



StopHogweed public movement

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Completed by White & Case in 2021-2022

Regulation of invasive species

Research Overview

Section A: Legislative/Regulatory Framework

| | Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list. | Question A.2 What are the main policies/programs of the invasive species control regime? | Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which? | Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program? | Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses? | Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls? | Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes? |
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| Belarus | Yes. Belarus has a national legislative framework for the control of invasive species. | See Answer to A.1. The Council of Ministers is the key body within Belarus's national invasive species regulatory framework that directs implementation at the national, regional, and local levels. | Yes. Belarus has legislation declaring certain species as invasive. Two types of hogweed are currently listed as invasive: <i>H. sosnowskyi</i> and <i>H. mantegazzianum</i> . | The Council of Ministers; the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, and the National Academy of Sciences. | Yes. The Administrative Code establishes fines for failure to comply with written orders of an administrative body. See full answer to A.3, below. | Yes. Belarus prohibits the introduction or acclimatization of certain designated plants. | Yes. Regional Committees of Resources and Protection provide funds, resources, and monitoring in support of invasive species control efforts. |
| Finland | Yes. At the EU level, Regulation (EU) No 1143/2014 of the European | At the EU level, the EU IAS Regulation places prohibitions including on | Yes. The EU IAS Regulation contains standards for listing a species as an | At the EU level, the European Commission Member States, and a | Yes. At the EU level, the EU IAS Regulation requires Member States to | Yes. At the EU level, the EU IAS Regulation places restrictions on | Some municipalities and other local jurisdictions have initiated invasive |

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| <p>Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (“the EU IAS Regulation”), which is binding on all EU Member States, introduces and requires the adoption of a list of “invasive alien species of Union concern” (“Union List”).</p> <p>In Finland, the Act on Managing the Risk Caused by Alien Species 1709/2015, as amended (“Alien Species Act”), lays down supplementary provisions on the application of the EU IAS Regulation in Finland as well as other national measures to prevent and mitigate the adverse impacts of alien species. The Government Decree on Managing the Risk Caused by Alien Species 704/2019, as amended (“Alien Species Decree”), lays out provisions</p> | <p>importing, keeping, transporting, placing on the market, using, cultivating, and releasing designated species.</p> <p>In Finland, in addition to the policy guidelines set out by the Alien Species Act, the National Strategy on Invasive Alien Species (adopted on the basis of a Government Resolution of 15 March 2012) (“National Strategy”), and several management plans for combatting invasive alien species (“Management Plans”) are the main policies/programmes of the invasive species regime.</p> | <p>“invasive alien species of Union concern.”</p> <p>In Finland, section 11 of the Alien Species Act contains standards for listing an “invasive alien species of national concern”</p> | <p>Commission on Invasive Alien Species are involved with designating invasive alien species of Union concern.</p> <p>In Finland, sections 6-8 of the Alien Species Act assign responsibilities to government agencies including the Ministry of Agriculture and Forestry and the regional Centres for Economic Development, Transport and the Environment (“ELY Centres”).</p> | <p>exercise specified authorities in implementing the regulation.</p> <p>In Finland, the Alien Species Act contains provisions related to enforcement and penalties.</p> | <p>importing invasive alien species of Union concern.</p> <p>In Finland, section 11 of the Alien Species Act places restrictions on importing invasive alien species of national concern.</p> | <p>species control projects; see also A.4.</p> |
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| | related to “invasive alien species of national concern” (defined in A.3, below; see also A.2) | | | | | | |
| Denmark | Yes. 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 (“ the EU IAS Regulation ”), which is binding on all EU Member States, introduces and requires the adoption of a list of “invasive alien species of Union concern” (“ Union List ”). We understand that Danish Executive Order no. 1285 of 12 November 2018 on the Prevention and Management of the Introduction and Spread of Invasive Non-native Species on the EU List and on a National List of Trade Bans, etc. Against Invasive Species (“ Executive Order ” | The EU IAS Regulation places particular prohibitions, including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing species identified on the Union List. Executive Order no. 1285 introduces prohibitions, including on importing, exporting, and transporting those species identified on the National List. The Danish Environmental Protection Agency (“ EPA ”) (within the Ministry of Environment and Food) established an Action Plan Against Invasive Species (“ Action Plan ”) as a framework to implement the EU IAS Regulation. | Yes. The Union List contains species identified as “invasive alien species of Union concern” and the EU IAS Regulation contains standards for listing a species as an “invasive alien species of Union concern” (see A.3, below). The National List contains species identified as invasive species of concern in Denmark, and the Action Plan contains standards for listing a species on the National List (see A.3 below). | At the EU level, the European Commission, EU Member States, and a Commission on Invasive Alien Species are involved with designating invasive alien species of Union concern. In Denmark, the following agencies are involved with developing or implementing policies/programs for invasive species management: Ministry of the Environment and Food; EPA; Agency for Agriculture and Fisheries; University of Copenhagen; Central Customs and Tax Administration (“ SKAT ”); Danish Road Directorate; Defence Command Denmark; Danish Nature Agency; Ministry of Ecclesiastical Affairs; Ministry of Transport. | Yes. At the EU level, the EU IAS Regulation requires EU Member States to exercise specified authorities in implementing the regulation. In Denmark, the Ministry of the Environment and Food, the EPA, and the SKAT have enforcement authorities for policies related to invasive species management. The EU IAS Regulation requires Member States to impose penalties for violation of the Regulation, and Executive Order no. 1285 imposes penalties for violation of the EU IAs Regulation and Executive Order (see A.5, below). | Yes. The EU IAS Regulation prohibits importing species identified on the Union List into the EU but does not further specify the extent of such controls. Executive Order no. 1285 prohibits importing species identified on the Union List and the National List into Denmark. | Yes. A large number of Danish municipalities have local action plans for management of invasive species and control invasive species accordingly. As of 2016, approximately 75 (~70%) of Danish municipalities had an established action plan for control of giant hogweed. |

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| | <p>no. 1285") implements the EU IAS Regulation into law in Denmark and establishes a National List identifying invasive species of local concern ("National List").</p> | | | | | | |
| Netherlands | <p>Yes. At the EU level, 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 ("the EU IAS Regulation"), which is binding on all EU Member States, introduces and requires the adoption of a list of "invasive alien species of Union concern" ("Union List"). The EU IAS Regulation is implemented in Netherlands law in a number of instruments, described in detail in the Country Annex. In addition,</p> | <p>At the EU level, the EU IAS Regulation places prohibitions including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing designated species. Netherlands law delegates responsibility for implementing the prohibitions of the EU IAS Regulation to the governments of the provinces. Invasive exotic species, i.e., species not on the Union List but regulated in the Netherlands, are subject to prohibitions on trade and possession. Provincial governments are required to reduce the number of such species as much as possible.</p> | <p>Yes. The EU IAS Regulation contains standards for listing a species as an "invasive alien species of Union concern." The Nature Conservation Act contains definitions of "exotic species" and "invasive exotic species."</p> | <p>At the EU level, the European Commission Member States, and a Commission on Invasive Alien Species are involved with designating invasive alien species of Union concern. The Ministry of Agriculture, Nature, and Food Quality is the primary agency for implementing the EU IAS Regulation at the national level. Provincial governments may designate other, province-level agencies to implement their respective responsibilities.</p> | <p>Yes. At the EU level, the EU IAS Regulation requires Member States to exercise specified authorities in implementing the regulation. Violations of the prohibitions related to Union List species and invasive exotic species are criminal offenses and may be punished with imprisonment, community service, and fines.</p> | <p>Yes. At the EU level, the EU IAS Regulation places restrictions on importing invasive alien species of Union concern.</p> | <p>Yes. Provincial governments have legal responsibilities with respect to Union List species and invasive exotic species.</p> |

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| | Netherlands law provides for designation of “invasive exotic species,” which are species that are not on the Union List but which are regulated in the Netherlands. | The Minister of Agriculture, Nature, and Food Protection may grant certain exemptions for the prohibitions on Union List species or invasive exotic species. | | | | | |
| UK | Yes. | Preventing the introduction of invasive species and controlling or eradicating those that have already been imported. | Yes, pursuant to the UK Invasive Species Regulation and Wildlife and Countryside Act 1981. | The Secretary of State and Ministerial offices in the devolved administrations, supported by the non-native species secretariat. | Yes. Penalties can range from fines to imprisonment depending on the relevant authority, regulation and breach. | Yes. Those breaching controls can attract criminal liability. | N/A |
| US | There is not comprehensive legislation on the treatment of invasive species, but rather a patchwork of laws and regulations, some of which are tailored to certain species or ecosystems. | A federal Invasive Species Management Plan attempts to coordinate invasive species actions across species, habitats, and agencies. Many federal agencies also run their own invasive species management programs. | Yes. There are several different lists of species recognized as invasive at the federal, regional, and state levels. | While <i>all</i> federal agencies are directed to address invasive species concerns, particularly active agencies include the Departments of Agriculture, Commerce, the Interior, and the Environmental Protection Agency. | Yes. Various agencies have authority to prohibit or limit the importation or shipment of invasive species. A number of federal agencies are also authorized to cooperate with state law enforcement on invasive species management. | Yes. The federal government can entirely prohibit the import of species designated as invasive. The relevant agencies have the authority to detain, inspect, and destroy shipments. | Yes. There are invasive species management regimes at the regional and state levels. |
| Australia | Yes. At a Federal level, the regime is created by a specific law – the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and related regulations, such as Environment Protection and | The fundamental policies are contained in Australian Weeds Strategy 2017 to 2027 and Australian Pest Animal Strategy 2017 to 2027. However, the Federal Government also develops statutory threat abatement plans for each of key | The national standards are established by sections 183-188 of the EPBC Act. These standards include determination whether a plant or animal species (i) cause a native species or ecological community to | Primarily the Invasive Plants and Animals Committee of the Australian Government Department of Agriculture, Water and the Environment, and the Minister for the Environment. | Yes, Chapter 6, Part 17 of the EPBC authorizes the Minister of Environment and Courts to impose a number of sanctions, which include imposition of (i) court injunctions; (ii) environmental audits; (iii) civil and criminal penalties; | Pre-border activities include offshore inspection, certification and overseas capacity building. At the border, Australian, state and territory governments impose biosecurity and inspection activities, and ban or license the importation of | The Commonwealth's involvement in the management of established pests is limited to funds delivery for research or specific on-ground activities, some planning activities under the EPBC Act, and representation on national consultative |

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| | <p>Biodiversity Conservation Regulations 2000. Each of the Australian States and Territories also have laws, regulations and policies in place to control and manage invasive species. Relevant State and Territory agencies work with landowners on managing and responding to invasive species, and have powers to direct landowners to take action to address invasive species matters.</p> | <p>threatening processes.</p> | <p>become eligible for inclusion in a threatened list; (ii) cause an already listed threatened species or threatened ecological community to become more endangered; or (iii) adversely affect two or more listed threatened species or threatened ecological communities.</p> | | <p>(iv) remediation of environmental damage.</p> | <p>goods, including animals and plants (or animal and plant products). These aim to prevent known risks from entering the country or state. These powers are created by EPBC Act (e.g. sections 443), Customs Act 1901 and by the Biosecurity Act 2015.</p> | <p>committees. The States and Territories bear most of the statutory responsibility for managing invasive species once they are in the country.</p> |
| New Zealand | <p>Yes, the Biosecurity Act and Hazardous Substances and New Organisms Act regulate the management and/or control of invasive species</p> | <p>Yes, there are two (2) main overarching strategies for invasive species control: (a) the National Pest Management Strategy and (b) the Regional Pest Management Strategy.</p> | <p>Yes, the standards for determining whether a plant species is invasive are set forth in the Biosecurity Act. The National Pest Plant Accord, a non-statutory agreement, also sets forth standards for the same.</p> | <p>Yes, various governmental and non-governmental organizations collaborate to develop plant pest management strategies, including the Ministry for Primary Industries, the National Pest Plant Accord Technical Advisory Group, National Pest Plant Accord Steering Group, the New Zealand Plant Producers Incorporated (NZPPI), unitary and regional</p> | <p>Yes, governmental agencies have enforcement authorities and there are penalties for failure to comply with applicable pest management laws.</p> | <p>Yes, import controls are described in Part 3 of the Biosecurity Act.</p> | <p>Yes, there are regional invasive species control strategies, which vary by species and region.</p> |

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Section B: Management of Hogweed and Comparable/Dangerous Species

| | Question B.1 Is giant hogweed considered an alien or invasive species? | Question B.2 Are comparable species considered an alien or invasive species? | Question B.3 Is in-country management of giant hogweed regulated? If so, how? | Question B.4 Is management of comparable or other dangerous species regulated? If so, how? |
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| Belarus | Yes. Two species of hogweed are on a list of plant species subject to regulation. | Yes. Several other plant species, including two species of goldenrod, are also on the list of subject to regulation. | Yes. For plant species subject to regulation, local authorities must conduct surveying, prepare a regional action plan, and carry out the regional action plan. | Yes. See answer to B.3. |
| Finland | Yes. At the EU level, three hogweed species (Giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky’s hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>)) are listed as invasive alien species of Union concern. | Yes. At the EU level, numerous additional plant species are listed as invasive alien species of Union concern. In Finland, the Alien Species Decree designates nine plant species as invasive alien species of national concern. | Yes. At the EU level, three hogweed species are listed as invasive alien species of Union concern (see B.1). These species are subject to prohibitions including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing. In Finland, the Ministry of Agriculture and Forestry has issued released four management plans to prevent invasive alien species (“Management Plans,”) two of which contain species-specific measures related to hogweed species. | Yes. The Union List includes many plant species in addition to the three listed hogweed species. All these species are subject to the prohibitions outlined in A.2. In Finland, Management Plan IV outlines species-specific management regimes for invasive alien species of national concern. |
| Denmark | Yes. The Union List contains three hogweed species: giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky’s hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>). | Yes. On the EU level, the Union List contains numerous additional plant species (Union List available here). In Denmark, the National List contains Japanese knotweed. | Yes. The Union List contains three hogweed species (see B.1). Under the EU IAS Regulation, these species are subject to prohibitions including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing. We understand that in Denmark, under Executive Order no. 842 of 23 July 2017 (“ Executive Order no. 842 ”) on Controlling Giant Hogweed, municipalities can instruct private and public landowners to control and/or | Yes. The Union List contains additional plant species that are subject to prohibitions including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing. The National List contains Japanese knotweed, which is subject to prohibitions including on import, breeding, transporting, placing on the market, using, and releasing. |

