# COMMISSION STAFF WORKING DOCUMENT

# IMPLEMENTATION PLAN

## *Accompanying the document*

**Proposal for a Council and European Parliament Regulation on the prevention and
management of the introduction and spread of invasive alien species**

{COM(2013) 620 final}
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**EN** **EN**

## 1. Title of the document for the proposed act:

"*Implementation Plan for a Regulation on preventing and managing the introduction and spread of Invasive Alien Species"*

## 2. Contact point:
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http://ec.europa.eu/environment/nature/invasivealien/index_en.htm

## 3. Deliverables and implementation challenges

The implementation of the Invasive Alien Species (IAS) Regulation will rely on the timely implementation of all the measures proposed. Given the fact that different species affect Member States with various degrees of seriousness, the legislative proposal has been designed to ensure a balance between obligations and measures to ensure coordinated action, whilst ensuring sufficient flexibility for the Member States to tackle IAS in a way which is tailored to their own specific circumstances and needs.

The legislation has therefore been designed to ensure that IAS are addressed in an effective and cost-efficient way, while avoiding any loopholes in the implementation process as well as any unnecessary administrative burden. Nevertheless, the measures proposed will require efforts in Member States and the Commission is committed to provide support and guidance where needed in order to facilitate the effective and cost-efficient implementation of the Regulation.

The main objectives of this legislation will be to achieve: 1) prioritisation, so as to focus on the worst species; 2) a shift towards a more preventive approach, with emphasis on border checks and the management of pathways of introductions; and 3) increase the level of awareness of the problems linked to IAS and the measures needed to tackle them at all levels. This may pose some implementation challenges.

### 3.1 Shift from a fragmented approach to joint action on priority species
In order to achieve this shift, Member States will have to refocus some of their efforts. Most Member States have already developed initiatives to tackle IAS, however on different species, resulting in a patchwork of actions, which hampered effectiveness. Prioritisation will be achieved by focusing action on a common set of species, the worst ones that are considered of concern for the EU. Joint action on the worst IAS is expected to increase effectiveness.

Prioritisation will trigger a number of obligations for Member States. However, it will not always be straightforward for Member States to shift their efforts to other species: this may imply a reorganisation of the national efforts, or at least a review of the national priorities and of the resources attached to these efforts. The priority species will be identified by Committee of Member States representatives on the basis of a qualified majority, which implies that some Member States may on occasions find themselves subject to obligations on species which are not their priority concern. This can have policy consequences and financial consequences. Member States might be reluctant to revise their national management plans and shift the policy focus away from species that are of immediate concern for them. Secondly, Member States may face difficulties in redistributing funding to cover new expenses brought about by the new measures, since current funding may already be earmarked and partly invested in tackling existing priorities. The proposed measures take

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[1] This Implementation Plan is provided for information purposes only. It does not legally bind the Commission on whether the identified actions will be pursued or on the form in which they will be pursued.

this issue into account and the measures are designed to ensure efficiency gains are reaped by acting at EU level, but in the shorter term significant reorganisation may be needed.

Risk assessments (RAs) will be the basis of prioritisation. Member States will be proposing candidates IAS for inclusion in the list of invasive alien species of Union concern, on the basis of risk assessment. The legislation proposes to develop a harmonised methodology to develop risk assessments in cooperation with all Member States, so as to ensure acceptance of one Member State's RA by the other Member States as sufficiently robust to justify listing. The Commission will screen the RAs received to ensure they comply with the minimum information requirements set by the harmonised guidelines before submitting them to the attention of the Committee of Member States' representatives. On the basis of experience with other EU legislation, this process should not present particular implementation challenges. Examples of similar work can be found with the implementation of the Plant Health Regime and the Wildlife Trade Regulation. Developing risk assessment will entail costs for Member States (roughly €42,000 per species as calculated in the Impact Assessment). However, the RAs will be developed for use at EU level and would thus avoid duplications of efforts with different Member States developing RAs for the same species: it has been estimated that the efficiency gains thus obtained could amount to €1.6 million saved a year in total for the EU-27.

In terms of resource requirements for the Commission, the management of the Committee of Member States Representatives and the administration of the list of priority species would be in line with established Commission practices, often relying on the support of a standing Committee. On the basis of the resources used for the management of implementation of the Wildlife Trade Regulation, it was possible to estimate that running the Committee would cost the European Commission roughly €80,000 a year, on the basis of three yearly meetings. In terms of staff requirements, an assessment made on the basis of number of staff managing existing policy instruments (namely the Plant Health Regime and the Wildlife Trade Regulation), adjusted on the basis of work needs deriving from those systems, it was calculated that implementation of the proposed measures would not, at least in an initial phase, require additional staff. Furthermore, the system is designed to pool resources and expertise from different services of the Commission, which will allow to run the system with limited dedicated staff resources: in particular, the IAS policy will benefit from the contribution of JRC staff involved in the EASIN project[2], which will be an important element underpinning the implementation of the measures; and from the contributions of other Commission services, in particular from DG TAXUD, DG SANCO and DG MARE, each contributing with their expertise in areas of relevance to IAS policy.

