



30.11.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0728/2024 by Sabine Weikamm (German) on the implementation of Regulation (EU) No 1143/2014 in Germany**

### 1. Summary of petition

The petitioner claims that Regulation (EU) No 1143/2014 on the prevention and management of the introduction of invasive alien species cannot be fully implemented in Germany, given that Germany's first action plan did not identify or prioritise any pathways pursuant to Article 13(2) of the regulation that refer to private or commercial/industrial land, waters and rivers. Furthermore, according to the petitioner, Germany's first action plan was also drawn up much later than stipulated by the EU (3 years after adoption). In the petitioner's view, this resulted in a non-harmonious approach and various neophytes (such as giant hogweed) were able to spread unchecked. Given that invasive species spread extensively on private land, resulting in contaminated areas and spreading via other pathways, the petitioner believes that these pathways should be covered by Regulation (EU) No 1143/2014. The petitioner states that the German law implementing Regulation (EU) No 1143/2014 of 8 September 2017 (BGBl. I, p. 3370) added implementing measures for the Federal Nature Conservation Act (BNatSchG) and the Federal Hunting Act (BJagdG), but that measures or action plans to regulate spreading on privately owned land were missing. The petitioner considers that, in order to effectively address the issue of invasive species, it is necessary to implement an overarching nationwide measure in line with Regulation (EU) No 1143/2014, which covers all pathways and forms of spreading, also for climate reasons.

### 2. Admissibility

Declared admissible on 18 October 2024. Information requested from Commission under Rule 233(5).

### 3. Commission reply, received on 30 November 2024

## The petition

The petitioner highlights alleged deficiencies in Germany's implementation of EU Regulation 1143/2014 concerning the management of invasive alien species, specifically the giant hogweed. The petitioner points out the lack of effective measures and enforcement by local authorities and the lack of action plans focusing particularly on private lands and calls for an overarching nationwide action plan to ensure uniform compliance with the EU Regulation.

## The Commission's observations

The matter described in the petition is regulated by EU law, namely by EU Regulation 1143/2014 (the IAS Regulation) on the prevention and management of the introduction and spread of invasive alien species. This Regulation requires Member States to implement effective measures to combat invasive species, including the adoption of action plans.

According to Article 13 of the IAS Regulation, Member States must first identify the pathways of unintentional introduction and spread of invasive alien species that are a priority. Then, they must establish and implement action plans to address the priority pathways identified.

It should be noted that EU Regulation 1143/2014 is not prescriptive as regards the methodology to be followed for identifying the pathways which require priority action, other than by indicating that this prioritisation should be based on the volume of species, or the potential damage caused by the species entering the Union through those pathways. Moreover, the IAS Regulation leaves Member States the choice on whether to adopt one single action plan (targeting multiple pathways) or a set of action plans to address the priority pathways identified.

This means that Member States are responsible for the prioritisation of pathways and the ensuing action plans that reflect the choices made by the national authorities (or regional/local authorities, where competent).

The Action Plan adopted by Germany included the required identification and prioritisation of pathways, involved the public and set out measures to address the 14 identified priority pathways. The Commission has no reason to question the choices made by the German authorities.

As regards management obligations for Member States to tackle widespread plant species, such as those quoted by the petitioner (Giant hogweed and Himalayan balsam, both of which are widely spread in Germany), Article 19 of the IAS Regulation applies. While Article 19 states that Member States must have in place management measures also for widespread species, such measures shall be proportionate to the impact on the environment and appropriate to the specific circumstances of the Member States. For widely spread species, eradication is not mandatory (or, for that matter, feasible in many cases), and Member States may opt for measures aiming at population control or containment.

## Conclusion

Member States are responsible for drawing up action plans, enforcing measures and ensuring compliance with EU Regulation 1143/2014. According to the available information there is no apparent breach of EU legislation. Therefore, the Commission does not see any reason to investigate the matter further.