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| | | | eradicate giant hogweed on their properties in accordance with a local action plan, and various government agencies are charged with controlling giant hogweed in areas they manage or own. | |
| Netherlands | Yes. At the EU level, three hogweed species (Giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>)) are listed as invasive alien species of Union concern. | Yes. At the EU level, numerous additional plant species are listed as invasive alien species of Union concern. Three knotweed species (<i>F. japonica</i> , <i>F. sakhalensis</i> , and <i>F. bohemica</i>) are not on the Union List but are designated as invasive exotic species. | Yes. At the EU level, three hogweed species are listed as invasive alien species of Union concern (see B.1). These species are subject to prohibitions including on importing, keeping, transporting, placing on the market, using, cultivating, and releasing. Responsibility for implementing controls targeting Union List species falls on provincial governments. | Yes. The Union List includes many plant species in addition to the three listed hogweed species. All these species are subject to the prohibitions outlined in A.2. The three knotweed species designated as invasive exotic species are subject to a prohibition on trade, but an exemption has been granted with respect to the prohibition on possession. |
| UK | Yes. | Yes. Plants considered to be alien/invasive species are listed in Part II of Schedule 9 of the WCA 1981. | Yes. It is an offence, inter alia, to use, transport, import, or cause giant hogweed to grow in the wild. | Yes, in the same way as giant hogweed is regulated. |
| US | Yes. The U.S. Department of Agriculture ("USDA") considers giant hogweed a Terrestrial (land-dwelling) Invasive Plant. Giant hogweed is also on the Federal Noxious Weed List . | Yes. Please see https://www.invasivespeciesinfo.gov/terrestrial/plants for an illustrative list of comparable species considered alien or invasive species by the USDA National Invasive Species Information Center. | Yes. Giant hogweed is regulated on the federal level. The USDA requires permits for the importation and/or interstate movement of Federal noxious weeds, including giant hogweed. | Yes. Other dangerous species are regulated on the federal level. The USDA requires permits for the importation and/or interstate movement of Federal noxious weeds. |
| Australia | No, giant hogweed is not an invasive species in Australia. | Yes, there are many comparable species of weeds that are considered alien or invasive. Under the National Weeds Strategy, 32 introduced plants have been identified as Weeds of National Significance. The States and Territories also establish invasive weeds that are relevant to their jurisdiction – for example, the State of Victoria has a list of | In-country management of giant hogweed is not regulated at the Commonwealth level (as the States and Territories bear most of the statutory responsibility for managing invasive species once they are in the country). However, Tasmania has a Statutory Weed Management Plan for giant hogweed, which provides direction upon the implementation | The Australian Weeds Strategy (2017-2027) provides a national framework for addressing weed issues whilst maintaining the profitability and sustainability of Australia's primary industries and the reducing the impact of weeds on the environment. This strategy is overseen by the inter-jurisdictional Environment and |

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| | | <p>19 State prohibited weeds (which do not exist in that State but would represent a significant biosecurity risk if they were to enter Victoria) and 39 priority weeds that are controlled or prohibited.</p> <p>In addition, under the National Weeds Strategy, 28 environmental weeds have been identified as National Environmental Alert Weeds. Alert Weeds are non-native plant species that are in the early stages of establishment and have the potential to become a significant threat to biodiversity if they are not managed.</p> | <p>of the Tasmania's Weed Management Act 1999 with respect to giant hogweed and "[s]pecific[ies] measures to prevent the introduction and distribution of giant hogweed in Tasmania". Giant hogweed has been detected in two Australian states in the past, but is not known to be present in Australia.</p> | <p>Invasives Committee and its weeds working group. In addition, Weeds of National Significance have individual national strategic management plans. These plans define responsibilities and identify strategies and actions to control the weed species.</p> |
| New Zealand | <p>Yes, giant hogweed is included in the Ministry for Primary Industries' database of pests and diseases. It is also included in (a) the National Pest Plant Accord as a pest and its legal status is Unwanted Organism and (b) the Regional Pest Management Plan database as a Pest and is considered a pest in all regions of New Zealand.</p> | No. | <p>Yes, it is regulated by the National Pest Management Plan and Regional Pest Management Plan in accordance with the Biosecurity Act.</p> | <p>Yes, the management of dangerous plant species is regulated through the National Pest Management Plan and Regional Pest Management Plan.</p> |

Section C: Invasive Species and the Public

| | Question C.1 What public warning/advisory systems exist for informing the public about invasive species? | Question C.2 How does the invasive species control regime provide for activities by non-government actors, if at all? | Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species? |
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| Belarus | Certain public entities have legal responsibility to carry out promotional and educational work on topics including preventing the penetration of invasive plants in the ecosystem. In practice, various governmental entities publish detailed notices with information regarding invasive species, including hogweed. We found multiple examples of such information on the internet, as well as news reports about regional/local activities concerning invasive species. | We could not confirm a formal role for NGOs in the legal framework. In practice, Belarussian environmental NGOs are involved in the fight against hogweed. See full answer to C.2., below. | NGOs and individual landowners appear to be involved in invasive species control, although we did find some evidence that the government is limiting the activities of environmental organizations. See full answer to C.3, below. |
| Finland | Yes. At the EU Level, the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States. In Finland, the National Resources Institute Finland has set up an online national invasive alien species portal with detailed information on invasive alien species for the benefit of the public. | Yes. At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory. In Finland, sections 4 and 5 of the Alien Species Act regulate participation in invasive species management by non-government actors such as property owners and operators, and impose certain responsibilities on such actors to combat the spread of invasive species. In addition, the Management Plans identify multiple non-governmental organizations and individuals as responsible parties and co-operators in eradicating and controlling invasive alien species. | Yes, e.g., WWF Finland and Finnish Union for Nature Conservation. |
| Denmark | At the EU Level, the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States. Denmark has several publically available resources about alien and invasive species, including the National List, | At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory. In Denmark, the EPA has established an | Care4Nature advises on and assists with efforts related to Danish nature conservation and invasive species management, including control of giant hogweed and Japanese knotweed. |

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| | the EU List, the Action Plan, and the Ministry of Environment and Food/EPA website. | online portal for public reporting of invasive species, and hunting license holders are obligated to report all game takings to the EPA through an online portal, where individuals can also report sightings of invasive species. | |
| Netherlands | At the EU Level, the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States. We have identified several citizen science projects and educational projects related to invasive alien species. | Yes. At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory. We have identified provincial action plans that assign responsibilities to non-government actors. | Yes. Wageningen University and the “Controlling Knotweed” webpage offer repositories of knowledge for hogweed and knotweed control efforts. |
| UK | Publicly available online resources. | Environment Agencies– can enter into SCAs and SCOs. Under the WCA 1981 it is an offence for a person subject to an SCO to fail to comply with it without reasonable excuse. A person guilty of such an offence is liable to imprisonment for up to 51 weeks and/or an unlimited fine. | Yes, the non-native species secretariat, as well as NPOs such as the Japanese Knotweed Alliance, Canal & River Trust and Tees River Trust. |
| US | The U.S. Department of Agriculture (“USDA”) National Invasive Species Information Center provides general information and outreach materials to increase awareness of invasive species issues. Other organizations also conduct national prevention campaigns that ask the public to assist in stopping the spread of invasive species. | The Noxious Weed Control and Eradication Act provides for grants to “weed management entities” to carry out projects for the control or eradication of noxious weeds. Weed management entities may include private organizations and individuals. Additionally, non-government actors work in partnership with the government in controlling invasive species. | Yes. The North American Invasive Species Management Association (“NAISMA”) and the California Invasive Plant Council (“Cal-IPC”). |
| Australia | Australia has threat abatement plans that provide for the research, management, and any other actions necessary to reduce the impact of a listed key threatening process on native species and ecological communities. Drafts of such threat abatement plans are open for public comment. Information and publications regarding a range of invasive species topics is available on the website for the Australian | Local community groups are present in many local communities that plan and drive collective action across landholders in their area. Public and private landholders can draw on the relevant aspects of all of regional and local weed management plans to develop their own property level plans, and utilize farm biosecurity measures to protect their | There are no specific non-government entities that appear to have experience specifically managing hogweed. However, there are a number of non-government entities listed on the Weeds Australia website that appear to have experience managing comparable species: <ul style="list-style-type: none"> • Council of Australasian Weeds Societies |

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| | <p>Government's Department of Agriculture, Water and the Environment.</p> <p>In addition, there are warning and advisory systems that are specific to certain species or types of species. For example, "Weeds Australia", which is managed through the Centre for Invasive Species Solutions and received funding from the Australian Government, is designed to connect citizens with knowledge "to make informed decisions about managing invasive weeds within Australia". State biosecurity agencies also issue alerts and information packs to landowners regarding new or threatening weeds and invasive species.</p> | <p>properties from the entry and spread of diseases.</p> <p>For example, Tasmania's Weed Management Plan includes provisions prohibiting individuals from importing, selling, purchasing, etc. giant hogweed.</p> <p>By far, the most important land management program is Landcare Australia. This is a national program, funded by Federal and State governments, to support and educate local communities on sustainable land management. Pest control, including management of invasive weed species, is a key priority of Landcare Australia, and of Landcare groups around the country.</p> | <ul style="list-style-type: none"> • The Weed Society of NSW • Tasmanian Weed Society • The Weed Society of QLD • Weed Management Society of South Australia • The Weeds Society of WA • Weed Society of Victoria • Victorian Gorse Taskforce • Landcare Australia • Australian Association of Bush Regenerators |
| New Zealand | <p>Lists of invasive or unwanted plant species, such as the Accord List, are made available to the public and such lists are accompanied by descriptions of the relevant invasive plant species and associated dangers. Furthermore, the MPI's website provides information for gardeners regarding how they can find and report invasive species.</p> | <p>Yes, the Biosecurity Act allows for non-governmental industry actors to become signatories to the Government Industry Agreement (GIA) Deed. Gardeners also play an informal role in invasive species control.</p> | <p>There are non-governmental organizations that focus broadly on (a) management of invasive species (Invasivesnet), (b) native plant conservation (New Zealand Plant Conservation Network), and (c) public education about invasive weeds and pest plants in New Zealand. However, they do not focus on hogweed specifically.</p> |

Country Annexes

Republic of Belarus

| Question | Response | Source |
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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes.</p> <p>Law of the Republic of Belarus of 14 June 2003 No. 205-3 (as amended) “On the Plant World” (“Law No. 205-3”) provides for the regulation of invasive plants in order to protect public health, the environment, and the economy.</p> <p>Decree of the President of the Republic of Belarus of 9 November 2010 No. 575 “On Approval of the Concept of National Security of the Republic of Belarus” recognizes invasive species as a threat to national security and the environment.</p> <p>Resolution of the Council of Ministers of 7 December 2016 No. 1002 “On Certain Issues of Regulation of the Distribution and Number of Plant Species” (“Resolution No. 1002”) identifies several species of plants (including two species of hogweed) as “subject to regulation” and authorizes a variety of measures to monitor and combat the spread of such plants.</p> | <p>Law No. 205-3 (Закон Республики Беларусь 14 Июня 2003 Г. № 205-3 «О растительном мире”).</p> <p>Presidential Order of Nov. 9, 2010 No. 575 “Confirming the National Security Concept” (Указ Президента Республики Беларусь от 9 ноября 2010 г. № 575 «Об утверждении Концепции национальной безопасности Республики Беларусь»).</p> <p>Resolution No. 1002 (Постановление Совета Министров Республики Беларусь от 07.12.2016 № 1002 «О некоторых вопросах регулирования распространения и численности видов растений»)</p> |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>See answer to A.1 above.</p> <p>In practice, specific initiatives and monitoring against hogweed appear to take place at the regional/local level. For example, a 2021 article describes the Gomel Regional Committee for Natural Resources and Environmental Protection’s efforts in 2018-2020 to remove hogweed. See also this article on local expenditures to control hogweed in 2020, and this article on the Vitebsk region’s 2021 strategy to control hogweed.</p> | |

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| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>Yes.</p> <p>Article 1 of Law No. 205-03 defines “invasive plants” as “plants which are located beyond their natural range, the distribution and number of which creates a threat to the life or the health of citizens or conservation of biological diversity, or causes harm to certain sectors of the economy.” Article 26 provides that the Council of Ministers is responsible for determining the regulatory regime for certain categories of plants, including invasive plants.</p> <p>Resolution No. 1002 lists two giant hogweed species (<i>H. sosnowskyi</i> and <i>H. mantegazzianum</i>) among several plants subject to regulation, but does not further categorize hogweed as an “invasive plant.” We have not identified documentation showing on what basis the Council of Ministers determined that hogweed should be subject to regulation.</p> <p>Separately, scientists from the V. F. Kuprevich Institute of Experimental Botany under the Belarusian Academy of Science (“Institute of Experimental Botany”) published in 2016 a “Black Book” of invasive plant species in Belarus. The Black Book contains information on the biology of, and recommended management practices for, 52 species, including <i>H. sosnowskyi</i> and <i>H. mantegazzianum</i>. Inclusion in the Black Book does not appear to have any separate legal significance.</p> | <p>Law No. 205-3</p> <p>Resolution No. 1002</p> <p>The species included in the Black Book (Черная книга флоры Беларуси: чужеродные вредоносные растения) are listed here; a description of the book is here.</p> |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>The Council of Ministers establishes the national framework for efforts directed against invasive species (see, e.g., Resolution No. 1002).</p> <p>The Ministry of Natural Resources and Environmental Protection of the Republic of Belarus (“Ministry of Natural Resources and Environmental Protection”) and the National Academy of Sciences are the key national- level players with specific invasive species knowledge.</p> <p>Regional Committees for Natural Resources and Environmental Protection appear to be the primary bodies</p> | <p>Resolution No. 1002</p> <p>See also Ministry of Natural Resources and Environmental Protection, Memorandum “On Regulatory Measures Related to the Spread and Population of Sosnowsky's Borschevik” (“2018 Memorandum”) (Министерство природных ресурсов и охраны окружающей среды Республики Беларусь, Памятка «Проведение мероприятий по регулированию распространения</p> |