### 3.2 Shift from reaction to prevention

Action in Member States initiatives has generally been triggered by the damage invasions are causing. Reaction to damage by widely spread IAS can be extremely resource consuming. Much greater benefits are to be expected from preventing IAS from entering or spreading. However, such shift is expected to create a need for Member States to refocus their efforts and reformulate national initiatives, or to initiate additional initiatives, with a need to earmark new resources. This may not be straightforward in some cases: while nearly all Member States have experience with control measures, the experience with prevention is more limited. In addition reactive measures can require large funding and it may not be straightforward to free funds currently spent on reactive measures to allocate them to preventive measures instead.

Nevertheless, the proposed measures have been designed to ensure that with moderate extra-investment, large benefits could be derived, thanks to the efficiency gains that will

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[2] The European Alien Species Information Network (EASIN) aims at increasing access to data and information on alien species in Europe. EASIN facilitates the exploration of existing alien species information from distributed sources through a network of interoperable web services, following internationally recognized standards and protocols. The project was initiated in support of the implementation of the Biodiversity Strategy and the Marine Strategy Framework Directive and it is available to the public since May 2012.

mobilise resources to gradually fund the shift towards prevention. Member States are currently spending an estimated €1.4 billion per year to tackle IAS, of which €1.3 billion is spent on the management of established IAS. Joint prioritisation on the worst IAS is expected to keep the worst damage under control more effectively and reduce this management expenditure. Moreover, acting at the EU-level will have considerable benefits of scale: information sharing, a coordinated approach to risk assessment and to the development of management actions can lead to considerable efficiency gains. These savings can be invested to gradually tighten the prevention, as to avoid the additional costs of newly invading IAS. Overall, therefore, there will mainly be a reorganisation of current expenditures towards a more focused and more preventive approach and the expected additional cost will be very minor in comparison with the tremendous benefit of avoiding an explosive cost increase.

Surveillance, border controls and pathway management will become important new elements in the IAS policy. <u>Surveillance</u> will be particularly important to detect IAS that are newly establishing in a Member State and it will help detect also those IAS that are introduced in the EU unintentionally. Setting up a surveillance system could pose technical challenges, due to the fact that IAS of Union concern could appear for the first time at any time and anywhere in one country. A surveillance system should be comprehensive enough to enable the detection of a species anywhere in a Member State, thus including sufficient "surveillance points", both in terms of timing and in terms of geographical location.

An important part of the prevention efforts will be carried out through <u>border controls</u>, which will mainly address the 25% of the IAS brought in intentionally. The Union has in place a well-developed system of border controls. Specific border inspection posts exist to comply with veterinary and phytosanitary rules. Experience in border control has been gained through the Wildlife Trade Regulation and customs authorities in the Union deal with imports into the Union on a daily basis. Rules on IAS would add to the duties that these authorities perform. The measures proposed seek to make use of the sanitary inspections posts to check whether live animals or plants brought in belong to species listed as IAS of Union concern. Such checks would be simple "yes" or "no" checks, requiring no particular equipment or test. Checks at other entry points (e.g. airports, or harbours) would need to be carried out by customs authorities, the same way as other checks are performed to detect unlawful introductions of other goods. This would be the responsibility of customs authorities. The challenge in this instance would be the need to ensure that appropriate trainings are organised to enable customs officers and sanitary personnel at the Border Inspection Posts are given the tools and the information necessary to carry out their duties. On the basis of DG TAXUD experience, it has been estimated that a small project to develop guidelines on IAS for customs could cost around €20,000-30,000.

Another important aspect of prevention will be the focus on <u>pathway management</u>. A majority of IAS, as discussed in the Impact Assessment accompanying this proposal, come into the EU unintentionally (roughly 75%), through a variety of pathways, i.e. vectors and mechanisms that enable the entry of an IAS into the EU. Contrary to animal pathogens and plant pests, which are generally spread with their hosts, IAS may be spread through a multitude of pathways: as contaminants of commodities or as hitchhikers or stowaways in transport vectors. Addressing such pathways is a relatively new area of work and it may present some implementation challenges. Only few Member States have started addressing this problem and so there is a lack of experience in effective pathway management. Some measures may require important resources (e.g. ballast water treatment €109 million a year in the EU as a whole, when the Ballast Water Convention comes into force), however many low cost effective measures are also possible (e.g. the "Check clean dry" campaign in the UK, costing roughly €50,000 a year over a 2-year period). In a stepwise approach, Member States will be required to analyse the pathways relevant for their territory and identify the priority ones. They will then have to develop an action plan describing how they intend to tackle the priority pathways. Given the scarce experience in this area, Member States could benefit from support and from information and best practice sharing.

