

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 III

**EARLY DETECTION AND RAPID ERADICATION**

*Article 14*

**Surveillance system**

- 1 Within 18 months of [<sup>F1</sup>IP completion day and in respect of] the adoption of the [<sup>F2</sup>list of species of special concern], [<sup>F3</sup>the appropriate authority] shall establish a surveillance system of invasive alien species [<sup>F4</sup>of special concern], or include it in their existing system, which collects and records data on the occurrence in the environment of invasive alien species by survey, monitoring or other procedures to prevent the spread of invasive alien species into or within [<sup>F5</sup>Great Britain].
- 2 The surveillance system referred to in paragraph 1 of this Article shall:
- cover [<sup>F6</sup>England and Wales] to determine the presence and distribution of new as well as already established invasive alien species [<sup>F4</sup>of special concern];
  - be sufficiently dynamic to detect rapidly the appearance in the environment of [<sup>F7</sup>England and Wales] of any invasive alien species [<sup>F4</sup>of special concern], whose presence was previously unknown;
  - build upon, be compatible with, and avoid duplication of relevant provisions for assessment and monitoring laid down by [<sup>F8</sup>retained EU law] or under international agreements and make use of the information provided by the existing systems of surveillance and monitoring set out in [<sup>F9</sup>retained EU law which transposed] Article 11 of Directive 92/43/EEC, Article 8 of Directive 2000/60/EC and Article 11 of Directive 2008/56/EC;
  - take into account the relevant transboundary impact and transboundary features, to the extent possible.

**Textual Amendments**

- F1** Words in Art. 14 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), **5(2)(a)** (with reg. 1(2))
- F2** 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”
- F3** Words in Art. 14(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), **7(2)(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. 14(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs.

**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 III. (See end of Document for details)

- 1(1), **5(2)(b)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Scottish Ministers” are substituted for the words “Member States”
- F4** 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))
- F5** 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”
- F6** Words in Art. 14(2)(a) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **7(2)(b)(i)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(6)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 14(2)(a): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(2)(c)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the word “Scotland” is substituted for the words “the territory, including marine territorial waters, of the Member States”
- F7** Words in Art. 14(2)(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), **7(2)(b)(ii)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(6)(a)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 14(2)(b): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(2)(c)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the word “Scotland” is substituted for the words “the territory or part of the territory of a Member State”
- 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)(b)** (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)(b)** (with reg. 1(2))
- F9** Words in Art. 14(2)(c) inserted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **7(2)(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 [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(2)(c)(iii)** (with reg. 1(2))

## <sup>F10</sup>Article 15

### Official controls

1 By 2 January 2016, [<sup>F11</sup>the Secretary of State] shall have in place fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into [<sup>F12</sup>Great Britain] of invasive alien species [<sup>F13</sup>of special concern]. Those official controls shall apply to the categories of goods falling within the Combined Nomenclature codes to which a reference is made in the [<sup>F14</sup>list of species of special concern], pursuant to Article 4(5).

2 Competent authorities shall carry out the appropriate risk-based controls to the goods mentioned in paragraph 1 of this Article verifying that:

- a they are not on the [<sup>F14</sup>list of species of special concern]; or
- b they are covered by a valid permit as referred to in Article 8.

3 The controls referred to in paragraph 2 of this Article, consisting of documentary, identity and where necessary, physical checks, shall take place when goods referred to in paragraph 1 of this Article are brought into <sup>F12</sup>Great Britain]. <sup>F15</sup>In paragraphs 4 to 6 and 8, “the competent authority” means the authority responsible for carrying out the official controls mentioned in paragraph 2].

4 The handling in free zones or free warehouses and the placing of goods referred to in paragraph 1 under the customs procedures of release for free circulation, transit, customs warehousing, inward processing, processing under customs control and temporary admission shall be subject to the declaration to the customs authorities of:

- a the relevant entry document duly completed by the competent authorities <sup>F16</sup>... attesting that the conditions referred to in paragraph 2 of this Article are met, in cases where the controls have been carried out at border entities in accordance with Regulation (EC) No 882/2004 and <sup>F17</sup>retained EU law which transposed] Directives 91/496/EEC and 97/78/EC or at <sup>F18</sup>points of entry as defined in] point (j) of Article 2(1) of Directive 2000/29/EC. The customs procedure indicated therein shall be followed; or
- b where goods are not subject to official controls according to <sup>F19</sup>retained EU law], other documentary evidence that the controls have been carried out with satisfactory results and the subsequent entry document.

Those documents may also be submitted electronically.

5 If the controls establish non-compliance with this Regulation:

- a customs authorities shall suspend the placing under a customs procedure or detain the goods;
- b competent authorities <sup>F20</sup>... shall detain the goods.

