

# The EU Invasive Alien Species Regulation – Frequently Asked Questions

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## Background

The [EU Invasive Alien Species \(IAS\) Regulation \(1143/2014\)](#) came into force on 1 January 2015. The Regulation imposes strict restrictions on a list of species known as “species of Union concern”. These are species whose potential adverse impacts across the European Union are such that concerted action across Europe is required.

The first list of 37 species - 23 animals and 14 plants - was approved at a meeting of EU Member States in December 2015. The European Commission published the [implementing regulation \(2016/1141\)](#) in an Official Journal on 14 July 2016. The list came into force on 3 August 2016.

On 13 July 2017, the European Commission published [Commission Implementing Regulation 2017/1263](#) which will add a further 12 species to the list of species of Union concern.

FAQ for the sectors that will be most affected by the new legislation are outlined below.

**Disclaimer:** The FAQ do not represent a legal interpretation. They indicate our current understanding of the EU IAS Regulation and its implications, and may be subject to change if our understanding alters. If you wish to have a legal interpretation, you should seek your own legal advice.

## General

### What animals and plants are affected by the Regulation?

There are currently 23 animals and 14 plants on the list of Union concern. These are:

#### Plants

American skunk cabbage	<i>Lysichiton americanus</i>
Asiatic tearthumb	<i>Persicaria perfoliata</i> ( <i>Polygonum perfoliatum</i> )
Curly waterweed	<i>Lagarosiphon major</i>
Eastern Baccharis	<i>Baccharis halimifolia</i>
Floating pennywort	<i>Hydrocotyle ranunculoides</i>
Floating primrose willow	<i>Ludwigia peploides</i>
Green cabomba	<i>Cabomba caroliniana</i>
Kudzu vine	<i>Pueraria lobata</i>
Parrot's feather	<i>Myriophyllum aquaticum</i>
Persian hogweed	<i>Heracleum persicum</i>
Sosnowski's hogweed	<i>Heracleum sosnowskyi</i>
Water hyacinth	<i>Eichhornia crassipes</i>
Water primrose	<i>Ludwigia grandiflora</i>
Whitetop weed	<i>Parthenium hysterophorus</i>

#### Animals

Amur sleeper	<i>Perccottus glenii</i>
Asian hornet	<i>Vespa velutina</i>
Chinese mitten crab	<i>Eriocheir sinensis</i>
Coypu	<i>Myocastor coypus</i>
Fox squirrel	<i>Sciurus niger</i>
Grey squirrel	<i>Sciurus carolinensis</i>
Indian house crow	<i>Corvus splendens</i>
Marbled crayfish	<i>Procambarus fallax f. virginalis.</i>
Muntjac deer	<i>Muntiacus reevesi</i>
North american bullfrog	<i>Lithobates (Rana) catesbeianus</i>
Pallas's squirrel	<i>Callosciurus erythraeus</i>
Raccoon	<i>Procyon lotor</i>
Red swamp crayfish	<i>Procambarus clarkia</i>
Red-eared terrapin/slider	<i>Trachemys scripta</i> <sup>1</sup>
Ruddy duck	<i>Oxyura jamaicensis</i>
Sacred ibis	<i>Threskiornis aethiopicus</i>
Siberian chipmunk	<i>Tamias sibiricus</i>
Signal crayfish	<i>Pacifastacus leniusculus</i>
Small Asian mongoose	<i>Herpestes javanicus</i>
South American coati	<i>Nasua nasua</i>

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<sup>1</sup> This includes all sub-species of *Trachemys scripta* e.g. yellow-bellied slider, red-eared slider, Cumberland slider, slider and common slider)

Spiny-cheek crayfish	<i>Orconectes limosus</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Virile crayfish	<i>Orconectes virilis</i>

A further 12 species are to be added to the list of species of Union concern on 2 August 2017. These species are:

### Animals

Egyptian goose	<i>Alopochen aegyptiacus</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Muskrat	<i>Ondatra zibethicus</i>

### Plants

Alligator weed	<i>Alternanthera philoxeroides</i>
Milkweed	<i>Asclepias syriaca</i>
Nuttall's waterweed	<i>Elodea nuttallii</i>
Chilean rhubarb	<i>Gunnera tinctoria</i>
Giant hogweed	<i>Herclealum mantegazzianum</i>
Himalayan balsam	<i>Impatiens glandulifera</i>
Japanese stiltgrass	<i>Microstegium vimineum</i>
Broadleaf watermilfoil	<i>Myriophyllum heterophyllum</i>
Crimson fountaingrass	<i>Pennisetum setaceum</i>

The associated restrictions and obligations will come into force from 2 August 2017 for all these species apart from the Raccoon dog, where they will not come into force until 2 February 2019.