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| | responsible for the specific implementation and monitoring of hogweed eradication efforts. | и численности борщевика Сосновского»). |
| <p>Question A.5</p> <p>Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes.</p> <p>Article 23.1 of the Administrative Code establishes administrative fines for failure to comply with written orders of an administrative body. Thus, landowners or land users could potentially be held liable for noncompliance or nonfulfillment of obligations related to combatting invasive species, such as ecological normative acts or written requests of local administrative bodies.</p> <p>See also this article describing administrative fines levied against landowners who did not follow protocols for removing hogweed and Canadian goldenrod (another species designated as subject to regulation in Resolution No. 1002) within the allocated timeframe.</p> | <p>Code of Administrative Violations, Art. 23.1 (Кодекс Республики Беларусь об административных правонарушениях, Статья 23.1)</p> |
| <p>Question A.6</p> <p>Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Yes.</p> <p>There are no specific restrictions on the import of invasive species. However, Article 27 of Law No. 205-3 prohibit the introduction of designated prohibited plants. Under Article 27, “the Ministry of Natural Resources and Environmental Protection of the Republic of Belarus, in agreement with the National Academy of Sciences of Belarus, based on the results of scientific research in the field of introduction and acclimatization of plants, may determine the list of plants prohibited for introduction and (or) acclimatization. . . . Users of land plots or water bodies are obliged to prevent the introduction and (or) acclimatization of plants in violation of the requirements of the legislation of the Republic of Belarus.”</p> <p>Resolution of the Ministry of Natural Resources and Environmental Protection of 28 October 2016 No. 35 designated <i>H. sosnowskyi</i> and <i>H. mangtegazzianum</i> as species subject to the prohibition on introduction and acclimatization.</p> | <p>Law No. 205-3</p> <p>Resolution of the Ministry of Natural Resources and Environmental Protection of 28 October 2016 No. 35 (Постановление Минприроды РБ 35 28.10.2016)</p> |
| <p>Question A.7</p> | <p>Yes. See answer to A.2.</p> | |

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| Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes? | | |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>Yes.</p> <p>Resolution No. 1002 lists two giant hogweed species (<i>H. sosnowskyi</i> and <i>H. mantegazzianum</i>) among several plants subject to regulation within the sense of Article 26 of Law No. 205-3. The 2018 Memorandum notes that <i>H. sosnowskyi</i> is considered an “aggressive foreign invasive species of plant which damages the country’s economy and has a negative impact on human health.” The description of <i>H. sosnowskyi</i> in the 2018 Memorandum as an “aggressive foreign invasive species” does not appear to have separate legal significance.</p> <p>Separately, scientists from the V. F. Kuprevich Institute of Experimental Botany under the Belarusian Academy of Science published in 2016 the Black Book of invasive plant species in Belarus. The Black Book contains information on the biology of, and recommended management practices for, 52 species, including <i>H. sosnowskyi</i> and <i>H. mantegazzianum</i>. Inclusion in the Black Book does not appear to have any separate legal significance.</p> | <p>Resolution No. 1002</p> <p>2018 Memorandum</p> <p>Black Book (see sources for A.3)</p> |
| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>Yes.</p> <p>In addition to two giant hogweed species, seven other species, including two species of goldenrod, are listed as subject to regulation in Resolution No. 1002.</p> | <p>Resolution No. 1002</p> |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>Yes.</p> <p>Resolution No. 1002 defines a management program for regulated plant species, which includes:</p> <ul style="list-style-type: none"> - Surveys to gather information on species distribution, to be carried out by local | <p>Resolution No. 1002</p> <p>2018 Memorandum</p> |

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| | <p>authorities with potential support from the Belarusian Academy of Sciences;</p> <ul style="list-style-type: none"> - Development of a regional action plan by local authorities, to be confirmed annually by the regional branch of the Ministry of Natural Resources and Environmental Protection; - Implementation of the action plan by users of land plots and bodies of water. Note that users of land plots and bodies of water are obligated to take certain measures to regulate the spread of plants under Article 9 of Law No. 205-3. <p>The 2018 Memorandum clarifies that persons who do not fulfil their responsibilities under regional action plans may be subject to administrative penalties.</p> <p>Although Resolution No. 1002 identifies users of land plots and bodies of water as the primary agents for implementing regional action plans, regional branches of the Ministry of Emergency Situations reportedly have participated in implementing action plans.</p> | |
| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>Resolution No. 1002 does not instruct local authorities on which listed species should be the subject of regional action plans.</p> <p>In practice, it appears that regional authorities have concentrated their greatest efforts on <i>H. sosnowskyi</i>, but have engaged in some control activities related to other listed plant species, particularly goldenrod. See, for example, the Minsk City Committee of Natural Resources and Environmental Protection press release of 9 November 2017 here; the Ministry of Natural Resources and Environmental Protection press releases of 11 Jan. 2019, here, and 9 September 2020, here; and the Belta.by news item of 25 February 2021, here.</p> | <p>Resolution No. 1002</p> |
| <p>Section C: Invasive Species and the Public</p> | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Yes.</p> | <p>Law No. 205-3 2018 Memorandum</p> |

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| | <p>Article 14 of Law No. 205-03 provides that public associations and organs of territorial public self-government shall carry out work to promote and educate citizens on topics including preventing the penetration of invasive plants in the ecosystem.</p> <p>In practice, various national and regional governmental bodies frequently publish information regarding hogweed for circulation to the public. See, for example, the 2018 Memorandum, produced by the Ministry of Natural Resources and Environmental Protection; see also a public announcement describing hogweed-related risks and management techniques on the Novopolotsk city website. In addition, local administrative structures (сельсоветы) may also provide information and organizational support to citizens who are required to engage in hogweed control efforts. See, for example, this undated webpage from the Gomelskiy Oblast Committee on Natural Resources and Environmental Protection.</p> | |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Yes.</p> <p>We could not find a formal role for NGOs in the invasive species regulatory framework. However, we did find an example of an environmental NGO, “Bahna,” which in 2020 published an extensive article on invasive species in Belarus, focusing in particular on giant hogweed.</p> <p>We also found a September 2021 article reporting that the Belarusian government has restricted the activities of environmental NGOs, including “Bahna”. Thus, it is uncertain what, if any, role NGOs will have in future efforts to control hogweed.</p> | |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>Yes.</p> <p>See response to C.2. In addition, the Institute of Experimental Botany provides a list and description of invasive plants.</p> <p>The Republican Center of Ecology and Local History, a state-affiliated organization, also publishes information</p> | |

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| | about hogweed, including this article summarizing the fight against hogweed. | |
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Finland

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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes. 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 (“EU IAS Regulation”) is legally binding in its entirety on, and must be directly applied by, all EU Member States. The EU IAS Regulation provides for the adoption of a list of “invasive alien species of Union concern” (“Union List”) (defined in A.3, below) and imposes particular restrictions on the invasive alien species identified in the Union List (see A.2, below). Under Article 12 of the EU IAS Regulation, an EU Member State may establish a national list of additional invasive species of concern to that Member State. The Member State may implement measures in its territory for the control and/or management of the additional invasive species identified on its national list. Under Article 23 of the EU IAS Regulation, Member States may enact more stringent national rules with the aim of preventing the introduction, establishment, and spread of invasive alien species. In Finland, the Act on Managing the Risk Caused by Alien Species 1709/2015, as amended (“Alien Species Act”), lays down supplementary provisions on the application of the EU IAS Regulation in Finland as well as other national measures to prevent and mitigate the adverse impacts of alien species. The Alien Species Act provides that certain further provisions related to invasive alien species will be laid down by government decree. The Government Decree on Managing the Risk Caused by Alien Species 704/2019, as amended (“Alien Species Decree”), lays out provisions related to “invasive alien species of national concern” (defined in A.3, below; see also A.2). Annexes to the Alien Species Decree contain</p> | <p>EU IAS Regulation Union List Alien Species Act Alien Species Decree</p> |

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| | lists of animals and plants designated as invasive alien species of national concern. | |
| <p>Question A.2</p> <p>What are the main policies/programs of the invasive species control regime?</p> | <p>Article 7 of the EU IAS Regulation provides that invasive alien species identified in the Union List may not be:</p> <ul style="list-style-type: none"> (a) brought into the territory of the Union, including transit under customer supervision; (b) kept, including in contained holding; (c) bred, including in contained holding; (d) transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (e) placed on the market; (f) used or exchanged; (g) permitted to reproduce, grow or cultivated, including in contained holding; or (h) released into the environment. <p>Article 13 of the EU IAS Regulation requires Member States to carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory. Article 14 of the EU IAS Regulation requires that Member States establish a surveillance system with respect to such species. Article 17 requires Member States to take measures to eradicate such species at an early stage of invasion. Article 19 requires Member States to manage widely spread invasions to minimize their impacts.</p> <p>The Alien Species Act provides as follows:</p> <ul style="list-style-type: none"> - Section 3 provides that an alien species (see definition in the EU IAS Regulation) may generally not be released into the environment. - Section 11 of the Alien Species Act provides that “invasive alien species of national concern” (see definition in A.3, below) may not be (1) released into the environment, or (2) intentionally imported from outside of the European Union or a Member State of the European Union, kept, bred, transported, placed on the market, transmitted or sold or otherwise conveyed. | <p>EU IAS Regulation</p> <p>Alien Species Act</p> <p>National Strategy (in English)</p> <p>Ministry of Agriculture and Forestry Website with Management Plans (in English)</p> |

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| | <ul style="list-style-type: none"> - Section 9 of the Alien Species Act provides that the Ministry of Agriculture and Forestry shall approve the action plan and management plan referred to in the EU IAS Regulation. <p>The Ministry of Agriculture and Forestry published a National Strategy on Invasive Alien Species (“National Strategy”) in 2012; this document has not been updated since the EU IAS Regulation entered force and in some respects is outdated. The goal of the National Strategy is to “minimise the risk of invasive alien species already established in Finland and with a probability of being introduced to Finland, and to ensure that invasive alien species occurring in Finland and their harmful impacts are identified and combated with a comprehensive range of measures.” The National Strategy contains both measures directed at all invasive alien species generally as well as species-specific measures.</p> <p>Between 2018 and the present, the Ministry of Agriculture and Forestry has also released four “management plans to prevent invasive alien species” (“Management Plans”). The Management Plans lay out the principles for the control and management of invasive alien species. Management Plans I, II, and IV relate to invasive alien species of Union concern (including hogweed species). Management Plan III relates to invasive alien species of national concern. Each Management Plan includes species-specific control measures and identifies the relevant agencies and other actors for each species-related measure.</p> | |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>At the EU level, article 3 of the EU IAS Regulation contains the following definitions:</p> <ul style="list-style-type: none"> - An “alien species” is a species “introduced outside of its natural range.” - An “invasive alien species” is a species whose “introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services.” - An “invasive alien species of Union concern” is a species meeting all of the following criteria (laid out in Article 4(3): | <p>EU IAS Regulation</p> <p>Union List</p> <p>Alien Species Act</p> <p>National Strategy</p> <p>Ministry of Agriculture and Forestry Website with Management Plans</p> |

