

Adoption of the first list of invasive alien species of European Union concern

Questions & Answers¹

On the 3rd August, the EU took an important step towards halting biodiversity loss, adopting a list of invasive alien species that require action across the EU.

What are invasive alien species (IAS)?

Alien species are plants, animals, fungi and micro-organisms that have been transported across ecological barriers such as mountain ranges, or oceans as a result of human intervention, and have become established in an area outside their natural range.

Many of these species are brought into Europe intentionally, for their beauty, usefulness or commercial value. Ornamental plants, species used as food or kept as pets are examples. But others arrive by accident: they came in as contaminants of other goods, or hidden in transport vectors, or goods containers. There are currently more than 12,000 alien species in the European environment.

In their new environment, species may lack predators or be spared the limiting factors like food scarcity or competition with other species that normally keep them in check. Some of them spread rapidly and become invasive alien species (IAS), causing significant damage to biodiversity, human health or the economy. Roughly 10-15 % of alien species arriving in Europe eventually become invasive.

Species migrating into the EU in response to climate change are not considered alien species, as they are not crossing ecological barriers and they do not enter completely different environments. This is a natural process of adaptation.

Why do we need to address Invasive Alien Species?

Invasive alien species are one of the major causes of biodiversity loss. They can also cause significant damage to human health and the economy. The cost to the European economy is estimated to be at least € 12 billion per year in areas such as health care and animal health costs, crop yield losses, fish stock losses, damage to infrastructure, damage to the navigability of rivers, and damage to protected species. As these species spread rapidly and more are entering the EU all the time, the costs are predicted to **increase rapidly**.

¹ Adapted from an EU Commission document for Irish readers

The [IAS Regulation](#) introduces a comprehensive EU-wide system to tackle this issue, with a list of invasive alien species of Union concern at its core. This is the list of priority species which require EU action to prevent, minimise or mitigate their adverse impacts, and where EU action is expected to significantly improve the policy effectiveness, especially because some requirements are linked to internal market and trade rules. Member States (MS) need to carry out the following measures with regard to species on the list: (1) prevention, (2) early detection and rapid eradication of new invasions, and (3) management of invasions that are already widely spread. In other words, listed species can no longer be intentionally kept, transported, reproduced or released. If a new population is detected, there is an eradication obligation, while for the species that are already widely spread, management measures must be put in place.

How has the EU list of invasive alien species been prepared? Were stakeholders sufficiently consulted?

The Commission prepared the list following the procedure provided for in the IAS Regulation. In a first step, IAS with risk assessments compliant with Article 5(1) of the Regulation were selected. The Scientific Forum, with experts appointed by all Member States, was then consulted on the robustness of the risk assessments. On this basis, a list of IAS with compliant risk assessments was developed and made available online in February 2015. In a second step, those IAS with compliant risk assessments were evaluated for their compliance with the criteria for listing as IAS of Union concern, as set out in Articles 4(3) and 4(6). This compliance assessment was discussed extensively with the Member States at the Standing Committee on IAS (IAS Committee)². Both the Commission and the Member States can make proposals for inclusion.

Member States had the opportunity to consult stakeholders between February and December 2015. A draft of the list of IAS of Union concern was then transmitted to the WTO, after which it was submitted for approval to the IAS Committee, which voted in favour of the list on 4 December 2015. The Commission adopted the list on 13 July 2016 and it will enter into force 20 days after its publication in the Official Journal of the European Union.

Of the 37 species on the “Union list”, 9 are already found on the island of Ireland; the Grey squirrel, Muntjac deer, Chinese mitten crab, Red-eared terrapin/slider, Ruddy duck, Curly waterweed, American skunk cabbage, Floating pennywort (Northern Ireland) and Parrot’s feather.

² <http://ec.europa.eu/environment/nature/invasivealien/docs/Workshop%20report.pdf>

Why are some well-known IAS such as the Japanese knotweed not included in the list?

Some well-known IAS are not listed either because they are already so widespread that inclusion on the EU list would not effectively prevent, minimise or mitigate their adverse impact or because they do not have a risk assessment; or the risk assessments did not include some of the information required by the Regulation, or there was insufficient evidence that the species meet the criteria for listing. In the case of giant hogweed and the Egyptian goose, the risk assessment at the time of the preparation of the first list was not complete, but has meanwhile been updated. Those risk assessments are currently being examined for the first update of the list.

