

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

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation sets out rules to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread within [^{F1}Great Britain], both intentional and unintentional, of invasive alien species.

Textual Amendments

- F1** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(a)** (with [reg. 2\(1\)\(a\)](#)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)(3)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Regulation: [By The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(a)** (with [reg. 1\(2\)](#)), it is provided that (S.) (31.12.2020) the word “Scotland” is substituted for the words “the Union”

Article 2

Scope

- 1 This Regulation applies to all invasive alien species.
- 2 This Regulation does not apply to:
 - a species changing their natural range without human intervention, in response to changing ecological conditions and climate change;
 - b genetically modified organisms as defined in point 2 of Article 2 of Directive 2001/18/EC;
 - c pathogens that cause animal diseases; for the purpose of this Regulation, animal disease means the occurrence of infections and infestations in animals, caused by one or more pathogens transmissible to animals or to humans;
 - ^{F2F3}^{F4}d pests of plants listed [^{F5}pursuant to Article 5(2) or Article 32(3)] [^{F5}in retained EU law relating to plant health], or subject to measures pursuant to [^{F6}Article 30(1), of Regulation (EU) 2016/2031 of the European Parliament and of the Council] [^{F6}retained EU law relating to plant health];]
 - e species listed in Annex IV to Regulation (EC) No 708/2007 when used in aquaculture;
 - f micro-organisms manufactured or imported for use in plant protection products already authorised or for which an assessment is ongoing under Regulation (EC) No 1107/2009; or

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- g micro-organisms manufactured or imported for use in biocidal products already authorised or for which an assessment is ongoing under Regulation (EU) No 528/2012.

Textual Amendments

F2 Art. 2(2)(d): By [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(2)(a)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)), it is provided that (31.12.2020) the words “retained EU law relating to plant health” are substituted for the words “Annex I or Annex II to Directive 2000/29/EC”; [2020 c. 1, Sch. 5 para. 1\(1\)](#)

F3 Art. 2(2)(d): By [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(2)(b)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)), it is provided that (31.12.2020) the words “retained EU law relating to plant health” are substituted for the words “Article 16(3) of that Directive”; [2020 c. 1, Sch. 5 para. 1\(1\)](#)

F4 Substituted by [Regulation \(EU\) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations \(EU\) No 228/2013, \(EU\) No 652/2014 and \(EU\) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC](#).

F5 Words in Art. 2(2)(d) substituted (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(2)(a)** (with reg. 1(2))

F6 Words in Art. 2(2)(d) substituted (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(2)(b)** (with reg. 1(2))

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'alien species' means any live specimen of a species, subspecies or lower taxon of animals, plants, fungi or micro-organisms introduced outside its natural range; it includes any part, gametes, seeds, eggs or propagules of such species, as well as any hybrids, varieties or breeds that might survive and subsequently reproduce;
- (2) 'invasive alien species' means an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services;
- (3) 'invasive alien species [^{F7}of special concern]' means an invasive alien species whose adverse impact has been deemed such as to require concerted action [^{F8}across Great Britain] pursuant to Article 4(3);
- (4) ^{F9}
- (5) 'biodiversity' means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (6) 'ecosystem services' means the direct and indirect contributions of ecosystems to human wellbeing;
- (7) 'introduction' means the movement, as a consequence of human intervention, of a species outside its natural range;

- (8) 'research' means descriptive or experimental work, undertaken under regulated conditions to obtain new scientific findings or to develop new products, including the initial phases of identification, characterisation and isolation of genetic features, other than those features which make a species invasive, of invasive alien species only insofar as essential to enable the breeding of those features into non-invasive species;
- (9) 'contained holding' means keeping an organism in closed facilities from which escape or spread is not possible;
- (10) 'ex-situ conservation' means the conservation of components of biological diversity outside their natural habitat;
- (11) 'pathways' means the routes and mechanisms of the introduction and spread of invasive alien species;
- (12) 'early detection' means the confirmation of the presence of a specimen or specimens of an invasive alien species in the environment before it has become widely spread;
- (13) 'eradication' means the complete and permanent removal of a population of invasive alien species by lethal or non-lethal means;
- (14) 'population control' means any lethal or non-lethal action applied to a population of invasive alien species, while also minimising the impact on non-targeted species and their habitats, with the aim of keeping the number of individuals as low as possible, so that, while not being able to eradicate the species, its invasive capacity and adverse impact on biodiversity, the related ecosystem services, on human health or the economy, are minimised;
- (15) 'containment' means any action aimed at creating barriers which minimises the risk of a population of an invasive alien species dispersing and spreading beyond the invaded area;
- (16) 'widely spread' means an invasive alien species whose population has gone beyond the naturalisation stage, in which a population is self-sustaining, and has spread to colonise a large part of the potential range where it can survive and reproduce;
- (17) 'management' means any lethal or non-lethal action aimed at the eradication, population control or containment of a population of an invasive alien species, while also minimising the impact on non-targeted species and their habitats;
- (18) ^{F10}[^{F11} 'the responsible authorities' means—
- (a) for the purposes of Articles 5(3), 18 and 19(6) as they apply in relation to any matter affecting the offshore marine area—
- (i) each person mentioned in sub-paragraph (c);
- (ii) the Scottish Ministers; and
- (iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (b) for the purposes of Articles 9, 16, 17 and 19(5)—
- (i) each person mentioned in sub-paragraph (c);
- (ii) the Scottish Ministers; and