### **What does listing of these species mean?**

Strict restrictions will apply to these species (subject to exemptions detailed elsewhere in these FAQ) so they cannot be imported, kept, bred, transported, sold, used or exchanged, allowed to reproduce, grown or cultivated, or released into the environment.

### **Are there any exceptions to these restrictions?**

Yes. Pets may be kept for the remainder of their natural lives without a permit. If you have a listed plant in your garden, you can continue to keep it.

Traders are able to continue to sell existing stocks for 12 months.

Additionally, some establishments may apply for permits to allow them to keep listed species. However, permits may only be issued for the purposes of research, ex-situ conservation or scientific production of medicinal products. In exceptional cases, permits may be granted for reasons of compelling public interest, which may include social or economic reasons.

### **How do establishments get a permit to keep species?**

The Animal and Plant Health Agency administer the permit scheme. More information on how to apply for a permit is available [here](#).

### **Who will be inspecting to ensure permits are being complied with?**

Inspectors will be appointed by the Government to ensure that any conditions attached to permits are complied with. Inspectors, who are currently responsible for inspecting these premises e.g. zoo inspectors, will carry out these functions.

### **How were these species selected?**

The European Commission reviewed existing risk assessments to propose a list of species which were then considered and voted on by Member States.

### **Can species be added or removed from the list?**

Yes. Species may be added on the basis of a risk assessment. The sectors affected will be informed of any proposed changes to the list of species and information on these pages will be amended as appropriate. Species may also be removed.

### **When will additional species be proposed and listed?**

Member States have agreed on a rolling cycle of consideration of additional species. The first update to the list of species of Union concern was agreed by Member States in June 2017 and will come into effect on 2 August 2017.

### **Where can I find the penalties for breaching these offences?**

We will shortly be consulting on an enforcement regime to support the implementation of this Regulation.

## Pet owners

### What pets are covered by the new regulation?

There are 26 animal species covered by the regulation but only nine of them are regularly kept as pets. These are:

Pallas Squirrel	<i>Callosciurus erythraeus</i>
Small Indian Mongoose	<i>Herpestes javanicus</i>
American bullfrog	<i>Lithobates catesbeianus</i>
Coati	<i>Nasua nasua</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Raccoon	<i>Procyon lotor</i>
Fox squirrel	<i>Sciurus niger</i>
Siberian chipmunk	<i>Tamias sibiricus</i>
Red-eared terrapin/slider <sup>2</sup>	<i>Trachemys scripta</i>

### Will I have to have my pet put down?

No. If you were keeping one of the species on the list as a pet before it was included on the Union list of species, it will be able to live out its natural life. However, as at present, you must ensure that it is kept in a secure enclosure and not allowed to escape. You will also not be able to sell or exchange your pet and you may only transport it for animal welfare purposes e.g. a visit to the vet or boarding accommodation, or if you move house. If you do transport it, you must keep it securely under your control during transit and ensure that it does not escape. You must also take appropriate measures to stop it breeding.

### Do I need to spay/neuter my pet?

No, you are not required to spay or neuter your pet but you are responsible for taking appropriate measures to prevent its breeding. You may consider that spaying or neutering is appropriate to meet this requirement.

### Do I need to register or have a licence for my pet?

This regulation does not require you to register or have a licence for your pets – but other legislation might.

For example, in some parts of the UK, other [non-native species legislation](#) or the [Dangerous Wild Animals Act 1976](#) and the [Dangerous Wild Animals \(Northern Ireland\) Order 2004](#) require you to hold a licence to keep certain types of animals.

### Can I take my pet to the vet?

Yes, you may transport your pet to the vet for treatment as long as you keep it securely

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<sup>2</sup> This includes all sub-species of *Trachemys scripta* e.g. yellow-bellied slider, red-eared slider, Cumberland slider, slider and common slider

under your control during transit and do not allow it to escape. You do not need a permit to do this.

### **Can I transport my pet to boarding accommodation?**

Yes, as long as you keep it securely under your control during transit and you do not allow it to escape. The boarding accommodation must be able to guarantee that your pet will be kept in a secure enclosure and not allowed to escape or breed. You do not need a permit to do this.

### **Can I take my pet for a walk outside?**

You can exercise your pet within a secure enclosure. However, taking it for a walk outside, even on a lead, is not permitted as it increases the risk of your pet escaping into the environment.

### **I no longer want to keep my pet. What should I do with it?**

You must not release it – that would be illegal and also may be cruel to the animal.

You may have the animal humanely euthanised or take it to an animal rescue centre where it can be held securely for the rest of its natural life. You may be able to give your pet to another person to look after it permanently if this is permitted within the species' management plan. These plans will be published within 18 months of a species being listed.