Why should Member States (MS) act on species that cannot become invasive in their territory?

There may be species that are unproblematic in one area, and even be economically beneficial, but very damaging in other areas. One example is the crayfish. Several American species of crayfish are present in Europe and some are commercially fished. However, they carry a disease which is lethal to Irish crayfish and therefore cannot be allowed to get here.

Allowing derogations on a geographical basis is not an option, as it would undermine the effectiveness of the internal market. When a species is listed, it is as a result of the collective recognition that they deserve EU action. Regional variation in invasiveness cannot be taken into account because when an alien species is introduced into the EU territory, spread or transport to other Member States and environments suitable for colonisation cannot be excluded. Moreover, in times of global warming, there is no guarantee that these alien species will not become invasive in those areas in which they are not yet problematic to ecosystems.

Why does the list mainly contain species that are already present in the EU? Why does it include so few species that are not yet present?

This first list mainly contains species already present in the EU. These species are only established in some Member States. Hence action to prevent further spread and to minimise or mitigate the damage of the species where these are already established will be necessary. Moreover, for many highly invasive species not yet present in the EU, there was no adequate risk assessment available yet. However, more risk assessments are under development. The Union list will be regularly reviewed and kept up-to-date and an update of the list is already under preparation. Future updates of the list are expected to introduce more species that are not yet present in the EU, and to shift the focus to prevention, which is indeed more environmentally desirable and cost-effective.

Will MS with widely spread listed species be obliged to eradicate those species? Will Ireland need to eradicate the grey squirrel?

It is up to the Member States to select the measures appropriate to the local conditions. Member States do not have an obligation to eradicate IAS of Union concern that are already widely spread on their territory. As provided under Article 19(2) of the IAS Regulation, management measures can aim at the eradication, population control or containment of an IAS. Article 19(1) specifies that those measures shall be proportionate to the impact on the environment and appropriate to the specific circumstances of the Member State and be based on an analysis of costs and benefits. The risk management decisions in relation to IAS that are widely spread thus lie with the Member States. Ireland therefore, must manage grey squirrels but is not obliged to eradicate the grey squirrel from its territory.

Will the IAS of Union concern be completely banned? What if an invasive alien species is threatened in its area of origin? Or if it has a special medicinal value?

The IAS Regulation foresees the possibility for a few exceptions to accommodate situations such as these. Establishments involved in ex-situ conservation, research or medicinal applications of certain listed species will be able to apply for permits to their Member State. So, listed IAS that are threatened elsewhere, could be kept in the framework of a programme for ex-situ conservation. Other uses could also be permitted, but only in exceptional cases, for reasons of compelling public interest, including those of social or of economic nature. In all cases, the confinement of the species in contained conditions will have to be guaranteed.

Does the Regulation impose the culling of animals?

The Regulation does not include any obligation to cull animals. It is up to Member States to select appropriate measures, whether lethal or non-lethal. When a listed species is first found in the environment, it will need to be eradicated rapidly. Taking action as early as possible, ideally preventing the introduction of listed animals into uninvaded areas, will ensure that unnecessary suffering of animals is avoided and it is generally more efficient and cost effective than any action at a later stage. When listed species are already widely spread, there will be a management obligation. It is at the discretion of the MS to select appropriate eradication and management measures. Listed animals can be trapped alive and allowed to continue their life in contained conditions, such as zoos, provided that reproduction and escape are prevented.

Will the Regulation oblige owners of companion animals to get rid of their animal? What about my grandmother with her red-eared slider?

No, private owners of companion animals will be able to keep their animal until the end of its natural life, provided that reproduction and escape are prevented. Also here, the Regulation intends to gradually phase out listed species.

Can zoos keep their animals?

Zoos will need to gradually phase out listed species, like coati, the small Indian mongoose and the raccoon but they will be able to keep their animals until the end of their natural life provided that reproduction and escape are prevented. Zoos could play a role in the eradication and management of those species, by taking captured specimens in and keeping them until the end of their natural life, provided that reproduction and escape are prevented, and provided that they have been given this role within the eradication or management measures from a Member State.

