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#### COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 19 February 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT  
AND THE COUNCIL on the exercise of the power to adopt delegated acts  
conferred on the Commission pursuant to Regulation (EU) No 1143/2014  
of the European Parliament and of the Council of 22 October 2014 on the  
prevention and management of the introduction and spread of invasive  
alien species

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Delegations will find attached document COM(2019) 85 final.

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Encl.: COM(2019) 85 final



Brussels, 19.2.2019  
COM(2019) 85 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species**

## 1. Background

Regulation (EU) No 1143/2014 on invasive alien species<sup>1</sup> (hereafter the IAS Regulation) sets out the framework to address the impact of invasive alien species on biodiversity and related ecosystem services and empowers the Commission to adopt, update and review a list of invasive alien species of Union concern by means of implementing acts. For this, the Commission is assisted by a Committee consisting of Member States' representatives (the IAS Committee).

Before considering the inclusion of a species on the list of invasive alien species of Union concern, a thorough risk assessment needs to be carried out for that species backed by robust science addressing all the elements set out by Article 5(1) of the IAS Regulation.

Article 5(1) of the IAS Regulation sets out all the elements needed to produce a risk assessment capable of underpinning decision-making. The IAS Regulation recognises that it may be useful to specify further those elements, including by providing a methodology for the risk assessment. Furthermore, scientific practices in the domain of risk assessments may evolve and such developments would need to be integrated in the practice of developing risk assessments for the purpose of the IAS Regulation.

Article 5(3) of the IAS Regulation empowers the Commission to adopt delegated acts to further specify the type of evidence acceptable regarding the capability of establishing a viable population and spreading in the environment of invasive alien species and provide a detailed description of the elements of risk assessments. This description should include the methodology to be applied taking into account relevant national and international standards.

## 2. Legal Basis

This report is required under Article 29(2) of the IAS Regulation. Pursuant to this provision, the delegation of power referred to in Article 5(3) is conferred on the Commission for a period of five years from 1 January 2015. The Commission is also required to prepare a report with respect to this delegation power, at the latest nine months before the end of that five-year period. Furthermore, in accordance with Article 29(2), the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

## 3. Exercise of the delegation

The Commission exercised the empowerment in 2018. On 30 April 2018, the Commission adopted the Commission Delegated Regulation (EU) 2018/968<sup>2</sup> (hereafter the Delegated Regulation), which was published in the Official Journal on 10 July 2018 after the expiry of the scrutiny period of the European Parliament and the Council. It entered into force on 30 July 2018.

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<sup>1</sup> Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species, OJ L 317, 4.11.2014, p. 35.

<sup>2</sup> Commission Delegated Regulation (EU) 2018/968 of 30 April 2018 supplementing Regulation (EU) No 1143/2014 of the European Parliament and of the Council with regard to risk assessments in relation to invasive alien species, OJ L 174, 10.7.2018, p. 5.

This Delegated Regulation has been developed on the basis of a number of studies and on the best available scientific literature. Furthermore, the Scientific Forum<sup>3</sup>, the expert group established by the IAS Regulation with the mandate to provide scientific advice in relation to its implementation, has been closely involved in its preparation, while the draft Delegated Regulation was also open for public feedback.

Article 5(3) of the IAS Regulation provides the legal basis for the adoption of the Delegated Regulation. In particular, Article 5(3) empowers the Commission to:

- a) further specify the type of evidence acceptable for the purposes of point (b) of Article 4(3);
- b) provide a detailed description of the application of points (a) to (h) of Article 5(1);
- c) set out the methodology to be applied when preparing a risk assessment, taking into account relevant national and international standards and the need to prioritise action against invasive alien species associated with, or that have the potential to cause, a significant adverse impact on biodiversity or related ecosystem services, as well as on human health or the economy, such adverse impact being considered as an aggravating factor.

Article 1 of the Delegated Regulation provides that a detailed description of the application of the common elements to be considered in a risk assessment is set out in the Annex; while Article 2 lays out a methodology, which sets out also the specification of the type of evidence that should underpin a risk assessment, including when the evidence relates to Article 4(3)(b) of the IAS Regulation.

Finally, the Annex to the Delegated Regulation contains a detailed description of the application of points (a) to (h) of Article 5(1) of IAS Regulation regarding the elements that need to be considered when preparing a risk assessment.

#### **4. Conclusion**

The Commission has exercised its delegated powers in a timely and correct manner.

The Commission considers that all delegations of power should be retained, as further specifications may be needed in the future.

The Commission invites the European Parliament and the Council to take note of this report.

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<sup>3</sup> Published in the Register of Commission Expert Groups and Other Similar Entities, code number E03276