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| | <ul style="list-style-type: none"> (a) The species is found, based on available scientific evidence, to be alien to the territory of the Union excluding the outermost regions; (b) The species is 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 one biogeographical region shared by more than two Member States or one marine sub-region excluding the outermost regions; (c) The species is, 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 at the Union level is required to prevent the introduction, establishment, or spread of the species; and (e) It is likely that the inclusion on the Union List will effectively prevent, minimize or mitigate the adverse impact of the species. <p>In Finland, section 11 of the Alien Species Act defines “invasive alien species of national concern” as “invasive alien species not included in the Union list which on the grounds of available scientific evidence may cause damage to biodiversity or other damage to wild fauna or risk to health or safety,” and further authorizes relevant authorities to specify the list of such species through a government decree. The Alien Species Decree (as defined in A.2 above) sets out the list of “invasive alien species of national concern.”</p> <p>Separately, the National Strategy identifies certain species as “potentially or locally harmful alien species” and “particularly harmful alien species.” Species that do not appear in the Union List (as defined in A.1) or in the national list as set out by the Alien Species Decree, however, which are described in the National Strategy as being of potential or particular national harm, appear to be subject to certain restrictions on release into the environment pursuant to section 3 of the Alien Species Act.</p> | |
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| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>At the EU level, under Article 4 of the EU IAS Regulation, both the European Commission and the Member States may propose additional invasive species for inclusion on the Union List. The Committee on Invasive Alien Species makes the final determination regarding whether an invasive species will be added to the Union List.</p> <p>The EU IAS Regulation places numerous obligations on competent authorities of the Member States, but does not delegate obligations to particular agencies.</p> <p>In Finland, sections 6-8 of the Alien Species Act assign responsibilities to government agencies as follows:</p> <ul style="list-style-type: none"> - The Ministry of Agriculture and Forestry “steers and monitors the implementation of the Alien Species Act in cooperation with the Ministry of Transport and Communications and the Ministry of the Environment. - Each Centre for Economic Development, Transport and the Environment (“ELY Centre”) monitors compliance with the EU IAS Regulation and the Alien Species Act. (For background information on Finland’s 15 regional ELY Centres, see this brochure). - The Finnish Customs supervises imports pursuant to provisions in the EU IAS Regulation and the Alien Species Act. - The Regional State Administrative Agency for Southern Finland has certain permitting authorities pursuant to provisions in the EU IAS Regulation. - The Natural Resources Institute of Finland, the Finnish Environment Institute, and the Finnish Wildlife Agency have certain auxiliary duties. <p>The Ministry of Agriculture and Forestry has established an Advisory Board for Invasive Alien Species to act as a national expert body. Its key tasks include monitoring and coordinating of the implementation of the National Strategy and applicable legislation (both national and EU). Under other national statutes and authorities, certain Finnish agencies have additional responsibilities with respect to invasive species. For example, under article 6 of the Finnish Nature Conservation Act 1096/1996, as amended (the “Nature Conservation Act”), municipalities</p> | <p>EU IAS Regulation</p> <p>Alien Species Act</p> <p>The Finnish Advisory Board for Invasive Alien Species (English) (Finnish)</p> <p>Nature Conservation Act (in Finnish)</p> <p>Act on Metsähallitus (in Finnish)</p> |
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| | <p>and each of Finland's ELY Centres have obligations related to nature conservation in areas under their jurisdiction. Under article 5 of the Act on Metsähallitus 234/2016, as amended, the state-owned enterprise Metsähallitus has public administration duties including management of nature conservation areas.</p> | |
| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes. At the EU level, the EU IAS Regulation specifies the authorities that EU Member States must exercise in implementing the regulation. These authorities include:</p> <ul style="list-style-type: none"> - Under Article 15, Member States must have fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into the EU of invasive alien species of Union concern. - Under Article 19, Member States must have effective management measures for those invasive species on the Union List that are widely spread on their territory, so their impact is minimized. - Under Article 30, Member States must impose and enforce penalties for violations of the EU IAS Regulation. <p>In addition, Article 21 of the EU IAS Regulation provides that Member States shall aim to recover the costs of measures related to management measures related to controlling invasive alien species.</p> <p>In Finland, the Alien Species Act contains provisions related to enforcement and penalties. Sections 17 and 18 authorize the ELY Centre and certain other agencies to issue various orders related to invasive alien species, e.g., an order to destroy an invasive alien species. Section 21 provides the primary penalty for enumerated violations of the EU IAS Regulation or the Alien Species Act is a fine, unless a more severe penalty is imposed elsewhere by law. Section 21 refers to provisions of the Finnish Criminal Code (39/1889) which govern offenses potentially related to invasive alien species, e.g., smuggling, and which may involve imprisonment for offenders.</p> | <p>EU IAS Regulation</p> <p>Alien Species Act</p> <p>Finnish Criminal Code</p> |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Yes.</p> | <p>EU IAS Regulation</p> |

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| | <p>Article 7 of the EU IAS Regulation provides that invasive alien species identified on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> - Brought into the territory of the Union, including transit under customer supervision; or - Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication. <p>In Finland, under section 11 of the Alien Species Act, invasive alien species of national concern may not be intentionally imported from outside of the European Union or a Member State of the European Union, kept, bred, transported, placed on the market, transmitted or sold or otherwise conveyed.</p> | <p>Union List</p> <p>Alien Species Act</p> |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>Yes. Some municipalities and other local jurisdictions have initiated invasive species control projects and activities based on the National Strategy and legislation. See also A.4 above for a discussion of other efforts at a regional level, e.g., by ELY Centres, and for a discussion of sub-national regulatory authority.</p> | <p>Regional projects and activities in Finland</p> |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>Yes. The EU IAS Regulation provides for the adoption of a Union List of invasive alien species of Union concern. The Union List includes three types of hogweed: Giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>).</p> | <p>EU IAS Regulation</p> <p>Union List</p> |
| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>Yes. The Union List (see B.1, above) includes many additional plant species. In addition, the Alien Species Decree contains nine plant species designated as invasive alien species of national concern.</p> | <p>EU IAS Regulation</p> <p>Union List</p> <p>Alien Species Decree</p> |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>Yes. The Union List includes three types of hogweed: Giant hogweed (<i>H. mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>).</p> | <p>EU IAS Regulation</p> <p>Union List</p> |

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| | <p>Article 7 of the EU IAS Regulation provides that species on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> (a) Brought into the territory of the Union, including transit under customer supervision; (b) Kept, including in contained holding; (c) Bred, including in contained holding; (d) Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (e) Placed on the market; (f) Used or exchanged; (g) Permitted to reproduce, grow or be cultivated, including in contained holding; or (h) Released in the environment. <p>In Finland, the National Strategy (as described above in section A) originally envisaged a national pilot project in relation to the eradication of giant hogweed which would also set the benchmark for combating other similar species.</p> <p>Management Plan I (adopted with Management Plans II-IV and the Consolidated Management Plan, by the Ministry of Agriculture and Forestry) includes a specific management regime for the three hogweed species. The main points of the regime include:</p> <ul style="list-style-type: none"> - Eradication of hogweed from Finland within 20 years (i.e., by 2038), with occurrences in residential and recreational areas targeted first. - Chemical and mechanical prevention methods to be employed. - Monitoring to continue for several years after occurrence removed. - Information about hogweed to be disbursed through various media. <p>Giant hogweed (<i>H. mantegazzianum</i>) is also included in Management Plan II, which relates to the first update of species added to the Union List. The hogweed-specific measures in Management Plans I and II are substantially the same (and are carried over in substantially similar form in the Consolidated Management Plan).</p> | <p>Ministry of Agriculture and Forestry Website with Management Plans</p> <p>Management Plan I</p> <p>Management Plan II</p> <p>Management Plan III</p> <p>Management Plan IV</p> <p>Consolidated Management Plan</p> |
| Question B.4 | Yes. | EU IAS Regulation |

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| <p>Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>The Union List includes many plant species in addition to the three listed hogweed species. All these species are subject to the prohibitions outlined in A.2., above.</p> <p>In Finland, Management Plan IV outlines species-specific management regimes for invasive alien species of national concern; for some plant species, (e.g., Japanese rose) Management Plan IV provides for eradication of the species from particular environments.</p> | <p>Union List</p> <p>Ministry of Agriculture and Forestry Website with Management Plans</p> <p>Management Plan IV</p> |
| <p>Section C: Invasive Species and the Public</p> | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Yes.</p> <p>At the EU level, Article 16 of the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States related to the detection invasive alien species of Union concern in the Member State’s territory. Article 25 provides that the European Commission shall progressively establish an “information support system” to assist with implementing the regulation.</p> <p>In Finland, pursuant to the National Strategy, the Natural Resources Institute Finland has set up an online national invasive alien species portal. The portal contains detailed information on invasive alien species to help the public to recognize and combat them. It also serves as a notification and reporting tool, where private individuals and organizations can report occurrences of invasive alien species.</p> <p>The Management Plans also contain measures related to public warning/advisory systems. For example, Management Plan I contains an “action plan concerning the pathways of unintentional introduction and spreading of invasive alien species of Union concern.” This action plan involves measures related to targeted citizen education and general communication. Measures targeted at particular species under Management Plan I may also involve education and/or communications with the public. The NGO Finnish Union for Nature Conservation has launched its own portal, “VieKas LIFE,” dedicated to various efforts to control invasive alien plant species in Finland</p> | <p>EU IAS Regulation</p> <p>Union List</p> <p>National Strategy</p> <p>Online Invasive Alien Species Portal</p> <p>Ministry of Agriculture and Forestry Website with Management Plans</p> <p>Management Plan I</p> <p>VieKas LIFE</p> |
| <p>Question C.2</p> | <p>Yes.</p> | |

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| <p>Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory.</p> <p>In Finland, sections 4 and 5 of the Alien Species Act regulate participation in invasive species management by non-government actors such as property owners and operators, and imposes certain responsibilities on such actors to combat the spread of invasive species.</p> <p>The Management Plans identify many non-government actors as “responsible parties and co-operators” for species-specific management measures. For example, Management Plan I includes the following nongovernment actors as “responsible parties and co-operators” for measures targeting hogweed:</p> <ul style="list-style-type: none"> - Landowners - Interest groups and advisory organizations. - Companies. - Waste management plants. | <p>EU IAS Regulation</p> <p>Alien Species Act Ministry of Agriculture and Forestry Website with Management Plans</p> <p>Management Plan I</p> |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>Yes.</p> <p>World Wildlife Fund (“WWF”) Finland organizes events in which volunteers can engage in invasive alien species removal activities. The events provide knowledge on removal and prevention methods.</p> <p>As discussed in C.1, the Finnish Union for Nature Conservation has developed a portal (“VieKas LIFE”) dedicated to invasive alien species control efforts.</p> | <p>WWF Finland</p> <p>VieKas LIFE</p> |

Denmark

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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes. 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 (“The EU IAS Regulation”) is legally binding in its entirety on, and must be directly applied by, all EU Member States. The EU IAS Regulation introduces and requires the adoption of a list of “invasive alien species of Union concern” (“Union List”) (defined in A.3, below) and imposes particular restrictions on the invasive alien species identified in the Union List (see A.2, below). Under Article 12 of the EU IAS Regulation, an EU Member State may establish a national list of additional invasive species of concern to that Member State. The Member State may implement measures in its territory for the control and/or management of the additional invasive species identified on its national list. Under Article 23 of the EU IAS Regulation, EU Member States may enact more stringent national rules with the aim of preventing the introduction, establishment, and spread of invasive alien species. Under Article 30 of the EU IAS Regulation, EU Member States must impose and enforce penalties for violation of the Regulation.</p> <p>We understand that Danish Executive Order no. 1285 of 12 November 2018 on the Prevention and Management of the Introduction and Spread of Invasive Non-native Species on the EU List and on a National List of Trade Bans, etc. Against Invasive Species (“Executive Order no. 1285”) implements the EU IAS Regulation into law in Denmark. Executive Order no. 1285 establishes a National List of invasive species of concern in Denmark (“National List”) and imposes particular restrictions on the invasive species identified in the National List (see</p> | <p>EU IAS Regulation</p> <p>Union List</p> <p>Executive Order no. 1285 / National List¹</p> |

¹ Machine translation provided separately.

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| | <p>A.2, below). Executive Order no. 1285 also introduces penalties for violations of the EU IAS Regulation and of Executive Order no. 128 (see A.5, below).</p> | |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>Article 7 of the EU IAS Regulation provides that invasive alien species identified in the Union List may not be:</p> <ul style="list-style-type: none"> (i) Brought into the territory of the Union, including transit under customer supervision; (j) Kept, including in contained holding; (k) Bred, including in contained holding; (l) Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (m) Placed on the market; (n) Used or exchanged; (o) Permitted to reproduce, grow or be cultivated, including in contained holding; or (p) Released it the environment. <p>Article 13 of the EU IAS Regulation requires EU Member States to carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory. Article 14 of the EU IAS Regulation requires that Member States establish a surveillance system with respect to such species. Article 17 requires Member States to take measures to eradicate such species at an early stage of invasion. Article 19 requires Member States to manage widely spread invasions to minimize their impacts.</p> <p>Executive Order no. 1285 places the following prohibitions on invasive species identified on the National List:</p> <ul style="list-style-type: none"> (a) Prohibition on import; (b) Prohibition on breeding (does not apply to the Japanese Rose (<i>Rosa rugosa</i>)); (c) Prohibition on transport to, from, or within Denmark (except for transportation of species to facilities in the context of eradication); (d) Prohibition of placing on the market; (e) Prohibition on use or exchange; (f) Prohibition on release to the environment | <p>EU IAS Regulation</p> <p>Union List</p> <p>Executive Order no. 1285 / National List</p> <p>Action Plan Against Invasive Species</p> |

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| | <p>In contrast to the EU IAS Regulation, Executive Order no. 1285 does not include a prohibition on keeping, or permitting species to reproduce, breed, or be cultivated for species identified on the National List.</p> <p>In 2017, the EPA established the Action Plan Against Invasive Species (“Action Plan”) to introduce and summarize the EU IAS Regulation and to serve as a framework for implementation of the EU IAS Regulation. The Action Plan proposed plans for new measures and consolidated existing measures to address prevention, early detection, and management of invasive species, consistent with the goals of the EU IAS Regulation. Examples include plans for creating the National List of invasive species, identifying and addressing pathways for invasive species, creating monitoring and reporting mechanisms, identifying effective eradication methods, and facilitating information and knowledge sharing.</p> | |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>Yes.</p> <p>Article 3 of the EU IAS Regulation contains the following definitions:</p> <ul style="list-style-type: none"> - An “alien species” is a species “introduced outside of its natural range.” - An “invasive alien species” is a species whose “introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services.” - An “invasive alien species of Union concern” is a species meeting all of the following criteria (laid out in Article 4(3): <ul style="list-style-type: none"> (a) The species is found, based on available scientific evidence, to be alien to the territory of the Union excluding the outermost regions; (b) The species is 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 one biogeographical region shared by more than two Member States or one marine sub-region excluding the outermost regions; (c) The species is, based on available scientific evidence, likely to have a significant adverse | <p>EU IAS Regulation</p> <p>Union List</p> <p>Executive Order no. 1285 / National List</p> <p>Action Plan Against Invasive Species</p> |

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| | <p>impact on biodiversity or the related ecosystem services, and may also have an adverse impact on human health or the economy;</p> <p>(d) It is demonstrated by a risk assessment carried out pursuant to Article 5(1) that concerted action at the Union level is required to prevent the introduction, establishment, or spread of the species; and</p> <p>(e) It is likely that the inclusion on the Union List will effectively prevent, minimize or mitigate the adverse impact of the species.</p> <p>According to the Action Plan, invasive species are designated to appear on the National List based on the following criteria:</p> <p>(a) They are found, based on available scientific evidence, to be alien to the territory of Denmark;</p> <p>(b) 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;</p> <p>(c) It is likely that the inclusion on the Union List will effectively prevent, minimize, or mitigate their adverse impact; and</p> <p>(d) Including them on the National List and the introduction of trade bans and additional measures will contribute to cost-effective management of invasive species in Denmark and will not entail significant economic costs for society or business.</p> <p>The Action Plan specifies that the Ministry of Environment and Food of Denmark, which contains the EPA, has the authority to manage the National List.</p> | |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>At the EU level, under Article 4 of the EU IAS Regulation, both the European Commission and the Member States may propose additional invasive species for inclusion on the Union List. The Committee on Invasive Alien Species makes the final determination regarding whether an invasive species will be added to the Union List.</p> | <p>EU IAS Regulation</p> <p>Executive Order no. 1285 / National List</p> <p>Statutory Order no. 103²</p> |

² Machine translation provided separately.