### 3.3 Raising awareness and communication

Awareness and communication will need to play an important role in the implementation of this legislation. Awareness will be important for the public at large and for commercial players or other operators working with invasive alien species or identified as the players providing pathways of introduction of invasive alien species. A number of the measures proposed will indeed rely on the individuals and operators involved being aware of the problems and of the risks that certain species may pose. It will not be possible to check every consignment of goods, any parcel sent through the mail, or inspect every single home, therefore the success of these measures will partly depend on the level of awareness of all stakeholders involved. Similarly, certain management measures may be controversial, especially when it comes to the eradication of mammals or of certain birds. This will require investment in awareness and communication campaigns.

## 4. Support Actions

Building upon existing, effective practices accompanying the implementation of recently adopted environmental legislation and the Common Implementation Framework developed under the EU Biodiversity Strategy to 2020, the Commission will ensure close coordination with Member States on the three dimensions highlighted above. Support action from the Commission may include in this regard the elements listed below.

### 4.1. Commission actions

| Implementation challenge | Support action | Timing |
|---|---|---|
| Shift from fragmented approach to joint action on priority IAS | | |
| *Shift towards action on priority IAS* | *Promote best practice exchanges in terms of awareness raising, namely by building upon national awareness raising programmes.* | *From adoption* |
| | *Facilitate access to information, namely by benefitting from the establishment of EASIN, a centralised platform to enable access to distributed data sources, from the EU and beyond.* | *Work on EASIN ongoing.* |
| | *Build upon EASIN to promote the exchange of best-practice in terms of preventive action, namely through the use of the periodic meetings of data providers.* | *Further EASIN functionalities to be developed from adoption.* |
| | *Facilitate transboundary cooperation through information exchanges via EASIN and dissemination of information via the standing Committee meetings.* | *From adoption.* |
| | *Promote and support the use of LIFE programme funds (from 1992-2006 €44 million was provided from the LIFE programme to support IAS related projects), as well as other EU funds, e.g. regional and rural development funding.* | *Currently several EU funded projects focus on IAS. More expected from adoption.* |
| *Risk assessments* | *Support the development of harmonised* | *Work on* |

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[3] European Network on Invasive Alien Species

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| | *guidelines on RAs, through the Standing Committee.* | *harmonisation after adoption of the legislation* |
| | *Commission a study performing an initial assessment of existing RAs both in the EU and beyond* | *Launch of the study tender imminent (Management Plan 2013)* |
| | *Foster efficiency gains by facilitating exchange of best-practice amongst Member States and encouraging the creation of consortia or other informal groups of Member States to jointly pool resources to develop RAs and exchange information* | *From adoption.* |
| | *Fully mobilise expertise from existing networks of experts (e.g. NOBANIS[3], DAISIE[4]) from the EU and beyond and facilitate access to information to compile RAs through EASIN.* | *Work and exchanges amongst expert networks ongoing, further mobilisation needed from adoption* |
| **Shift from reaction to prevention** | | |
| *Shifting towards more prevention* | *Support the development of preventive measures (surveillance and control, and pathway management), building upon existing practices and facilitating the dissemination and exchange of information through formal and informal channels, e.g. existing databases providing information on pathways of introduction, such as DAISIE, GISD[5].* | *From adoption.* |
| *Strengthening surveillance and control* | *Encourage competent authorities to make full use of existing data on IAS collected through existing legislation (e.g. Marine Strategy Framework Directive and Water Framework Directive) and disseminate existing information through formal and informal channels.* | *Work stemming from existing EU legislation is ongoing.* |
| | *Stimulate the use of all available instruments that would enable notifications from the public or from specific groups of citizens (nature reserve managers, hunters, anglers, farmers, birdwatchers etc.) as tools supporting surveillance, e.g. citizens' science project, such as for example those of France, UK, Belgium and the Netherlands.* | *From adoption.* |
| | *Support authorities in charge of border control to ensure appropriate trainings occur and the development of guidelines. Notably benefit from TAXUD initiative to develop guidelines for non-fiscal border checks, which could be extended to cover IAS issues.* | *Work ongoing, focus on IAS needed from adoption.* |

