



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2012)

Opinion

Title **DG ENV - Impact Assessment on the legislative proposal on
invasive species
(draft version of 29 October 2012)***

(A) Context

Alien species are species that are transported as a result of human action outside of their natural range across ecological barriers. They may be introduced for a purpose or come into Europe accidentally (e.g. as a stowaway in a container). Of these alien species 10-15 % can have a significant negative impact on biodiversity as well as serious economic and social consequences: these are the Invasive Alien Species (IAS). Currently, EU legislation only addresses pests and disease agents that affect plants and animals, and alien species introduced for aquaculture (regulated respectively through the plant health regime, the animal health regime and the Regulation on the use of alien species in aquaculture), leaving a substantial share of the problem unaddressed. Furthermore, current action on IAS in the EU Member States is predominantly reactive, seeking to minimise the damage already being caused. Some of the EU major trading partners, such as Australia, Canada, New Zealand and the US, have developed thorough legislative frameworks to address the problems caused by IAS in a predominantly preventive way.

(B) Overall assessment

The report should be improved in several respects. Firstly, it should improve the problem definition by better distinguishing between problems, their drivers and consequences. This should include a better overview of existing IAS requirements in the Member States. Secondly, it should define the objectives in a way that it will be possible to evaluate the extent to which the action has generated the intended effects and to design corresponding monitoring and evaluation arrangements. Thirdly, the report should better design the options by differentiating them in terms of content and by better explaining their functioning, including how they will interact with existing national measures. It should then present more transparent cost estimates of different options, indicating how they will be spread among the different Member States. It should analyse transposition and compliance issues in greater detail, in particular, where the proposed legal instrument overlaps with existing requirements in the Member States. It should summarise more clearly the economic, social and environmental impacts of each option and compare them against a fully developed baseline in terms of effectiveness, efficiency and coherence. Finally, it should present the different stakeholders' views in a more transparent way throughout the report, in particular, where they differ from the proposed line.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

(1) Improve the problem definition and subsidiarity. The report should present the problems to be addressed in a more consistent way by better distinguishing between problems, their drivers and consequences. It should provide a more differentiated analysis, highlighting the regions most affected by IAS, and discuss the magnitude and geographical concentration of intra-EU movement of IAS. It should present a better overview of existing requirements in the Member States with regards to IAS and acknowledge a lack of any desirable data regarding the current state of IAS. In doing so, the report should demonstrate more clearly the necessity and added value of EU action, in particular, where there is existing IAS legislation in the Member States. The report should explain why climate change is not addressed among underlying causes and drivers of the problem. Finally, the report should develop a robust and complete baseline scenario that can serve as a reference for the comparison of policy options. The baseline should also describe what is happening with the current and historic load of IAS.

(2) Better formulate the objectives and clarify evaluation arrangements. The report should clarify the main objective of this initiative (i.e., reduce biodiversity loss, limit the economic damage caused by IAS) and should link them more closely to the identified problem drivers, options and monitoring indicators to establish a clearer intervention logic. It should define the objectives so that it would be possible to evaluate – based on realistic progress indicators – the extent to which this policy intervention has generated the intended effects. It should describe the timing of the evaluation and elaborate how the data would be collected for the necessary monitoring indicators. In addition, it should clarify how the gradual approach (prioritisation of IAS) is reflected in the monitoring and evaluation arrangements (e.g., when and how it will be determined if more IAS can be included in the list; whether there will be any procedure for removing IAS from the list).

(3) Strengthen the design, assessment and comparison of options. The report should focus options first on the content and only then on the (delivery) form. It should better describe the content of each option. In doing so, it should explain in detail who will bear the new responsibilities and costs under each option (e.g., standing committee, management of the IAS list of EU concern, approval of risk assessments, management of information system), as well as to what extent each foreseen action depends on future financing. It should also better explain the need for a dedicated legislative instrument when there is a range of existing legislation (e.g., animal/plant health regimes, Ballast Water Convention). It should clarify how the gradual approach (e.g. prioritisation of the IAS) will be carried out. On that basis the report should present more transparent cost estimates of different options distinguishing between different categories of costs (e.g. administrative, management, operational, damage, opportunity costs). As eradication of IAS seems to present the majority of costs, the report should clarify how decisions on this requirement will be concretely taken in practice, including the criteria for possible derogations. The report should clarify how the costs will be spread among the Member States. It should provide a deeper analysis of impacts on SMEs/microenterprises and administrative burden. The report should clearly summarise economic, environmental and social impacts of each (sub-)option and compare them against the fully developed baseline in terms of effectiveness, efficiency and coherence, while being transparent about the underlying methodology.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation

The report should be shortened while retaining key information in the main text. It should provide definitions of key terms either in the text or a glossary.

(E) IAB scrutiny process

Reference number	2012/ENV/011
External expertise used	No
Date of IAB meeting	5 December 2012