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| | <p>The EU IAS Regulation places numerous obligations on competent authorities of the Member States, but does not delegate obligations to particular agencies.</p> <p>In Denmark, under Executive Order no. 1285, the EPA has authority to implement and enforce the EU IAS Regulation and Executive Order no. 1285. The Danish Central Customs and Tax Administration (“SKAT”) has authority to monitor and control the introduction into Denmark of species on the Union List or National List. We understand that Danish Statutory Order no. 103 of 3 February 2020 on the Operation of Agricultural Land (“Statutory Order no. 103”) grants the Minister of the Environment and Food authority to promulgate regulations relating to the control and prevention of the spread of giant hogweed. This Statutory Order also authorizes the Minister of the Environment and Food to require a landowner to take measures to control or prevent the spread of giant hogweed on the landowner’s territory if the landowner has failed to comply with a previous order to take action against giant hogweed on the landowner’s territory.</p> <p>The EPA has established the National Monitoring Programme for the Aquatic Environment and Nature (NOVANA), which monitors the invasive species on the Union List and National List and submits any detected cases to the EPA, which evaluates what action must be taken.</p> <p>Various other governmental/quasi-governmental agencies have responsibilities related to monitoring invasive species. The SKAT monitors commercial traffic where goods are declared via customs and assists in identification and confiscation of invasive species on the Union List and National List. The Agency for Agriculture and Fisheries registers invasive species identified during fisheries inspections. The University of Copenhagen monitors invasive species identified during inspections of forest areas as part of the National Forest Inventory program.</p> <p>Other governmental/quasi-governmental agencies have responsibilities related to managing widely-distributed invasive species. Agencies including the Ministry of Ecclesiastical Affairs, Defence Command Denmark, and the Ministry of Transport are large landowners and monitor and control invasive species on their land. The</p> | <p>Action Plan Against Invasive Species</p> |
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| | <p>Danish Road Directorate and Defence Command Denmark have programs dedicated to monitoring and controlling giant hogweed in areas they manage. The Danish Nature Agency monitors and controls Japanese rose and wild black cherry, among other species.</p> | |
| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes. At the EU level, the EU IAS Regulation specifies the authorities that EU Member States must exercise in implementing the regulation. These authorities include:</p> <ul style="list-style-type: none"> - Under Article 15, Member States must have fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into the EU of invasive alien species of Union concern. - Under Article 19, Member States must have effective management measures for those invasive species on the Union List that are widely spread on their territory, so their impact is minimized. - Under Article 30, Member States must impose and enforce penalties for violations of the EU IAS Regulation. <p>In addition, Article 21 of the EU IAS Regulation provides that Member States shall aim to recover the costs of measures related to management measures related to controlling invasive alien species.</p> <p>In Denmark, under Executive Order no. 1285, the EPA has authority to implement and enforce the EU IAS Regulation and Executive Order no. 1285. The SKAT has authority to monitor and control the introduction into Denmark of species on the Union List or National List.</p> <p>Executive Order no. 1285 introduces civil penalties (including fines) or criminal penalties (including fines or imprisonment) for violation of the EU IAS Regulation and/or Executive Order no. 1285, depending on the nature of the violation.</p> <p>Statutory Order no. 103 grants the Minister of the Environment and Food authority to promulgate regulations relating to the control and prevention of the spread of giant hogweed. Statutory Order no. 103 also authorizes the Minister of the Environment and Food to require a landowner to take measures to control or prevent the spread of giant hogweed on the landowner's</p> | <p>EU IAS Regulation</p> <p>Executive Order no. 1285 / National List</p> <p>Statutory Order no. 103</p> |

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| | territory if the landowner has failed to comply with a previous order to take action against giant hogweed on the landowner's territory. | |
| Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls? | <p>Yes.</p> <p>Article 7 of the EU IAS Regulation provides that invasive alien species identified on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> - Brought into the territory of the Union, including transit under customer supervision; or - Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication. <p>Under Executive Order no. 1285 invasive species identified on the National List cannot be:</p> <ul style="list-style-type: none"> - Imported, even in transit under customers' supervision; or - Transported to, from, or in Denmark, unless transport takes place to facilities in connection with eradication. | <p>EU IAS Regulation</p> <p>Union List</p> <p>Executive Order no. 1285 / National List</p> |
| Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes? | <p>Yes.</p> <p>Some municipalities perform analysis of invasive species within their municipalities. A large number of municipalities have local action plans for management of invasive species and control invasive species accordingly. According to the Action Plan, as of 2016, 75 (~70%) of Danish municipalities had an established action plan for control of giant hogweed.</p> | Action Plan Against Invasive Species |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| Question B.1 Is giant hogweed considered an alien or invasive species? | <p>Yes.</p> <p>The EU IAS Regulation provides for the adoption of a Union List of invasive alien species of Union concern. The Union List includes three types of hogweed: Giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>).</p> | <p>EU IAS Regulation</p> <p>Union List</p> |
| Question B.2 Are comparable species considered an alien or invasive species? | <p>Yes.</p> <p>The Union List (see B.1., above) includes many additional plant species. In addition, the National List includes Japanese knotweed (<i>Reynoutria japonica</i>).</p> | <p>Union List</p> <p>Executive Order no. 1285 / National List</p> |
| Question B.3 | Yes. | EU IAS Regulation |

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| <p>Is in-country management of giant hogweed regulated? If so, how?</p> | <p>The Union List includes three types of hogweed: Giant hogweed (<i>H. mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>). Article 7 of the EU IAS Regulation provides that species on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> (i) Brought into the territory of the Union, including transit under customer supervision; (j) Kept, including in contained holding; (k) Bred, including in contained holding; (l) Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (m) Placed on the market; (n) Used or exchanged; (o) Permitted to reproduce, grow or be cultivated, including in contained holding; or (p) Released it the environment. <p>We understand that under Danish Executive Order no. 842 of 23 July 2017 on Controlling Giant Hogweed (“Executive Order no. 842”), municipalities can instruct private and public landowners to control and/or eradicate giant hogweed (<i>H. mantegazzianum</i>) on their property in accordance with an established local action plan.</p> <p>The majority of municipalities control giant hogweed and as of as of 2016, 75 (~70%) of Danish municipalities had an established action plan for control of giant hogweed.</p> <p>As described in the Action Plan, various government agencies that are large landowners, including the Danish Road Directorate, Defence Command Denmark, Ministry of Ecclesiastical Affairs, Ministry of Transport, and Rail Net Denmark, are charged with controlling giant hogweed in areas they manage or own in accordance with municipal action plans for control of giant hogweed or in some instances in compliance with Natura 2000 measures (a network of protected nature sites throughout the EU).</p> | <p>Union List</p> <p>Executive Order no. 842³</p> <p>Action Plan Against Invasive Species</p> |
| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>Yes.</p> | <p>Union List</p> |

³ Machine translation provided separately.

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| | <p>The Union List includes many plant species in addition to the three listed hogweed species. All these species are subject to the prohibitions outlined in A.2., above.</p> <p>The National List contains Japanese knotweed (<i>Reynoutria japonica</i>), which is subject to the prohibitions outlines in A.2.</p> | <p>Executive Order no. 1285 / National List</p> |
| Section C: Invasive Species and the Public | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Yes. At the EU level, Article 16 of the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States related to the detection invasive alien species of Union concern in the Member State’s territory. Article 25 provides that the European Commission shall progressively establish an “information support system” to assist with implementing the regulation.</p> <p>Denmark makes public the Union List and the National List, which both contain species identified as invasive that are subject to particular prohibitions, as outlined in A.2. The Action Plan is publically available and contains detailed information about invasive species in Denmark and related management and control measures. Additionally, the EPA website contains information about invasive species in Denmark, as well as links to Union List and the National List, and associated regulations.</p> | <p>EU IAS Regulation</p> <p>Union List</p> <p>Executive Order no. 1285 / National List</p> <p>Action Plan Against Invasive Species</p> <p>EPA site with links to the Union List and National List and related information</p> |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Yes. At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory.</p> <p>In Denmark, the EPA has established an online portal for public reporting of invasive species, so individuals can register an invasive species sighting. Additionally, hunting license holders are obligated to report all game takings to the EPA through an online portal, in which they can also report invasive species sightings. Additionally, the University of Copenhagen monitors invasive species identified during inspections of forest areas as part of the National Forest Inventory program.</p> | <p>EU IAS Regulation</p> <p>Public portal for reporting of invasive species</p> <p>Public portal for reporting game takings</p> <p>Action Plan Against Invasive Species</p> |

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| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>The private company Care4Nature advises on and assists with efforts related to Danish nature conservation and invasive species management, including control of giant hogweed and Japanese knotweed.</p> | <p>Care4Nature</p> |
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The Netherlands

| Question | Response | Source |
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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes. 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 (“EU IAS Regulation”) is legally binding in its entirety on, and must be directly applied by, all EU Member States. The EU IAS Regulation provides for the adoption of a list of “invasive alien species of Union concern” (“Union List”) (defined in A.3, below) and imposes particular restrictions on the invasive alien species identified in the Union List (see A.2, below). Under Article 12 of the EU IAS Regulation, an EU Member State may establish a national list of additional invasive species of concern to that Member State. The Member State may implement measures in its territory for the control and/or management of the additional invasive species identified on its national list. Under Article 23 of the EU IAS Regulation, Member States may enact more stringent national rules with the aim of preventing the introduction, establishment, and spread of invasive alien species.</p> <p>In the Netherlands, the following sources of law implement the applicable provisions of the EU IAS Regulation and lay down additional measures related to invasive alien species:</p> <ul style="list-style-type: none"> - Decision of 5 March 2016 laying down rules for the implementation of Regulation (EU) No 1143/2014 (“Decision of 5 March 2016”). - Nature Conservation Act, Articles 3.36-38, 3.40. - Nature Conservation Regulation, Articles 3.29-3.30a and Annex 10. - Nature Conservation Decree, Articles 3.1a, 3.31, and 3.32. - The Water Plants Covenant | <p>EU IAS Regulation</p> <p>Union List</p> <p>Decision of 5 March 2016 laying down rules for the implementation of Regulation (EU) No 1143/2014 (“Decision of 5 March 2016”) (version with explanatory notes) (version with hyperlinks)</p> <p>Nature Conservation Act</p> <p>Nature Conservation Regulation</p> <p>Nature Conservation Decree (version with explanatory notes) (version with hyperlinks)</p> <p>Water Plants Covenant</p> |

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| | <p>A separate procedure for designating species as “invasive alien exotics”, i.e., as species not on the Union List that are regulated in the Netherlands, is laid out in the Nature Conservation Act, Articles 3.19 and 3.39. Note that before 2016, the Netherlands regime for control of invasive alien species was laid out in the “Policy Memorandum on Invasive Exotics” of 2007 (available here) and other provisions of law that are now outdated. The Decision of 5 March 2016 in its explanatory notes provides a summary of the previous regime and the process by which it transitioned to a regime aligned with the EU IAS Regulation.</p> | |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>Article 7 of the EU IAS Regulation provides that invasive alien species identified in the Union List may not be:</p> <ul style="list-style-type: none"> (q) brought into the territory of the Union, including transit under customer supervision; (r) kept, including in contained holding; (s) bred, including in contained holding; (t) transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (u) placed on the market; (v) used or exchanged; (w) permitted to reproduce, grow or cultivated, including in contained holding; or (x) released into the environment. <p>Article 13 of the EU IAS Regulation requires Member States to carry out a comprehensive analysis of the pathways of unintentional introduction and spread of invasive alien species of Union concern at least in their territory. Article 14 of the EU IAS Regulation requires that Member States establish a surveillance system with respect to such species. Article 17 requires Member States to take measures to eradicate such species at an early stage of invasion. Article 19 requires Member States to manage widely spread invasions to minimize their impacts.</p> <p>The Nature Conservation Act contains the following provisions:</p> | <p>EU IAS Regulation</p> <p>Nature Conservation Act</p> <p>Nature Conservation Regulation</p> <p>Nature Conservation Decree (version with explanatory notes) (version with hyperlinks)</p> <p>Decision of 5 March 2016 (version with explanatory notes) (version with hyperlinks)</p> <p>Union List Strategy Support</p> <p>Regulation of the Minister of Agriculture, Nature and Food Quality of 9 July 2021, no. WJZ/20243118, amending the Nature Protection Regulation and amending the Environmental Regulation in connection with an exemption from the trade and possession ban on Asian knotweeds (“Regulation of 9 July 2021”)</p> <p>Water Plants Covenant</p> |