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[4] Delivering Alien Invasive Species Inventories for Europe
[5] Global Invasive Species Database

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| *Developing pathway management* | *Consider the idea of funding the development of an inventory of pathways relevant to the EU, building upon existing exercises, including DAISIE.* | *From adoption.* |
| | *Encourage the exchange of information and best practice amongst Member States, inter alia by using EASIN as a tool for the exchange of information and know-how on pathways and on possible management techniques.* | *Build upon existing EASIN work, from adoption.* |
| | *Mobilise existing support schemes and other forms of assistance provided by EU agencies and other organisations. Build upon and publicise EMSA's Action Programme on Ballast Water, which includes training and workshops on pertinent issues, research, information exchange, the formation of co-ordinated positions at IMO, work on issues such as Sampling for Enforcement and the Use of Risk Assessment, reducing regulatory burden and ensuring that new EU regulations and guidance are harmonised with the IMO's Ballast Water Management Convention.* | *Ongoing.* |
| Raising awareness and communication | | |
| *Awareness raising of stakeholders* | *Build upon existing sectoral codes of conducts and encourage their uptake, namely through publicity and dissemination through formal and informal Commission channels, e.g. Bern Convention codes of conducts for horticulture, for zoos and botanical gardens.* | *Ongoing* |
| | *Build upon existing national or private sector schemes to educate consumers, e.g. Plant Wise campaign in the UK, and provide support through dissemination of best practice.* | *Engagement needed from adoption* |

### 4.2 Member States actions

| *Implementation challenge* | *Support action* | *Timing* |
|---|---|---|
| Shift from fragmented approach to joint action on priority IAS | | |
| *Shift towards action on priority IAS* | *Enhance and strengthen the national information systems to facilitate timely and robust exchanges of information between Member States.* | *From adoption although in many cases work in this respect is ongoing.* |
| | *Foster the development of innovative financing tools, or insurance tools, to fund actions to address priority IAS; exchange information and best-practice with other Member States in this sector.* | *From adoption.* |

| *Risk assessments* | *Cooperate with other Member States to upgrade existing RAs, based on ongoing processes in relevant fora, e.g. EPPO.* | *From adoption.* |
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| | *Create consortia with neighbouring Member States, e.g. in the same biogeographic areas, to jointly develop RAs on species of common interest, thus pooling resources and sharing information.* | *From adoption.* |

**Shift from reaction to prevention**

| *Shifting towards more prevention* | *Set up robust early notifications systems with central information point, to collect information from local and regional authorities as well as from citizens to feed into the early warning and rapid response system.* | *From adoption, although in many cases work is ongoing at national level.* |
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| | *Engage at EU level with other national competent authorities to share experience and best-practice, namely through active participation in existing cooperation processes, cross-border projects, or by ensuring the national information systems are upgraded and updated regularly.* | *Ongoing to an extent in the framework of existing process, e.g. Bern Convention. From adoption* |
| *Strengthening surveillance and control* | *Organise cooperation with the public or specific groups of citizens (nature reserve managers, hunters, anglers, farmers, birdwatchers etc.) to mobilise expertise and deploy "eyes and ears" on the ground to facilitate detection of IAS.* | *From adoption, although in many cases work is ongoing at national level.* |
| | *Organise training for customs officer e.g. through engagement at EU level with other customs authorities [further research on potential training or twinning schemes ongoing]* | *From adoption* |
| *Developing pathway management* | *Engage with stakeholders and mobilise sectoral expertise when developing plans to address priority pathways, so as to ease the work in terms of identification of priority pathways.* | *From adoption* |
| | *Engage with other Member States and join efforts in the identification of pathways, so as to facilitate the identification of cross-border pathways and action to address pathways at source.* | *From adoption* |
| | *Build upon or replicate successful awareness raising campaigns addressed to individuals or commercial operators, e.g. "Check clean dry" campaign in the UK* | *From adoption* |

**Raising awareness**

| *Awareness raising of stakeholders* | *Organise awareness raising campaigns with commercial operators working with invasive alien species, also banking on their ability to outreach to their customers, e.g. pets shops, horticultural centres.* | *From adoption, although in many cases work is ongoing at national level* |
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| | *Exchange best practice with other Member States* | *From adoption* |

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| | *and build upon existing experiences e.g. in terms of communication campaigns, awareness raising schemes.* | |
| | *Explore and exchange best-practice with other Member States on innovative schemes to facilitate engagement of the public and to finance schemes to tackle IAS, e.g. innovative pet take-back schemes.* | *From adoption* |