See the **Pet Code of Practice** <http://www.ornamentalfish.org/wp-content/uploads/Pet-Code-of-Practice.pdf> published by OATA and REPTA for guidance.

### **Are animal rescue centres able to rehome a listed species?**

Animal rescue centres may be able to rehome a listed species if this is permitted within the species' management plan. These plans will be published within 18 months of a species being listed.

### **What if my pet breeds after the list comes into force?**

You could be in breach of the Regulation if you allow your pet to breed. You should take reasonable precautions to prevent this. If you have taken reasonable precautions, you may keep the animals until the end of their natural lives but the restrictions on sale etc. apply.

### **Will you be carrying out inspections of pet owners?**

No, pet owners will not have their properties inspected. If there is evidence that a breach has occurred, further enquiries may be made that could include an inspection.

## **Pet shops**

### **Will I be able to sell any of the species on the EU list?**

Yes, but only existing stock or stock which you have contracted the supply of, at the time the species is listed. In these circumstances, you will have 12 months to sell to a member of the public; or 24 months to sell to an establishment that holds a permit to keep the species.

### **Are members of the public that purchase existing stock within the transitional 12 month period required to get a permit to keep them?**

No, a member of the public may purchase the animal and keep it as a pet until the end of its natural life without the need for a permit as long as they ensure that it is kept in a secure enclosure and not allowed to escape.

## **Encounter animal businesses**

### **Can I continue to use species as encounter animals if they are now listed?**

If you currently use a species that has been listed as an encounter animal, you may continue to do so until the end of its natural life as long as it is kept and transported in a secure holding and shown in a secure environment from which it cannot escape, spread, breed or be removed.

If you no longer wish to use the animal as an encounter animal, you may keep it as a pet until the end of its natural life as long as it is kept securely so that it cannot escape or breed. Alternatively, you could contact an animal rescue centre to see if they will take your animal. You may be able to give your animal to another person or encounter animal business to look after it permanently, either as a pet or an encounter animal, if this is permitted within the species' management plan. These plans will be published within 18 months of a species being listed.

## Zoos and wildlife parks

### What zoo animals are on the list?

There are 26 species of animals on the list though not all of them are kept in zoos. Those most commonly kept in zoos are:

Muntjac	<i>Muntiacus reevesi</i>
Ruddy Duck	<i>Oxyura jamaicensis</i>
Egyptian goose	<i>Alopochen aegyptiacus</i>
Fox squirrel	<i>Sciurus niger</i>
Pallas Squirrel	<i>Callosciurus erythraeus</i>
Small Indian Mongoose	<i>Herpestes javanicus</i>
American bullfrog	<i>Lithobates catesbeianus</i>
Coati	<i>Nasua nasua</i>
Raccoon dog	<i>Nyctereutes procyonoides</i>
Raccoon	<i>Procyon lotor</i>
Red-eared terrapin/slider <sup>3</sup>	<i>Trachemys scripta</i>
Sacred Ibis	<i>Threskiornis aethiopicus</i>
Siberian chipmunk	<i>Tamias sibiricus</i>

### Can zoos keep existing species on the EU list?

Yes, zoos may keep all their existing specimens until the end of their natural lives without the need for a permit.

### Are zoos permitted to keep or breed new specimens on the EU list?

A zoo may make an application for a permit to the Animal and Plant Health Agency to keep or breed a new specimen if this is for the purpose of ex situ conservation. However, Government policy is to reduce the keeping of these species over time.

### Can zoos take their animals to the vet?

Yes, zoos will be allowed to transport the animal for welfare reasons so long as it is kept secure at all times and measures are put in place to ensure that it does not escape.

### Do zoos have to sterilise these animals to prevent breeding?

Zoos have to take appropriate action to prevent breeding of these species. It will be for each zoo to decide what the best approach is for each species.

### Do listed plants in zoos, or botanic gardens, have to be removed or managed?

Not necessarily. Establishments must act responsibly and take appropriate

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<sup>3</sup> This includes all sub-species of *Trachemys scripta* e.g. yellow-bellied slider, red-eared slider, Cumberland slider, slider and common slider

management measures to address the potential spread outside their perimeter. Where this cannot be guaranteed, we would encourage establishments to consider safely removing and disposing of any listed plant. See our [Be Plant Wise](#) campaign for guidance.

## **Horticulture trade**

### **Will businesses be allowed to sell any of the listed plant species?**

Yes, but only existing stock or stock which you have contracted the supply of, at the time the species is listed. In these circumstances, you will have 12 months to sell to a member of the public; or 24 months to sell to an establishment that holds a permit to use this species.

### **Do the transitional arrangements apply to wholesalers?**

Yes, where contracts to supply are in place, wholesalers will be covered by these same arrangements so they will have 12 months to dispose of their existing stock to retailers; or 24 months to sell to an establishment that holds a permit to use this species. Retailers that receive the goods will not, however, have a further 12 months to dispose of the stock.