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| | <ul style="list-style-type: none"> - Article 3.37 provides a procedure for EU regulations to be designated as automatically binding under Netherlands law. - Article 3.38 provides that rules related to species on the Union List may be laid down by general administrative order. - Article 3.40 allows the Minister of Agriculture, Nature, and Food Quality to grant exemptions from the prohibitions in the Nature Conservation Act related to invasive alien species. <p>The Nature Conservation Regulation contains the following provisions:</p> <ul style="list-style-type: none"> - Article 3.29 (using the authority of the Nature Conservation Act, Article 3.37) designates part of Article 7 of the EU IAS Regulation as binding under Netherlands law. - Article 3.30 exempts certain aquatic species on the Union List from certain management measures in the Netherlands. - Article 3.30a provides that: <ul style="list-style-type: none"> o A list of species (the “Annex”) is designated as invasive alien species within the sense of the EU IAS Regulation. o The provincial governments shall periodically report to the Minister of Agriculture, Nature, and Food Quality on the implementation of measures taken targeting species listed on the Annex. <p>The Nature Conservation Decree, Article 3.32, contains the following provisions:</p> <ul style="list-style-type: none"> - Provincial governments are responsible for implementing eradication, management, and remedial measures with respect to designated invasive alien species in their respective province. - Designations of invasive alien species by ministerial regulation and on the Union List will take place in accordance with provincial governments. - Ministerial regulations may lay down further rules with respect to measures targeting invasive alien species. | |
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| | <p>The Netherlands Food and Consumer Product Safety Authority (“NVWA”) (currently housed within the Ministry of Agriculture, Nature, and Food Quality) published a “Union List Strategy Support” document in 2016. This document contains an analysis of each species then included on the Union List with respect to potential measures for eradication or management and relevant stakeholders.</p> <p>The NVWA also appears to have separately published a national “Master Plan for Extermination and Management of Union List Species” (“Masterplan uitroeijing en beheersing Unielijstsoorten”) in 2017. We have not identified a public version of this document. As discussed in A.1., above, Netherlands previously regulated “invasive exotic species” before the EU IAS Regulation entered force. Every species formerly designated as an invasive exotic species before the EU IAS Regulation entered force is now included in the Union List (compare explanatory note 2.2 of the Decision of 5 March 2016 with the Union List). The Nature Conservation Act, Articles 3.19 and 3.39, authorizes the designation of “invasive exotic species” in a process separate from the designation process related to the EU IAS Regulation. Article 3.19 requires provincial governments to reduce the number of such species as much as possible. Article 3.39 prohibits trade in or possession of such species, subject to any exemptions granted under Article 3.40. Only three species have been designated using this process; all are knotweeds (<i>Fallopia japonica</i>, <i>F. sakhalensis</i>, <i>F. xbohemica</i>).</p> <p>Separately, the Water Plants Covenant (an agreement between the Netherlands government, local authorities, and the business community) places restrictions on the sale and use of certain aquatic plant species. Some of these species are not included in the Union List.</p> | |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>Yes. At the EU level, Art. 3 of the EU IAS Regulation contains the following definitions:</p> <ul style="list-style-type: none"> - An “alien species” is a species “introduced outside of its natural range.” - An “invasive alien species” is a species whose “introduction or spread has been found to | <p>EU IAS Regulation</p> <p>Union List</p> <p>Nature Conservation Act</p> |

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| | <p>threaten or adversely impact upon biodiversity and related ecosystem services.”</p> <ul style="list-style-type: none"> - An “invasive alien species of Union concern” is a species meeting all of the following criteria (laid out in Article 4(3): <ul style="list-style-type: none"> a) The species is found, based on available scientific evidence, to be alien to the territory of the Union excluding the outermost regions; b) The species is 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 one biogeographical region shared by more than two Member States or one marine sub-region excluding the outermost regions; c) The species is, 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 at the Union level is required to prevent the introduction, establishment, or spread of the species; and e) It is likely that the inclusion on the Union List will effectively prevent, minimize or mitigate the adverse impact of the species. <p>As discussed in A.2., above, the Nature Conservation Act, Article 3.19, contains a mechanism for designating “invasive exotic species,” that is, species controlled nationally but not on the Union List. Article 1.1 contains the following corresponding definitions:</p> <ul style="list-style-type: none"> - “Exotics” are “animals or plants of species that do not occur or have not occurred naturally in the Netherlands and that have ended up in Dutch nature due to human activity or are threatening to do so in the near future” - “Invasive exotics” are “exotics that, if they have established themselves or would settle in Dutch | |
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| | <p>nature: (a) may pose a danger to the survival of animal or plant species that occur naturally in the Netherlands or elsewhere, or (b) may cause a significant deterioration of conditions necessary for the survival of species referred to in subparagraph (a)”</p> | |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>At the EU level, under Article 4 of the EU IAS Regulation, both the European Commission and the Member States may propose additional invasive species for inclusion on the Union List. The Committee on Invasive Alien Species makes the final determination regarding whether an invasive species will be added to the Union List.</p> <p>The EU IAS Regulation places numerous obligations on competent authorities of the Member States, but does not delegate obligations to particular agencies.</p> <p>The Nature Conservation Act, Article 3.37, designates the Ministry of Agriculture, Nature, and Food Quality as the primary agency for implementing the EU IAS Regulation.</p> <p>Within the Ministry of Agriculture, Nature, and Food Quality, the NVWA has responsibility for supervising trade in, possession of, and risks related to invasive alien species. Relevant units within the NVWA include the Risk Assessment and Research Office (“BuRO”) and the “Invasive Exotics Team” (“TIE”).</p> <p>The Netherlands Enterprise Agency (“RVO”), within the Ministry of Economic Affairs, has responsibility for permitting activities related to invasive alien species.</p> <p>As described in A.2, above, Dutch provinces are responsible for implementing measures against invasive alien species within their borders. Governmental entities mentioned in provincial action plans (see examples from North Brabant and Gelderland) may include:</p> <ul style="list-style-type: none"> - Municipalities. - Water Boards. - Road and railway managers. - Fauna Management Units, established under Art. 3.12 of the Nature Conservation Act. | <p>EU IAS Regulation</p> <p>Dutch Government Site on Invasive Alien Species</p> <p>NVWA Webpage on Invasive Exotic Species</p> <p>BuRO Webpage</p> <p>TIE Webpage</p> |

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| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes. At the EU level, the EU IAS Regulation specifies the authorities that EU Member States must exercise in implementing the regulation. These authorities include:</p> <ul style="list-style-type: none"> - Under Article 15, Member States must have fully functioning structures to carry out the official controls necessary to prevent the intentional introduction into the EU of invasive alien species of Union concern. - Under Article 19, Member States must have effective management measures for those invasive species on the Union List that are widely spread on their territory, so their impact is minimized. - Under Article 30, Member States must impose and enforce penalties for violations of the EU IAS Regulation. <p>In addition, Article 21 of the EU IAS Regulation provides that Member States shall aim to recover the costs of measures related to management measures related to controlling invasive alien species.</p> <p>The Decision of 5 March 2016, Article 2, and the Law on Economic Offenses, Article 1a(2), criminalizes violation of the prohibitions in the Nature Conservation Act with respect to invasive alien species and invasive exotic species. The Law on Economic Offenses, Article 6, provides for various levels of imprisonment, community service, and fines for such offenses. The Decision of 5 March 2016, explanatory note 3.2, designates the NVWA as the agency charged with supervising compliance and detecting criminal offenses related to invasive alien species. The website of the RVO further indicates the following:</p> <ul style="list-style-type: none"> - In practice, the NVWA, the police, and the Public Prosecution Service collaborate in carrying out enforcement activities. - The RVO and Netherlands Customs are responsible for enforcing regulations concerning import and export shipments of invasive alien species. - For a general violation, the government may confiscate invasive alien species and give them | <p>EU IAS Regulation</p> <p>Decision of 5 March 2016 (version with explanatory notes) (version with hyperlinks)</p> <p>Law on Economic Offenses</p> <p>RVO Webpage</p> |
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| | <p>to a permit holder or destroy them, with the offender paying the costs.</p> <ul style="list-style-type: none"> - For an import/export violation, the government may confiscate the shipment, return the species to the origin of the shipment, give the invasive alien species to a permit holder, and/or destroy the invasive alien species, with the offender paying the costs. | |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Yes. Article 7 of the EU IAS Regulation provides that invasive alien species identified on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> - Brought into the territory of the Union, including transit under customer supervision; or - Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication. <p>As described in A.5, the RVO and Netherlands Customs collaborate to enforce controls on import/export of invasive alien species.</p> | <p>EU IAS Regulation Union List</p> |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>Yes. As discussed in A.2 and A.4, provincial governments are responsible for implementing measures against invasive alien species within their own jurisdictions, and may assign responsibilities to local authorities. In addition, some Dutch municipalities have voluntarily engaged in measures against invasive alien species. For example, numerous municipalities have funded Project #uitde1000knoop (“untangling the knotweed”) to eradicate Japanese knotweed, a designated an invasive exotic species. The project is implemented by a consortium including Leiden University, the Dutch Water Authorities, and the Center for Agriculture and Bioscience (“CABI”).</p> | <p>“Controlling Knotweed” Webpage CABI Blog Post on #uitde1000knoop University of Leiden Webpage</p> |

Section B: Management of Hogweed and Comparable/Dangerous Species

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| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>Yes. The EU IAS Regulation provides for the adoption of a Union List of invasive alien species of Union concern. The Union List includes three types of hogweed: Giant hogweed (<i>Heracleum mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>).</p> | <p>EU IAS Regulation Union List</p> |
| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>Yes. The Union List (see B.1, above) includes many additional plant species. The Nature Conservation Decree, Article 3.1a, designates three knotweed species (<i>F. japonica</i>, <i>F. sakhalensis</i>, and <i>F. bohemica</i>) not on the Union List as "invasive exotic species." The Water Plants Convention places restrictions on the sale and use of several additional aquatic plant species not on the Union List.</p> | <p>EU IAS Regulation Union List Nature Conservation Decree (version with explanatory notes) (version with hyperlinks) Water Plant Covenant</p> |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>Yes. The Union List includes three types of hogweed: Giant hogweed (<i>H. mantegazzianum</i>), Sosnowsky's hogweed (<i>H. sosnowskyi</i>), and Persian hogweed (<i>H. persicum</i>). Article 7 of the EU IAS Regulation provides that species on the Union List shall not be intentionally:</p> <ul style="list-style-type: none"> (q) Brought into the territory of the Union, including transit under customer supervision; (r) Kept, including in contained holding; (s) Bred, including in contained holding; (t) Transported, from or within the Union, except for the transportation of species to facilities in the context of eradication; (u) Placed on the market; (v) Used or exchanged; (w) Permitted to reproduce, grow or be cultivated, including in contained holding; or (x) Released into the environment. <p>According to NVWA factsheets, only Giant Hogweed is widely distributed in the Netherlands. As discussed in A.2 and A.4, responsibility for implementing controls targeting any Union List species falls on provincial governments.</p> | <p>EU IAS Regulation Union List NVWA Giant Hogweed Factsheet NVWA Sosnowsky's Hogweed Factsheet NVWA Persian Hogweed Factsheet</p> |

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| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>Yes. The Union List includes many plant species in addition to the three listed hogweed species. All these species are subject to the prohibitions outlined in A.2., above. As discussed above, three knotweed species are not on the Union List but are controlled nationally. According to NVWA fact sheets, Japanese knotweed and Sakhalin knotweed are widespread in the Netherlands. The Nature Conservation Act, Article 3.39, prohibits ownership of or trade in invasive exotic species, but the explanatory note to the Regulation of 9 July 2021 grants an exemption for non-commercial possession of the designated knotweeds. As discussed in B.2, the Water Plants Convention places restrictions on sale and use of several additional aquatic plant species.</p> | <p>EU IAS Regulation Union List NVWA Japanese Knotweed Fact Sheet NVWA Sakhalin Knotweed Fact Sheet NVWA Bohemian Knotweed Fact Sheet Regulation of 9 July 2021</p> |
| <p>Section C: Invasive Species and the Public</p> | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Yes. At the EU level, Article 16 of the EU IAS Regulation requires a Member State to provide certain notifications to the European Commission and other Member States related to the detection invasive alien species of Union concern in the Member State's territory. Article 25 provides that the European Commission shall progressively establish an "information support system" to assist with implementing the regulation. Via the EU Citizen Science Projects on Invasive Alien Species, we have identified several Netherlands-based projects, including the <i>Nationale Databank Flora en Faun</i> and <i>Invasieve-exoten.nl</i>. Via the NVWA website, we have identified several educational programs related to invasive alien species, including ECOSIM. This project is designed to increase knowledge of ecological processes and management measures for aquatic invasive alien species. This programme is aimed at secondary schools and universities.</p> | <p>EU IAS Regulation Union List Nationale Databank Flora en Fauna Invasieve-exoten.nl ECOSIM</p> |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Yes. At the EU level, Article 26 of the EU IAS Regulation provides that Member States shall give the public</p> | <p>EU IAS Regulation</p> |

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| | <p>opportunities to participate in designing action plans on the spread of invasive alien species of Union concern in their territory.</p> <p>We have identified provincial action plans (see, e.g., the examples from North Brabant and Gelderland) which assign responsibilities to non-government actors, including, in certain cases, land owners.</p> <p>The portal “waarneming.nl” allows individuals to report observations of species, including invasive alien species.</p> | <p>Waarneming.nl</p> |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>Yes. In addition to the organizations discussed elsewhere in this questionnaire, the Wageningen University & Research advisory team offers advice and support for dealing with invasive exotic species, specifically including Giant Hogweed. The “Controlling Knotweed” webpage appears to be the central repository for knowledge and efforts targeting knotweeds.</p> | <p>Wageningen University Webpage</p> <p>“Controlling Knotweed” Webpage</p> |