Where goods are detained, they shall be entrusted to the competent authority in charge of applying this Regulation. That authority shall act in accordance with national legislation. <sup>F21</sup>The Secretary of State] may delegate specific functions to other authorities.

6 Costs incurred while the verification is carried out and those arising from any non-compliance shall be at the expense of the natural or legal person within <sup>F12</sup>Great Britain] who brought the goods into <sup>F12</sup>Great Britain]<sup>F22</sup>....

7 <sup>F23</sup>The Secretary of States] shall put in place procedures to ensure the exchange of relevant information and the efficient and effective coordination and cooperation between all authorities involved for the verification referred to in paragraph 2.

8 Based on best practices, <sup>F24</sup>the Secretary of State, together with the competent authority, must] develop guidelines and training programmes to facilitate the identification and detection of invasive alien species <sup>F25</sup>of special concern] and the performance of efficient and effective controls.

9 Where permits have been issued in accordance with Article 8, reference to a valid permit covering the declared goods shall be made in the customs declaration or relevant notifications to the border entity.]

#### Textual Amendments

- F10** Art. 15 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), **5(3)** (with reg. 1(2))
- F11** Words in Art. 15(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), **7(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)

*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 III. (See end of Document for details)*

- F12** 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)
- F13** 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)
- F14** 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)
- F15** Words in Art. 15(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), **7(3)(b)** (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)
- F16** Words in Art. 15(4)(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), **7(3)(c)(i)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(6)(b)); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 15(4)(a) inserted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(c)(ii)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, **2(3)(a)(i)** and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F18** Words in Art. 15(4)(a) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(c)(iii)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(a)(i) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F19** 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)(b)** (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)
- F20** Words in Art. 15(5)(b) 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), **7(3)(d)(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)
- F21** Words in Art. 15(5) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(d)(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)
- F22** Words in Art. 15(6) omitted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(e)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(a)(ii) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 15(7) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(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)
- F24** Words in Art. 15(8) substituted (31.12.2020) by The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), regs. 1(1)(b), **7(3)(g)** (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)
- F25** 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)

## Article 16

### Early detection notifications

1 [F26The appropriate authority] shall use the surveillance system established in accordance with Article 14 [F27 and the information collected at official controls provided for by

Article 15] to confirm early detection of the introduction or presence of invasive alien species [F<sup>4</sup>of special concern].

2 [F<sup>28</sup>The appropriate authority] shall without delay notify [F<sup>29</sup>the other responsible authorities], in writing, of the early detection of the introduction or presence of invasive alien species [F<sup>4</sup>of special concern] and F<sup>30</sup> ..., in particular of:

- a the appearance [F<sup>31</sup>on their territory or part of their territory][F<sup>31</sup>in Scotland] of any species included on the [F<sup>2</sup>list of species of special concern] whose presence was previously unknown in [F<sup>32</sup>their territory or in part of their territory][F<sup>32</sup>Scotland];
- b the re-appearance [F<sup>31</sup>on their territory or part of their territory][F<sup>31</sup>in Scotland] of any species included on the [F<sup>2</sup>list of species of special concern] after it has been reported as eradicated.

### Textual Amendments

- F2** 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”
- F4** 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))
- F26** Words in Art. 16(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), **7(4)(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. 16(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(4)(a)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “Member States”
- F27** Words in Art. 16(1) 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), **5(4)(a)(ii)** (with reg. 1(2))
- F28** Words in Art. 16(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), **7(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. 16(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(4)(b)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “Member States”
- F29** Words in Art. 16(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), **7(4)(b)(ii)** (with reg. 2(1)(a)) (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(6)(c)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 16(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(4)(b)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs” are substituted for the words “the Commission”
- F30** Words in Art. 16(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), **7(4)(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), **5(4)(b)(iii)** (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 III. (See end of Document for details)

- F31** Words in Art. 16(2) 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), **5(4)(b)(iv)** (with reg. 1(2))
- F32** Word in Art. 16(2) 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), **5(4)(b)(v)** (with reg. 1(2))

## Article 17

### Rapid eradication at an early stage of invasion

1 After early detection and within three months after the transmission of the early detection notification referred to in Article 16, [<sup>F33</sup>the appropriate authority must] apply eradication measures and notify those measures to [<sup>F34</sup>the other responsible authorities].

2 When applying eradication measures, [<sup>F35</sup>the appropriate authority must] ensure that the methods used are effective in achieving the complete and permanent removal of the population of the invasive alien species concerned, with due regard to human health and the environment, especially non-targeted species and their habitats, and ensuring that animals are spared any avoidable pain, distress or suffering.

3 [<sup>F36</sup>The appropriate authority must] monitor the effectiveness of the eradication. [<sup>F37</sup>The appropriate authority may] use the surveillance system provided for in Article 14 to this effect. The monitoring shall also assess the impact on non-targeted species, as appropriate.