## **Gardeners**

### **I have a plant on the list in my garden – is it prohibited to keep it?**

No, it is not prohibited if it is already in your garden. However, you must act responsibly and not allow or encourage it to grow or spread outside your garden, which could be an offence. See our [Be Plant Wise](#) campaign for guidance.

### **Can I purchase a plant on the list?**

Transitional arrangements will be in place which allows retailers a 12 month period from when the species is listed to sell any plants already in their possession, other than plants already subject to a [ban on sale](#). You may, therefore, purchase and plant a listed species that is lawfully offered for sale by a retailer during this period, but you must act responsibly and not allow or encourage it to grow or spread outside your garden, which could be an offence. See our [Be Plant Wise](#) campaign for guidance.

After this 12 month transitional period ends, retailers will no longer be able to sell listed species and you will be prohibited from introducing a plant on the list into your garden.

## **Landowners**

### **I have a plant on the EU list on my land – do I have to remove it?**

No, the Regulation does not impose any obligations to remove any listed plant. However, you must act responsibly and not allow or encourage it to grow or spread outside your land, which could be an offence and/or contrary to the Regulation. Where this cannot be guaranteed, we would encourage you to consider safely removing and disposing of any listed plant. See our [Be Plant Wise](#) campaign for guidance.

### **I have an animal on the EU list on my land - do I have to eradicate it?**

No, the Regulation does not impose any obligations to eradicate any listed animal. However, as under existing UK legislation, if you were to release it or allow it to escape into the wild, that could be an offence and/or contrary to the Regulation.

## **Crayfish Operators**

### **Which crayfish species are covered by the new Regulation?**

There are 5 species of crayfish covered by the new EU Regulation:

- Marbled crayfish *Procambarus fallax f. virginalis*.
- Red swamp crayfish *Procambarus clarkia*
- Signal crayfish *Pacifastacus leniusculus*
- Spiny-cheeked crayfish *Orconectes limosus*
- Virile crayfish *Orconectes virilis*

### **What changes will be made to take account of the Regulation?**

Only live crayfish are affected by the listing. We are required to develop management plans for species covered by the new EU Regulation.

### **Will other crayfish species be added to the EU species list?**

The list of species of Union concern will change over time and other crayfish species could be added. There are, however, currently no other crayfish species proposed for consideration.

### **Will the export of the listed species of crayfish from the UK to other EU Member States or outside of the EU be stopped or limited?**

These species can only be caught in England and Wales, and only if permitted by licence. The export of:

- dead crayfish will be unaffected;
- live crayfish to countries outside the EU could be allowed within the UK's management plan;
- live crayfish to other Member States may be possible but it will be up to each Member State whether its wishes to allow the import, transportation and sale of the animals in its territory.

### **Will there be compensation made available as a result of lost business due to the introduction of the Regulation?**

No.

### **Does Defra intend to attempt to eradicate non-native crayfish from the UK?**

As we do not anticipate that it will be possible to eradicate established non-native crayfish species, we will develop a management plan for all listed species except the marbled crayfish (which has not been recorded in the UK).

The focus under the management plans will be to reduce, prevent and/or slow the spread of new populations and strategically mitigate further impacts.

Marbled crayfish will be covered by a contingency plan and we will attempt to eradicate it on detection, if possible.

## **Leaving the European Union**

### **Before the UK leaves the European Union are we still bound by the EU Invasive Alien Species (IAS) Regulation?**

Yes we are. Following the invoking of Article 50 at the end of March 2017, there will not be any immediate changes to the operation of this Regulation. Until the UK formally leaves the EU, there is still a legal obligation to comply with EU law and all prohibitions and obligations under the EU IAS Regulation continue to apply.

### **Will the EU IAS Regulation be repealed when we leave the EU?**

No. The European Union (Withdrawal) Bill, commonly referred to as the Repeal Bill, sets out the intention that EU law will in effect be converted into UK law, where possible, when the UK leaves the EU. Simply converting EU law into UK law will not be sufficient to ensure that there is a functioning statute book which provides certainty and continuity for individuals and businesses. The Repeal Bill will create temporary limited powers to make secondary legislation to enable changes to be made to the laws that do not operate appropriately once we have left the EU. It is expected, subject to the necessary legislation being laid, that the prohibitions under the EU IAS Regulation will continue to apply after we have left the EU.

### **Once we have left the EU will species that are not invasive in the UK, but are elsewhere in Europe, continue to be subject to restrictions?**

Once we leave the EU, the expectation is that the UK will have control over the list of species that prohibitions apply to. Therefore, removal of restrictions on some species and adding of restrictions to others might be possible if there is robust scientific justification for doing so.