United Kingdom

| Question | Response | Source |
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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes. The relevant legislation for the management and control of invasive species include:</p> <ol style="list-style-type: none"> (1) the UK Invasive Species Regulation (the “IS Regulation”), which is the main legislative framework; (2) the The Invasive Alien Species (Enforcement and Permitting) Order 2019 (the “2019 Order”); (3) the Wildlife and Countryside Act 1981 (the “WCA 1981”); (4) the The Conservation of Habitats and Species Regulations 2017 (the “Habitats Regulations 2017”); (5) the Infrastructure Act 2015 (legislation.gov.uk); (6) the Town and Country Planning Act 1990 (the “TCPA 1990”); and (7) Anti-social Behaviour, Crime and Policing Act 2014 (the “ABCPA 2014”). <p>Also note that the UK government has twice published strategy papers (the Invasive Non-Natives Species Framework Strategy for Great Britain, in 2008 and updated in 2015). These have led <i>inter alia</i> to the introduction of the Non-native Species Secretariat.</p> | <p>Note that the IS Regulation was amended by the, and is the UK’s retained equivalent of the applicable EU regime prior to Brexit (being Regulation (EU) No 1143/2014 of the European Parliament and the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species).</p> |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>The UK regime aims at prohibiting the introduction of invasive alien species in the UK. For example:</p> <ol style="list-style-type: none"> (1) the IS Regulation aims to prohibit the intentional introduction, keeping, sale, preproduction or release of invasive alien species in the UK. (2) under the WCA 1981, it is a criminal offence to sell/offer/transport restricted plants while alive. (3) The Habitats Regulations 2017 aim to prevent the introduction of any live plant (or animal) whose natural range does not include any area in the UK. <p>For invasive species already present in the UK, the UK regime aims to control and eradicate such species. For example:</p> <ol style="list-style-type: none"> (1) The Infrastructure Act 2015 provides for species control agreements (“SCAs”) and species control orders (“SCOs”). An SCA is a voluntary agreement with a landowner requiring the landowner to control the invasive species; an SCO is made to compel a landowner to control the invasive species or allow the authority to do so. | <p>IS Regulation Article 7.1</p> <p>WCA 1981, s.14ZA.</p> <p>Habitats Regulations 2017, Art.54.</p> <p>Infrastructure Act 2015, Part 4</p> <p>WCA 1981, s.14.</p> <p>TCPA 1990, s. 215</p> |

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| | <p>(2) The WCA 1981 makes it a criminal offence to plant or cause to grow in the wild any plant that is included in Part II of Schedule 9.</p> <p>(3) Under the TCPA 1990, a local authority can serve a notice on an occupier of land requiring it to remedy the condition of the land with a specified time period, where such land is affected by the spread of an invasive plant.</p> | |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>In the IS Regulation, an alien species is defined as “<i>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</i>”. An invasive alien species is defined as an “<i>alien species whose introduction or spread has been found to threaten or adversely impact on biodiversity and related ecosystem services</i>”.</p> <p>Note that the IS Regulation does not apply to certain organisms including pathogens, certain plant pest and micro-organisms, as well as: (i) species changing their natural range without human intervention in response to changing ecological conditions and climate change; and (ii) genetically modified organisms.</p> <p>The WCA 1981 provides that a species is invasive if, uncontrolled, it would be likely to have a significant adverse impact on biodiversity, other environmental interests, or social or economic interests. A plant is non-native if it is listed in the WCA 1981 Part I/II of Schedule 9.</p> | <p>IS Regulation Article 3.</p> <p>IS Regulation Article 2.2.</p> <p>WCA 1981, Schedule 9A.</p> |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>The IS Regulation requires the “appropriate authority” take all necessary steps to prevent the unintentional introduction or spread (including by gross negligence) of invasive alien species (Article 7.2), and grants to them the power to require permits, authorisations and emergency measures (Articles 7-13). The appropriate authority is: (i) the Secretary of State in relation to England, the offshore marine area, or the regulation of imports into/exports from the UK; (ii) Welsh Ministers in relation to Wales; (iii) Department of Agriculture, Environment and Rural Affairs in relation to Northern Ireland; and (iv) Scottish Ministers in relation to Scotland.</p> <p>The non-native species secretariat is responsible for coordinating the approach to invasive non-native species in the UK (including enforcement measures), as well as supporting legislators.</p> | <p>IS Regulation Articles 3, 7-13.</p> <p>GB INNS Strategy 2008 (accessible here).</p> |
| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties are associated with offenses?</p> | <p>The enforcement regime for the implementation of the IS Regulation is the 2019 Order. Part 5 of the 2019 Order contains enforcement powers. An enforcement officer can enter premises without a warrant where there are grounds for suspicion that a specimen is being kept on those premises. Enforcement officers also have powers of seizure at UK borders.</p> | <p>2019 Order, Part 5.</p> <p>2019 Order, Part 6 and Schedule 3</p> |

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| | <p>Under the 2019 Order, civil sanctions available allow for a proportionate response to minor breaches, and include:</p> <ul style="list-style-type: none"> • Fixed and variable money penalties; • Compliance, restoration and stop notices; and • Enforcement and third party undertakings. <p>Under the Habitats Regulation 2017, it is a criminal offence to violate art. 54 (see further above). A person guilty of such offence is liable to an unlimited fine.</p> <p>Under the Infrastructure Act 2015, “environmental agencies” – including central and local governmental authorities and the Environment Agency – can enter into SCAs and SCOs. Under the WCA 1981 it is an offence for a person subject to an SCO to fail to comply with it without reasonable excuse. A person guilty of such an offence is liable to imprisonment for up to 51 weeks and/or an unlimited fine.</p> <p>Local authorities also have powers to require clearance of invasive plant species from an occupier of land under the TCPA 1990. Having failed to comply, on conviction, an occupier can be liable for a fine of up to £1,000/the reasonable costs of the local authority carrying out the necessary works. In addition, under the ABCPA 2014, a local authority (or the police) can serve a community protection notice on an individual/body if satisfied that their conduct (including failure to act) is having a detrimental effect, of a persistent nature, on the quality of life of locals, and is unreasonable. Though INNS are not mentioned in the act, Home Office guidance suggests that the act can be used against an occupier failing (e.g.) to clear knotweed. If the individual/body fails to comply with the notice, they can be liable for a fine (limited to £2,500 for an individual), and the local authority may step in to remedy the problem.</p> | <p>Habitats Regulations 2017, Art. 54(7)</p> <p>WCA 1981, Schedule 9A</p> <p>TCPA 1990 s.215</p> <p>ABCPA 2014, s. 43</p> <p>See Home Office information note here</p> <p>ABCPA 2014, s. 47</p> |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>The IS Regulation aims to prohibit the intentional introduction, keeping, sale, reproduction or release of invasive alien species in the UK.</p> <p>The WCA 1981 makes it a criminal offence to sell/offer/transport restricted plants while alive.</p> <p>The Habitats Regulations 2017 aim to prevent the introduction of any live plant (or animal) whose natural range does not include any area in the UK.</p> | <p>IS Regulation Article 7.1</p> <p>WCA 1981, s.14ZA.</p> <p>Habitats Regulations 2017, Art.54.</p> |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>N/A</p> | |
| <p>Section B: Management of Hogweed and Comparable/Dangerous Species</p> | | |

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| Question B.1 Is giant hogweed considered an alien or invasive species? | Yes – it listed in the WCA 1981, meaning it is an offence to cause giant hogweed (<i>Heracleum mantegazzianum</i>) to grow in the wild in England and Wales (similar legislative provisions exist in Scotland and Northern Ireland). | WCA 1981, Schedule 9 Part II |
| Question B.2 Are comparable species considered an alien or invasive species? | Schedule 9 of the WCA 1981 lists plant species which have become established in the UK (by nation), but which the law seeks to prevent spreading further without licence. The plants listed in Part II of Schedule 9 include Japanese knotweed, Bohemian knotweed (a cross between Japanese knotweed and Giant knotweed), giant hogweed, Himalayan balsam, rhododendron, New Zealand pygmyweed (/Australian swamp stonecrop), floating pennywort. | WCA 1981, Schedule 9 Part II |
| Question B.3 Is in-country management of giant hogweed regulated? If so, how? | Yes – per the above, in the UK it is an offence to plant in the wild, cause to grow in the wild, import, transport, keep, breed, sell, use or exchange, grow or cultivate. | |
| Question B.4 Is management of comparable or other dangerous species regulated? If so, how? | <i>Ibid.</i> Note also that people who allow Japanese knotweed to grow on any other person’s property, they can be prosecuted or given a community protection notice for causing a nuisance. | |
| Section C: Invasive Species and the Public | | |
| Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function? | There is information publically provided in the following places: <ol style="list-style-type: none"> (1) The Government / Environment Agency websites. (2) NPOs, such as the Japanese Knotweed Alliance and the Canal & River Trust. (3) The non-native species secretariat website. This website runs “species alerts”. | https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants https://www.gov.uk/government/organisations/environment-agency https://www.cabi.org/japaneseknotweedalliance/ https://canalrivertrust.org.uk/enjoy-the-waterways/canal-and-river-wildlife/the-rogues-gallery-of-invasive-species http://www.nonnativespecies.org/home/index.cfm |
| Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how? | Yes – see QA.5 above regarding the power of “environmental agencies”. | |
| Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species? | Yes. NPOs and the non-natives species secretariat – see QC.1 above. Yes. The Tees Rivers Trust operates ‘Tees Operation Giant Hogweed’ whereby it works to: i) Map and remove Giant Hogweed; ii) Reverse the loss of biodiversity by re-introducing native flora; iii) Restore access and re-establish a safer amenity of great local | http://teesrivertrust.org/services/tophog/ourmission/ |

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| | importance; and iv) Raise awareness and educate people about Giant Hogweed. | |
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United States

| Question | Response | Source |
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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>There is not comprehensive legislation on the treatment of invasive species, but rather a patchwork of laws and regulations, some of which are tailored to certain species or ecosystems. The most relevant laws for the purposes of this questionnaire include: the Plant Protection Act ("PPA", 7 U.S.C. §§7701 <i>et seq.</i>); National Invasive Species Act (16 U.S.C. §§4701 <i>et seq.</i>); Noxious Weed Control and Eradication Act (7 U.S.C. §§7781-7786); and Executive Order 13112 on Invasive Species ("EO 13112").</p> <p>Broader environmental laws that peripherally address invasive species include, for example, the National Environmental Policy Act ("NEPA", 42 U.S.C. §§4321 <i>et seq.</i>); the Endangered Species Act ("ESA", 16 U.S.C. §§1531-1543); the Clean Water Act ("CWA", 33 U.S.C. §1251 <i>et seq.</i>), and the Fish and Wildlife Act (16 U.S.C. §742).</p> | <ul style="list-style-type: none"> - Congressional Research Services, Report R43258, <i>Invasive Species: Major Laws and the Role of Selected Federal Agencies</i> (Jan. 17, 2017). - 7 U.S.C. §§7701 <i>et seq.</i> - 16 U.S.C. §§4701 <i>et seq.</i> - 7 U.S.C. §§7781-7786. - Executive Order 13112 on Invasive Species, 64 Fed. Reg. 6183 (Feb. 8, 1999). |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>The Invasive Species Management Plan “detail[s] and recommend[s] performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species.” See EO 13112 Sec. 5(a). It is the only plan that attempts to coordinate invasive species actions across species and habitats; across federal, state, and local governments; and with private industry.</p> <p>Otherwise, dozens of federal agencies run invasive species programs relevant to their respective directives and jurisdictions. See, for example, the Plant Pests and Disease programs of the Animal and Plant Health Inspection Service ("APHIS"), the Invasive Species Strategic Plan from the Department of Interior ("DOI"), the Branch of Aquatic Invasive Species under the Fish & Wildlife Service ("FWS"), and the Invasive Plant Program of the National Park Service ("NPS"). For an</p> | <ul style="list-style-type: none"> - Congressional Research Services, Report R43258, <i>Invasive Species: Major Laws and the Role of Selected Federal Agencies</i> (Jan. 17, 2017). - National Invasive Species Council, <i>Management Plan 2016-2018</i> (July 11, 2016). - Animal and Plant Health Inspection Service, “Plant Pests and Diseases,” https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs - U.S. Department of Interior, <i>Invasive Species Plan 2021-2025</i> (2021). |

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| | <p>overview of other agencies' programs, see pages 18-40 of CRS Report 43258.</p> | <ul style="list-style-type: none"> - U.S. Fish & Wildlife Service, Branch of Aquatic Invasive Species, https://www.fws.gov/fisheries/ANS/aquatic-invasive-species-program-overview.html - National Park Service, Invasive Plant Program, https://www.nps.gov/orgs/1103/ipp.htm |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>EO 13112 Sec. 1(f) defines “invasive species” as “an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.” This definition was further clarified in a white paper by the Invasive Species Advisory Committee (“ISAC”),</p> <p>The PPA defines “noxious weed” as “any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.”</p> <p>APHIS and FWS have the authority to list invasive species and have created a List of Injurious Wildlife under 18 U.S.C. §42, a List of Regulated Plant Pests, and a Federal Noxious Weeds List. There are also state and regional lists of species declared noxious, prohibited, or otherwise harmful.</p> | <ul style="list-style-type: none"> - Executive Order 13112 on Invasive Species, 64 Fed. Reg. 6183 (Feb. 8, 1999). - Definitions Subcommittee of the Invasive Species Advisory Committee, <i>Invasive Species Definition Clarification and Guidance White Paper</i> (Apr. 27, 2016). - 7 U.S.C. §7702(10). - U.S. Fish & Wildlife Service, “Summary of Species Currently Listed as Injurious Wildlife under (18 U.S.C. 42) (Lacey Act),” https://www.fws.gov/injuriouswildlife/list-of-injurious-wildlife.html. - Animal and Plant Health Inspection Service, “U.S. Regulated Plant Pest Table,” https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/rppl/rppl-table. - Animal and Plant Health Inspection Service, “Federal Noxious Weed List,” https://www.aphis.usda.gov/plant-health/plant_pest_info/weeds/downloads/weedlist.pdf. - Animal and Plant Health Inspection Service, “Invasive Species Resources by Subject,” |