What needs to be done with commercial stocks of species? What about pet shops or horticultural centres?

It would of course be preferable to cease the sale of any listed species immediately. Pet shops and horticultural centres should not purchase any further stocks of listed species.

However, the Regulation includes transitional provisions for commercial stocks. Commercial owners will have two years to exhaust their stock, e.g. by selling or transferring them to establishments that have been permitted to continue using the species. During the first year, commercial owners will also be able to sell listed species to non-commercial owners, who will be able to keep these species until the end of their natural life, provided that they are kept and transported in contained conditions and all appropriate measures are put in place to ensure that reproduction or escape are not possible.

Will businesses be allowed to sell any of the listed plant species?

Yes, but only existing stock or stock which you have contracted the supply of, at the time the list of species comes into force. In these circumstances, you will have 12 months to sell to a member of the public; or 24 months to sell to an establishment that holds a permit to use this species.

Do the transitional arrangements apply to wholesalers?

Yes, where contracts to supply are in place, wholesalers will be covered by these same arrangements so they will have 12 months to dispose of their existing stock to retailers; or 24 months to sell to an establishment that holds a permit to use this species. Retailers that receive the goods will not, however, have a further 12 months to dispose of the stock.

What will happen to citizens with listed plants in their garden? They often do not know the name of their plants, and they neither know that the plant is listed.

Plants that are commonly present in gardens will be considered as plants that are established in the environment, because their reproduction and escape is very difficult to prevent (e.g. seeds flying around). For those species, Member States need to adopt appropriate management measures, such as awareness raising campaigns.

What should citizens do if they spot an invasive alien species of Union concern?

Citizens should contact the National Biodiversity Data Centre and submit a record of their sighting to the database:

<http://www.biodiversityireland.ie/projects/invasive-species/submit-sightings/>

What will happen if an invasive alien plant invades an organic farm? Will the farmer be obliged to use herbicides?

The Regulation sets an obligation to rapidly eradicate or to manage listed species, but does not prescribe any specific measure. It is up to the Member States to select measures for eradication and management appropriate for local conditions.

Is funding available for implementation of the Regulation?

There will be no dedicated EU funds for IAS actions, but support can be obtained through the existing European financing mechanisms, e.g. the LIFE programme, rural development funds, regional development funds and research funds. In particular, the LIFE programme is supporting projects on prevention as well on control. Some examples are projects aimed at preventing the introduction of invasive alien plants through cooperation with the horticultural sector in Belgium, restoring estuarine habitats by controlling invasive alien plants in the Basque region or protecting native biodiversity by controlling raccoon dogs in Sweden.

How soon will the list be updated? How can concerned sectors know in advance?

The list is not static and indeed the IAS Regulation foresees that it should be updated. This is an ongoing process and information on species under consideration for future updates can be found on the dedicated webpage on IAS:

http://ec.europa.eu/environment/nature/invasivealien/index_en.htm

Will national legislation be required here?

This EU Regulation is in force and, unlike a Directive, does not require national transposing legislation.

However, legislation is being drafted here to deal with certain aspects in the Regulation, such as penalties, issuing of permits etc., which are a matter for each Member State.

What is the position with existing Irish legislation on invasive species?

This Department is responsible for the enforcement of the Wildlife Acts and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), both of which prohibit the spreading of invasive species.

The European Communities (Birds & Natural Habitats) Regulations 2011 restrict the importation, distribution, sale or release of approximately 70 species of plants and animals considered to be the most harmful IAS.

The provisions in question are:

- Regulations 49 which provides for a prohibition on the introduction and dispersal of certain listed species;
- Regulation 50 which makes it an offence to or to intend to import, buy, sell, breed, transport and distribute listed animal or plant species or vector material, and
- Regulation 74 which sets out transitional provisions related to the commencement of Regulations 49 and 50.

Regulation 49 is in operation since 2011 however, before the provisions of Regulation 50 and 74 could be brought into force, they have to be deemed compatible with the TFEU³. National measures with implications for trade or the internal market require the approval of other Member States and the Commission and we are working towards clearing this hurdle currently.

³ Treaty on the Functioning of the European Union.