk of reproducing and escaping through awareness-raising and education programmes organised by Member States.
3. For non-commercial owners who cannot ensure that the conditions set out in paragraph 1 are met, Member States shall offer to them the possibility of having their specimens taken over from them and shall give due regard to animal welfare when handling them.

Article 27

Transitional provisions for commercial stocks

1. Keepers of a commercial stock of specimens of invasive alien species acquired before their inclusion on the list referred to in Article 4(1) shall be allowed up to two years after inclusion of the species in that list to keep and transport in order to sell or hand over live specimens or reproducible parts of those species to the research or ex-situ conservation institutions referred to in Article 8, provided that the specimens are kept and transported in contained holding and all appropriate measures are put in place to ensure that reproduction or escape are not possible, or to slaughter them to exhaust their stock.
2. Where a permit has been issued in accordance with Article 6 of Regulation (EC) No 708/2007 for an aquaculture species that is subsequently included in the list of alien species of Union concern, and the duration of the permit exceeds the period referred to in paragraph 1, the Member State shall withdraw the permit in accordance with Article 12 of Regulation (EC) No 708/2007 by the end of the period referred to in paragraph 1.

Article 28
Entry into force

This Regulation shall enter into force on the [1 January or 1 July] following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

Annex

European Union Invasive Alien Species Regulations		
Article 8 (research and ex-situ conservation) Permit		
1. Species (Scientific Name)	6. Originator (name and address of person/organisation)	
2. Species (Common Name)		
3. Number of specimens		
4. Purpose		
5. Description of specimens (including makings, age/date of birth for live specimens)	7. Intended destination (name and address of person/organisation)	
8. Means and Method of transportation (including measures to ensure their escape is prevented)	10. Issuing Management Authority	
	11. Permit Number	
9. Special Conditions (at destination, including surveillance)	12. Date of Issue	
	13. Signature	14. Stamp
	15. Date of cancellation	
	16. Signature	17. Stamp