4 [<sup>F38</sup>The appropriate authority must] inform [<sup>F39</sup>the other responsible authorities] of the effectiveness of the measures taken and notify [<sup>F40</sup>the other responsible authorities] when a population of an invasive alien species [<sup>F4</sup>of special concern] has been eradicated. <sup>F41</sup>...

#### Textual Amendments

- F4** 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))
- F33** Words in Art. 17(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), **7(5)(b)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 17(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(b)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Scottish Ministers” are substituted for the words “Member States”
- F34** Words in Art. 17(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), **7(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. 17(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(a)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs” are substituted for the words “the Commission and inform the other Member States”
- F35** Words in Art. 17(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), **7(5)(b)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para.

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- 1(1); and Art. 17(2): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(b)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Scottish Ministers” are substituted for the words “Member States”
- F36** Words in Art. 17(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), **7(5)(c)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 17(3): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(c)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “Member States”
- F37** Words in Art. 17(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), **7(5)(ca)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 17(3): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(c)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “Member States”
- F38** Words in Art. 17(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), **7(5)(c)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)); 2020 c. 1, Sch. 5 para. 1(1); and Art. 17(4): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(d)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers must inform the Secretary of State, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs” are substituted for the words “Member States shall inform the Commission”
- F39** Words in Art. 17(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), **7(5)(d)(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)
- F40** Words in Art. 17(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), **7(5)(d)(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. 17(4): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(5)(d)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the word “them” is substituted for the words “the Commission”
- F41** Words in Art. 17(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), **7(5)(d)(ii)** (with reg. 2(1)(a)) (as amended by S.I. 2019/813, regs. 1, 2(3)(b) and 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), **5(5)(d)(iii)** (with reg. 1(2))

## Article 18

### Derogations from the obligation of rapid eradication

1 <sup>[F42]</sup>The responsible authorities, acting jointly, may], based on robust scientific evidence, decide, within two months of the detection of an invasive alien species referred to in Article 16, not to apply eradication measures if at least one of the following conditions is met:

- a eradication is demonstrated to be technically unfeasible because the eradication methods available cannot be applied in the environment where the invasive alien species is established;
- b a cost-benefit analysis demonstrates on the basis of the available data with reasonable certainty that the costs will, in the long term, be exceptionally high and disproportionate to the benefits of eradication;

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- c eradication methods are not available or are available but have very serious adverse impact on human health, the environment or other species.

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4 [F45The appropriate authority] shall ensure that containment measures are in place to avoid further spread of the invasive alien species to other [F46parts of Great Britain] when, pursuant to paragraph 1, no eradication measures are applied.

5 Where [F47the responsible authorities decide not to make a decision referred to in] paragraph 1 of this Article, [F48the appropriate authority] shall apply the eradication measures referred to in Article 17 without delay.

6 Where the [F49responsible authorities make a decision referred to in] paragraph 1 of this Article, the invasive alien species shall be subject to the management measures referred to in Article 19.

#### Textual Amendments

- F42** Words in Art. 18(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), **7(6)(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. 18(1): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(6)(a)(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, may” are substituted for the words “A Member State may”
- F43** Words in Art. 18(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), **7(6)(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), **5(6)(a)(ii)** (with reg. 1(2))
- F44** Art. 18(2)(3) 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), **7(6)(b)** (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), **5(6)(b)** (with reg. 1(2))
- F45** Words in Art. 18(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), **7(6)(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. 18(4): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(6)(c)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “The Scottish Ministers” are substituted for the words “Member States”
- F46** Words in Art. 18(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), **7(6)(c)(ii)** (as amended by S.I. 2020/1590, regs. 1(1)(b)(i), 6(2)(6)(d)); 2020 c. 1, Sch. 5 para. 1(1); and (S. in so far as not already substituted) (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(6)(c)(ii)** (with reg. 1(2))
- F47** Words in Art. 18(5) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **7(6)(d)(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. 18(5): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs.



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1(1), **5(6)(d)(i)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scottish Ministers decide not to make a decision referred to in” are substituted for the words “Commission rejects a decision notified in accordance with the second subparagraph of”

**F48** Words in Art. 18(5) substituted (31.12.2020) by [The Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/223\)](#), regs. 1(1)(b), **7(6)(d)(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. 18(5): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(6)(d)(ii)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “the Scottish Ministers” are substituted for the words “the Member State concerned”

**F49** Words in Art. 18(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), **7(6)(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 Art. 18(6): By [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **5(6)(e)** (with reg. 1(2)), it is provided that (S.) (31.12.2020) the words “Scottish Ministers make a decision referred to in” are substituted for the words “Commission does not reject a decision notified in accordance with the second subparagraph of”

**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 III.