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- (iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs; and
 - (c) otherwise, each person who, in relation to any particular area or matter, is the appropriate authority;
- (19) ‘the other responsible authorities’ means, in relation to the appropriate authority, the responsible authorities other than itself;
- (20) ‘the appropriate authority’ means—
- (a) the Secretary of State in relation to—
 - (i) England;
 - (ii) the offshore marine area; and
 - (iii) the regulation of imports into, and exports from, the United Kingdom;
 - (b) in relation to Wales, the Welsh Ministers;
- (21) ‘the list of species of special concern’ means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time;
- (22) ‘the UK marine area’ has the meaning given by section 42(1) of the Marine and Coastal Access Act 2009;
- (23) ‘England’, ‘Scotland’ and ‘Wales’ include that part of the territorial sea which is respectively adjacent to them, and ‘Northern Ireland’ includes the Northern Ireland inshore region (except in the definition of that term);
- (24) ‘the offshore marine area’ means—
- (a) any part of the seabed and subsoil situated in any area designated under section 1(7) of the Continental Shelf Act 1964 (exploration and exploitation of the continental shelf);
 - (b) any part of the waters within British fishery limits (except the internal waters of, and the territorial sea adjacent to, the United Kingdom, the Channel Islands and the Isle of Man);
- (25) ‘the Committee’ has the meaning given by Article 27;
- (26) ‘the Scientific Forum’ means the forum referred to in Article 28;
- (27) ‘the GB marine area’ consists of that part of the UK marine area which is not the Northern Ireland inshore region;
- (28) ‘the Northern Ireland inshore region’ has the meaning given to it in section 2 of the Marine Act (Northern Ireland) 2013;
- (29) ‘qualifying Northern Ireland goods’ has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;]

Textual Amendments

- F7** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(e)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(e)** (with reg. 1(2))
- F8** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(c)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(3)(b)); 2020 c. 1, Sch. 5 para. 1(1); and Regulation: By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(c)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “in Scotland, England or Wales” are substituted for the words “at Union level”
- F9** Art. 3(4) omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(3)(a)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(3)(a)** (with reg. 1(2))
- F10** Art. 3(a)-(c): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(3)(b)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) “(a) ‘the Scottish list of species of special concern’ means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No. 1143/2014 of the European Parliament and of the Council, as amended from time to time, (b) ‘the Committee’ has the meaning given by Article 27, (c) ‘the Scientific Forum’ means the forum referred to in Article 28.” is inserted after point (17)
- F11** Art. 3(18)-(29) inserted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(3)(b)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(4)(a)); 2020 c. 1, Sch. 5 para. 1(1)

Article 4

List of invasive alien species ^{F7}of special concern]

- 1 ^{F12}The Secretary of State may by regulations amend the list of species of special concern so as to add or remove species from that list] on the basis of the criteria laid down in paragraph 3 of this Article. ^{F13} ...
- 2 ^{F14}The Secretary of State] shall undertake a comprehensive review of the ^{F15}list of species of special concern][^{F16}before 2nd August 2022, and before the last anniversary of that date in each subsequent period of six years] and shall, in the meantime, update it, as appropriate, in accordance with ^{F17} ... paragraph 1 with:
- a the addition of new invasive alien species;
 - b the removal of listed species if they no longer meet one or more of the criteria laid down in paragraph 3.
- 3 Invasive alien species shall only be included on the ^{F15}list of species of special concern] if they meet all of the following criteria:
- a they are found, based on available scientific evidence, to be alien to the territory of ^{F18}Great Britain]^{F19} ...;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER 1. (See end of Document for details)

- b they are found, based on available scientific evidence, to be capable of establishing a viable population and spreading in the environment under current conditions and in foreseeable climate change conditions in ^{F20}the territory of Great Britain];
- c they are, based on available scientific evidence, likely to have a significant adverse impact on biodiversity or the related ecosystem services, and may also have an adverse impact on human health or the economy;
- d it is demonstrated by a risk assessment carried out pursuant to Article 5(1) that concerted action ^{F8}across Great Britain] is required to prevent their introduction, establishment or spread;
- e it is likely that the inclusion on the ^{F15}list of species of special concern] will effectively prevent, minimise or mitigate their adverse impact.

