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Addressing of Invasive Alien Species threats in terrestrial areas and inland waters in Turkey

Overview of the Croatian Law on IAS

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Overview of the Croatian Law on IAS

- History and policy context
- Why law and not lower rank subsidiary legislation?
- Process of adoption
- Main elements, provisions and requirements in the Law on IAS: what reflects the EU Regulation on IAS and what are stricter national measures?
- Challenges in the implementation
- Recommendations for Turkish by-law on IAS



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Croatian Law on IAS - history and policy context

Croatia entered the EU in 2013:

Nature Protection Act – 250 articles: ...use of natural resources and space; ecological network and appropriate assessment; native species - conservation and management measures, collecting from nature, strict protection of species – restrictions and derogations, rescue centres, repopulation, breeding, compensation of damage; conservation of genetic diversity and gene banks; speleological objects; minerals and fossils; protected areas; inventarisation, monitoring and reporting; financing

Alien species – just 10 articles on breeding, placing on the market and introduction into nature (restrictions and permits), black and white list, risk assessment, eradication/control of population of IAS

Act on Transboundary Movement and Trade in Wild Species – 47 articles: implementation of CITES and EU wildlife trade regulations; trade in strictly protected species



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Croatian Law on IAS - history and policy context

WHY Nature Protection Act and a separate Act on Transboundary Movement and Trade in Wild Species?

- 250 + 47 articles
- easier to follow the obligations arising from the provisions of the law when they are thematically separated
- easier enforcement for the officials (inspection, customs) in the supervision and sanctioning of violations





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Croatian Law on IAS - history and policy context

Nature Protection Act and a separate Act on Transboundary Movement and Trade in Wild Species



BUT! For alien species and IAS, 10 articles in the Nature Protection Act was not enough - insufficiently clear and detailed obligations



“White list” ordinance - 6 additional articles and an annex with the list of species:

- alien species that can be placed on the market or bred in controlled environment without a permit



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Croatian Law on IAS - history and policy context

From 2015: **EU IAS Regulation 1143/2014**



SO! As all the other EU Member States, we had the obligation to prescribe the framework for the implementation of the EU IAS Regulation in Croatia



HOW?

- cca. 20 articles for the implementation of the EU IAS Regulation:
competent authorities, procedures for obligations prescribed by the Regulation, procedures for obtaining permits to use IAS from the Union list, misdemeanour provisions, but also national black list and possibility for regional lists...



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Croatian Law on IAS - history and policy context

- cca. 20 additional articles for prescribing national provisions regarding alien species: permits, white list, offenses for national provisions...

SO! Around 40 articles needed to prescribe all necessary provisions to:

- deal with the Union list of IAS and the EU IAS Regulation in Croatia
- keep and prescribe in more details our stricter national measures in dealing with other IAS and all other alien species

≡ SEPARATE LAW ON IAS! (because of the scope and specificity of the subject)

Act on the prevention and management of the introduction and spread of alien and invasive alien species

- entered into force in February 2018 - 52 articles!!!





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Why law and not lower rank subsidiary legislation?

- In Croatia, permitting procedure and offences can only be prescribed in a law

Process of adoption - ordinary procedure for adoption of the law in the Croatian Parliament:

- regulatory impact assessments – arguments, reasons and needs for the draft law to be adopted
- draft law
- public consultation
- consultation with other competent authorities (ministries)
- debate on the law in the Parliament in 2 readings
- publication in the Official Gazette
- entry into force



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Croatian Law on IAS

Process of adoption - ordinary procedure and additionally:

TRIS - the notification procedure established by the EU Directive 2015/1535

- „helps to anticipate and prevent the creation of barriers to trade and free movement of goods”
 - allows the Commission and other EU Member States (MS) to examine the technical regulation one MS intends to introduce for products, before their adoption
 - ensures that these regulations are compatible with EU law and the Internal Market principles
 - „applies in a simplified manner to the EFTA Member States and to Switzerland and Turkey”
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Croatian Law on IAS

Main elements, provisions and requirements – EU IAS Regulation:

- competent authorities and their tasks:
 - Nature Protection Directorate (legislation, planning and administrative tasks)
 - Institute for Environment and Nature (expert tasks)
- official controls: customs and police officers, nature protection inspectors, veterinary, phytosanitary, forestry and hunting inspectors
- penalties for infringements – 300 to 67.000 EUR depending on the offence
- IAS information system and database
- IAS alert system and protocols



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Croatian Law on IAS

Main elements, provisions and requirements – EU IAS Regulation:

- procedures for obtaining permits to use IAS from the Union list
- procedures for adoption of planning documents and protocols – IAS pathway action plans, management plans for widely spread IAS, emergency measures to prevent the introduction or spread, IAS monitoring protocols and eradication measures, plans on restoration of damaged ecosystems
- risk-assessment criteria and methodology
- early warning and rapid response system
- framework to adopt national / regional IAS lists - ordinance



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Croatian Law on IAS

Main elements, provisions and requirements – National measures:

- exceptions to which the law does not apply: agricultural plants, domestic animals and alien forest trees (listed in the relevant lists), alien game species (listed in the Hunting Act) – if used in accordance with nature protection conditions in management plans / appropriate assessment for Natura 2000 sites
- procedures for obtaining permits for breeding, placing on the market and introduction of alien species into nature / ecosystems (if no ecological risk)
- national „white list“ of alien species – can be used without a permit
- national “black list“ of IAS – same restriction as for the IAS on the Union list



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Croatian Law on IAS

Challenges in the implementation

- for other EU legislation, experience of other EU Member States in the implementation was used, and for the EU IAS Regulation we all still learn along the way
- a lot of obligations arising from the EU IAS Regulation and for species on the Union list - focus is on meeting the EU requirements
- sometimes issues with the IAS of national concern are pushed out of focus
- official controls - there is no final check-list of native species of Croatia, nor of alien ones
- it is hard for the enforcement officers to know if the restrictions from the Law refer to the shipment they are checking without consulting the experts



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Croatian Law on IAS

Challenges in the implementation

- unintentional introduction and spread - very difficult to control and prevent
 - rapid eradication is required after early detection of IAS, but securing funding, public procurement procedures and contracting require planning and time (a lot of time...)
 - access to private land to control the IAS is not regulated by the Law
- ... We lacked a detailed understanding of the provisions of the EU IAS Regulation when drafting the Law ...





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Croatian Law on IAS

Recommendations for Turkish by-law on IAS

- use stricter national measures to deal with alien species invasive in Turkey that are not candidates for the Union list of IAS
- prescribe the financial framework and resources needed for the implementation of the IAS policy
- ask for help and experience in the implementation of the EU IAS regulation
- discuss and take into account different perspectives (other sectors, private land...)

■ Project „Addressing of Invasive Alien Species threats in terrestrial areas and inland waters in Turkey”





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Thank you for your attention!

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