4 ^{F21}The Committee may submit to the Secretary of State] requests ^{F22}from the Committee] for the inclusion of invasive alien species on the ^{F15}list of species of special concern]. Those requests shall include all of the following:

- a the name of the species;
- b a risk assessment carried out in accordance with Article 5(1);
- c evidence that the criteria set out in paragraph 3 of this Article are met.

5 The ^{F15}list of species of special concern] shall make reference, where relevant, to the goods with which the invasive alien species are generally associated and their Combined Nomenclature codes as provided by Council Regulation (EEC) No 2658/87⁽¹⁾, ^{F23}indicating the categories of goods that shall be subject to official controls pursuant to Article 15 of this Regulation].

6 When ^{F24}amending] the ^{F15}list of species of special concern], the ^{F25}Secretary of State] shall apply the criteria set out in paragraph 3 with due consideration to the implementation cost ^{F26}..., the cost of inaction, the cost-effectiveness and the socio-economic aspects. The ^{F15}list of species of special concern] shall include as a priority those invasive alien species that:

- a are not yet present in ^{F27}Great Britain] or are at an early stage of invasion and are most likely to have a significant adverse impact;
- b are already established in ^{F28}Great Britain] and have the most significant adverse impact.

^{F29}7

^{F30}8 For the purposes of this Article, references to “Great Britain” are to be read as references to Great Britain and the GB marine area.]

Textual Amendments

- F7** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(e)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(e)** (with reg. 1(2))
- F8** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(e)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(3)(b)); 2020 c. 1, Sch. 5 para. 1(1); and Regulation: By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(e)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “in Scotland, England or Wales” are substituted for the words “at Union level”

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- F12** Words in Art. 4(1) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(a)(i)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(a)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers may by regulations amend the Scottish list of species of special concern so as to add or remove species from that list” are substituted for the words from “The Commission” to “(“the Union list”)”
- F13** Words in Art. 4(1) omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(a)(ii)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(a)(ii)** (with reg. 1(2))
- F14** Words in Art. 4(2) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(b)(i)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(b)(i)** (with reg. 1(2)), it is provided that by (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “The Commission”
- F15** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(d)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Regulation: By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(d)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scottish list of species of special concern” are substituted for the words “Union list”
- F16** Words in Art. 4(2) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(b)(ii)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(b)(ii)** (with reg. 1(2))
- F17** Words in Art. 4(2) omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(b)(iii)** (with reg. 2(1)(a)) (as amended by [S.I. 2019/813](#), regs. 1, 2(2)(a) and [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(a)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)(3)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(3)(a): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(c)(i)(aa)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scotland, England or Wales” are substituted for the words “the Union”
- F19** Words in Art. 4(3)(a) omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(c)(i)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(c)(i)(bb)** (with reg. 1(2))
- F20** Words in Art. 4(3)(b) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(c)(ii)** (with reg. 2(1)(a)) (as amended by [S.I. 2019/813](#), regs. 1, 2(2)(b) and [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)(4)(b)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(3)(b): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(4)(c)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scotland, England or Wales” are substituted for the words from “one biogeographical region” to “their outermost regions”
- F21** Words in Art. 4(4) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(4)(d)** (with reg. 2(1)(a)) (as amended

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(4): By The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(d)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers may consult and have regard to” are substituted for the words “Member States may submit to the Commission”
- F22** Words in Art. 4(4) inserted (S.) (31.12.2020) by The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(d)(ii)** (with reg. 1(2))
- F23** Words in Art. 4(5) omitted (S.) (31.12.2020) by virtue of The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(e)** (with reg. 1(2))
- F24** Word in Art. 4(6) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **5(4)(e)(i)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(f)(i)** (with reg. 1(2))
- F25** Words in Art. 4(6) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **5(4)(e)(ii)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(6): By The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(f)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scottish Ministers” are substituted for the word “Commission”
- F26** Words in Art. 4(6) omitted (31.12.2020) by virtue of The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **5(4)(e)(iii)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(f)(iii)** (with reg. 1(2))
- F27** Words in Regulation substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **4(2)(a)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(3)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(6)(a) by The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(f)(iv)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scotland, England or Wales” are substituted for the words “the Union”
- F28** Words in Regulation substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **4(2)(a)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(3)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 4(6)(b): By The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(f)(iv)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scotland, England or Wales” are substituted for the words “the Union”
- F29** Art. 4(7) omitted (31.12.2020) by virtue of The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **5(4)(f)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of The Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/473), regs. 1(1), **3(4)(g)** (with reg. 1(2))
- F30** Art. 4(8) inserted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **5(4)(g)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(4)(c)); 2020 c. 1, Sch. 5 para. 1(1)

Article 5

Risk assessment

1 For the purposes of Article 4, a risk assessment shall be carried out in relation to the current and potential range of invasive alien species, having regard to the following elements:

- a a description of the species with its taxonomic identity, its history, and its natural and potential range;
- b a description of its reproduction and spread patterns and dynamics including an assessment of whether the environmental conditions necessary for its reproduction and spread exist;
- c a description of the potential pathways of introduction and spread of the species, both intentional and unintentional, including where relevant the commodities with which the species is generally associated;
- d a thorough assessment of the risk of introduction, establishment and spread in relevant biogeographical regions in current conditions and in foreseeable climate change conditions;
- e a description of the current distribution of the species, including whether the species is already present in [^{F31}Great Britain] or in neighbouring countries, and a projection of its likely future distribution;
- f a description of the adverse impact on biodiversity and related ecosystem services, including on native species, protected sites, endangered habitats, as well as on human health, safety, and the economy including an assessment of the potential future impact having regard to available scientific knowledge;
- g an assessment of the potential costs of damage;
- h a description of the known uses for the species and social and economic benefits deriving from those uses.

2 [^{F32}When the Secretary of State proposes to amend the list of species of special concern under Article 4(1), the Scientific Forum must carry out the risk assessment referred to in paragraph 1.]

^{F33}Whenever [^{F34}the Committee] submits a request for the inclusion of a species on the [^{F15}list of species of special concern][^{F35}the Scientific Forum is] responsible for carrying out the risk assessment referred to in paragraph 1.^{F36}...

3 [^{F37}The responsible authorities, acting jointly, may] specify the type of evidence acceptable for the purposes of point (b) of Article 4(3) and provide a detailed description of the application of points (a) to (h) of paragraph 1 of this Article. The detailed description shall include the methodology to be applied in the risk assessments, 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. [^{F38}Before taking any action under this paragraph, the responsible authorities, acting jointly, must consult the Scientific Forum and such other experts as they consider appropriate.]

Textual Amendments

F15 Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(d)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Regulation: [By The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **2(2)(d)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scottish list of species of special concern” are substituted for the words “Union list”

F31 Words in Regulation substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **4(2)(a)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(3)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 5(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- (e): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(a)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scotland, England or Wales” are substituted for the words “the Union”
- F32** Words in Art. 5(2) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(a)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 5(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(b)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “When the Scottish Ministers propose to amend the Scottish list of species of special concern under Article 4(1), they must make a request to the Scientific Forum or such other expert as they consider appropriate to carry out the risk assessment referred to in paragraph 1.” are substituted for the first subparagraph
- F33** Art. 5(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(c)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Whenever the Committee submits a request for the inclusion of a species on the Scottish list of species of special concern the Scottish Ministers must make a request for the risk assessment referred to in paragraph 1 to be carried out by the Scientific Forum or such other expert as they consider appropriate.” are substituted for the first sentence
- F34** Words in Art. 5(2) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(b)(i)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 5(2) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(b)(ii)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 5(2) omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(b)(iii)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, **Sch. 5 para. 1(1)**; and (S.) (31.12.2020) by virtue of [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(c)(ii)** (with reg. 1(2))
- F37** Words in Art. 5(3) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(c)(i)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 5(3): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(d)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers, after consulting the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs (as they consider appropriate), may” are substituted for the words “The Commission shall”
- F38** Words in Art. 5(3) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **5(5)(c)(ii)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 5(3): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **3(5)(d)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Before taking any action under this paragraph, the responsible authorities, acting jointly, must consult the Scientific Forum and such other experts as they consider appropriate.” are substituted for the last sentence

F39 Article 6

Provisions for the outermost regions

.....

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

Textual Amendments

- F39** Art. 6 omitted (31.12.2020) by virtue of [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/223), regs. 1(1)(b), **5(6)** (with reg. 2(1)(a)) (as amended by [S.I. 2020/1590](#), regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and (S.) (31.12.2020) by virtue of [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020](#) (S.S.I. 2020/473), regs. 1(1), **3(6)** (with reg. 1(2))

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- (1) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ([OJ L 256, 7.9.1987, p. 1](#)).

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) No 1143/2014 of the European Parliament and of the Council, CHAPTER I.