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| | | https://www.invasivespeciesinfo.gov/subject/lists . |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>EO 13112 directs <i>all</i> federal agencies to address invasive species concerns and to refrain from actions likely to increase invasive species problems. Particularly active agencies include the Department of Agriculture ("USDA"), the Department of Commerce ("DOC"), the Department of Interior ("DOI"), and the Environmental Protection Agency ("EPA", an independent agency).</p> <p>The National Invasive Species Council ("NISC") is an interagency body co-chaired by the Secretaries of the Interior, Agriculture, and Commerce. The NISC sets the Invasive Species Management Plan and "see[s] that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective." See EO 13112 Sec. 4(a). Other interagency efforts include the Aquatic Nuisance Species Task Force ("ANSTF") and the Federal Interagency Committee for Management of Noxious Weeds ("FICMNEW").</p> <p>For an overview of more agencies involved in invasive species management, see pages 18-40 of CRS Report R43258.</p> | <ul style="list-style-type: none"> - Congressional Research Services, Report R43258, <i>Invasive Species: Major Laws and the Role of Selected Federal Agencies</i> (Jan. 17, 2017) - Executive Order 13112 on Invasive Species, 64 Fed. Reg. 6183 (Feb. 8, 1999). - U.S. Department of Interior, National Invasive Species Council, https://www.doi.gov/invasivespecies. |
| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes. The Lacey Act (18 U.S.C. §§42-43; 16 U.S.C. §§3371-3378) and the PPA authorize enforcement actions and provide penalty guidelines for the importation or shipment of invasive species. These regulations provide the broadest enforcement authorities and harshest penalties related to invasive species management at the federal level. See below Question A.6.</p> <p>Other provisions authorize federal agencies to enforce state-level invasive species laws or regulations. See, for example, 16 U.S.C. § 551a (authorizing the Secretary of Agriculture to cooperate with States and political subdivisions in enforcing laws and regulations in the national forest system); 54 U.S.C. §§102701 (authorizing National Park Service employees to cooperate with state law enforcement to enforce invasive</p> | <ul style="list-style-type: none"> - 18 U.S.C. §§42-43. - 16 U.S.C. §§3371-3378. - 7 U.S.C. §§7711-7712, 7731-7736. - 16 U.S.C. § 551a. - 54 U.S.C. §§102701. - 16 USC §7421. |

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| | <p>species control within park units); and 16 USC §7421 (authorizing the Department of Commerce to establish agreements for enforcing laws related to water and lands under their jurisdiction). As these provisions reveal, however, agencies have little authority to eradicate invasive species unless they occur on federally managed lands.</p> | |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Yes. The Lacey Act includes a provision banning the importation of species found to be "injurious" to the United States. See 18 U.S.C. §42(a)(1). The Lacey Act gives persons authorized by the Secretary of Interior, Transportation, or Treasury the power to make arrests or detain and inspect shipments for the purposes of enforcement. See 16 U.S.C. §3375(b). Penalties for violation are found at 16 U.S.C. §3373. Notably, however, the injurious species provision of the Lacey Act covers only vertebrates, crustaceans, and mollusks – not plants.</p> <p>The PPA is the primary law governing plant pests in commerce. It authorizes APHIS to prohibit the import of plants, plant products, certain biological control organisms, noxious weeds, and plant pests, unless authorized by permit. See 7 U.S.C. §7712(a). The PPA gives APHIS the authority to use a wide variety of measures, including inspections, surveillance, quarantines, treatments, or destruction. Penalties for violation are found at 7 U.S.C. §7734.</p> | <ul style="list-style-type: none"> - 18 U.S.C. §§42-43. - 16 U.S.C. §§3371-3378. - 7 U.S.C. §§7711-7712, 7731-7736. |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>Yes. Individual states administer their own statutes and programs to prevent, control, and eradicate invasive species. The USDA's National Invasive Species Information Center provides selected resources related to invasive species management at the state and multistate level. States that list Giant Hogweed as invasive include Alaska, California, Connecticut, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia, Washington, and Wisconsin. Find links to each of those states' resources here.</p> | <ul style="list-style-type: none"> - National Invasive Species Information Center, "Resources by Location," https://www.invasivespeciesinfo.gov/resources-location. - University of Georgia Center for Invasive Species and Ecosystem Health, Early Detection and Distribution Mapping System, "giant hogweed: <i>Heracleum mantegazzianum</i> Sommier & Levier," |

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| | | https://www.eddmaps.org/species/subject.cfm?sub=4536 . |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>Yes. On the federal level, the USDA considers giant hogweed a Terrestrial (land-dwelling) Invasive Plant on its website: Giant Hogweed National Invasive Species Information Center. As per EO 13112, an “invasive species” is a species that is:</p> <ol style="list-style-type: none"> 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. <p>Giant hogweed is also on the Federal Noxious Weed List. Section 403 of the PPA defines “noxious weed” as “any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.”</p> <p>Finally, 22 states list giant hogweed as an invasive species. Please see a list of the state-level resources here.</p> | <ul style="list-style-type: none"> - Executive Order 13112 on Invasive Species, 64 Fed. Reg. 6183 (Feb. 8, 1999). - 7 C.F.R. § 360.200. - 7 U.S.C. §7702(10). - Animal and Plant Health Inspection Service, “Federal Noxious Weed List,” https://www.aphis.usda.gov/plant-health/plant_pest_info/weeds/downloads/weedlist.pdf. - State-level invasive listing sources |
| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>Yes. For example, kudzu is considered an alien and invasive species. On the federal level, EO 13112 defines “invasive species” as a species that is:</p> <ol style="list-style-type: none"> 1) non-native (or alien) to the ecosystem under consideration and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. <p>Please see https://www.invasivespeciesinfo.gov/terrestrial/plants for an illustrative list of comparable species considered alien or invasive species by the USDA National Invasive Species Information Center.</p> | <ul style="list-style-type: none"> - Executive Order 13112 on Invasive Species, 64 Fed. Reg. 6183 (Feb. 8, 1999). - https://www.invasivespeciesinfo.gov/terrestrial/plants |

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| | <p>Additionally, states maintain their own state-specific lists of invasive species. See, e.g., the Connecticut Invasive Plant List; and the New York State Prohibited and Regulated Invasive Plants.</p> | |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>Yes. Giant hogweed is regulated on the federal level. The USDA requires permits for the importation and/or interstate movement of Federal noxious weeds under 7 C.F.R. § 360. Giant hogweed is classified as a noxious weed under 7 C.F.R. § 360.200 and the Federal Noxious Weed List.</p> <p>Additionally, giant hogweed is regulated on the state level in 22 states. Please see a list of the state-level resources here.</p> | <ul style="list-style-type: none"> - 7 C.F.R. § 360. - Animal and Plant Health Inspection Service, “Federal Noxious Weed List,” https://www.aphis.usda.gov/plant-health/plant_pest_info/weeds/downloads/weedlist.pdf. |
| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>Yes. Other dangerous species are regulated on the federal and state levels. The USDA requires permits for the importation and/or interstate movement of Federal noxious weeds under 7 C.F.R. § 360.</p> <p>Section 403 of the PPA defines “noxious weed” as “any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.”</p> <p>A full list of regulated noxious weeds can be found at 7 C.F.R. § 360.200 and the Federal Noxious Weed List.</p> <p>Additionally, individual states administer their own statutes and programs to prevent, control, and eradicate invasive species.</p> | <ul style="list-style-type: none"> - 7 C.F.R. § 360. - 7 U.S.C. §7702(10). - Animal and Plant Health Inspection Service, “Federal Noxious Weed List,” https://www.aphis.usda.gov/plant-health/plant_pest_info/weeds/downloads/weedlist.pdf. |
| <p>Section C: Invasive Species and the Public</p> | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Yes. The USDA’s National Invasive Species Information Center provides general information and outreach materials to increase awareness of invasive species issues.</p> <p>The North American Invasive Species Management Association (“NAISMA”), Wildlife Forever, the National Park Service, and the U.S. Fish and Wildlife</p> | <ul style="list-style-type: none"> - Public Awareness Campaign National Invasive Species Information Center. |

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| | <p>Service also conduct national prevention campaigns such as Clean Drain Dry, PlayCleanGo, and Stop Aquatic Hitchhikers, that ask the public to assist in stopping the spread of invasive species. Through coordinated media, marketing outreach, signage and integrated messaging, over 70 million media impressions were made. Strategic messaging at trailheads, boat landings and other public access points also inform the public about invasive species.</p> | |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Yes. The Noxious Weed Control and Eradication Act provides for activities by non-government actors by defining “weed management entity” as an entity that is both “established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds,” and “may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts.”</p> <p>The Noxious Weed Control and Eradication Act further provides for grants to weed management entities to carry out projects for the control or eradication of noxious weeds.</p> <p>Additionally, non-government actors work in partnership with the government in controlling invasive species. For instance, the North American Invasive Species Management Association (“NAISMA”), Wildlife Forever, the National Park Service, and the U.S. Fish and Wildlife Service work together under a Memorandum of Understanding to implement on-the-ground strategies to engage the American public and help prevent the spread of invasive species.</p> | <p>- 7 U.S.C. § 7781(2) - 7 U.S.C. § 7783(c)(1)</p> |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>Yes. See NAISMA and the California Invasive Plant Council (“Cal-IPC”).</p> | <p>- https://naisma.org/ - https://www.cal-ipc.org/plants/profile/heracleum-mantegazzianum-profile/</p> |

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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes. On Federal level: the main regulation is the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the related regulations, such as the Environment Protection and Biodiversity Conservation Regulations 2000. The EPBC Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. The Australian Government Department of Agriculture, Water and the Environment (the Department) administers the EPBC Act. Under the EPBC Act, Australian authorities can, among other things:</p> <ul style="list-style-type: none"> • list key threatening processes. These processes threaten, or may threaten, the survival, abundance or evolutionary development of a native species or ecological community. Examples of invasive species key threatening processes that cover individual threats include rabbits, foxes, cats, pigs, unmanaged goats, rodents on islands, red imported fire ants, Phytophthora cinnamomi, Psittacine beak and feather disease, and chytrid fungus. Examples of key threatening processes that cover multiple or broad threats are 'land clearance' and 'Novel biota and their impact on biodiversity'. Some individually listed key threatening processes for invasive species are considered to be covered by the 'Novel biota and their impact on biodiversity' key threatening process. These separate listing are considered warranted by the Threatened Species and Scientific Committee, and • develop and implement threat abatement plans (TAPs). These plans outline the | <p>The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) https://www.legislation.gov.au/Series/C2004A00485 Environment Protection and Biodiversity Conservation Regulations 2000 https://www.legislation.gov.au/Series/F2000B00190 Further information is available on the web-site of Australian Government Department of Agriculture, Water and the Environment: https://www.environment.gov.au/biodiversity/invasive-species https://www.environment.gov.au/epbc/about</p> |

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| | <p>research, management and other actions necessary to reduce the impacts of a listed key threatening process on affected listed threatened species and ecological communities.</p> <p>On State level: each of the Australian States and Territories also have laws, regulations and policies in place to control and manage invasive species. Relevant State and Territory agencies work with landowners on managing and responding to invasive species, and have powers to direct landowners to take action to address invasive species matters.</p> | |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>Australian Government uses so-called threat abatement plans in relation to each threatening process, which provide for the research, management, and any other actions necessary to reduce the impact of a listed key threatening process on native species and ecological communities. Implementing the plan should assist the long term survival in the wild of affected native species or ecological communities.</p> <p>The Australian Government Minister the Environment (the Minister), may decide whether to have a threat abatement plan for a threatening process in the list of key threatening processes established under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Government has also developed two National Strategies to fight invasive plants and animal species:</p> <ul style="list-style-type: none"> • Australian Weeds Strategy 2017 to 2027 – a national framework for addressing weed issues whilst maintaining the sustainability of Australia’s primary industries and reducing the impact of weeds on the environment; and • Australian Pest Animal Strategy 2017 to 2027 – a national framework for addressing pest animal issues whilst maintaining the sustainability of Australia’s primary industries and reducing the impact of pest animals on the environment. | <p>Australian Weeds Strategy 2017 to 2027 https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/aws-final.docx Australian Pest Animal Strategy 2017 to 2027 https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/apas-final.docx Further information is available on the web-site of Australian Government Department of Agriculture, Water and the Environment: https://www.environment.gov.au/biodiversity/threatened/threat-abatement-plans https://www.environment.gov.au/biodiversity/invasive-species</p> |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species</p> | <p>A threatening process is defined as a “key threatening process” if it threatens or may threaten the survival, abundance or evolutionary development of a native species or ecological community (sections 183-188 of</p> | <p>Sections 183-188 of the EPBC Act Further information is available on the web-site of Australian Government Department of</p> |

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| <p>specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>the EPBC Act). For example, incidental catch (or bycatch) of seabirds during oceanic longline fishing operations' is listed as a key threatening process as it threatens albatross, petrels and shearwaters in Australian waters where the fishing practice is undertaken. A process can be listed as a key threatening process if it could:</p> <ul style="list-style-type: none"> • cause a native species or ecological community to become eligible for inclusion in a threatened list (other than the conservation dependent category); or • cause an already listed threatened species or threatened ecological community to become more endangered; or • adversely affect two or more listed threatened species or threatened ecological communities. <p>These species are listed in the Finalised Priority Assessment List (FPAL), which is the list of nominated species, ecological communities and key threatening processes that have been approved for assessment by the Minister responsible for the EPBC Act (the Minister) for a particular assessment year (1 October–30 September). These have a statutory timeframe in which the assessment must be completed.</p> | <p>Agriculture, Water and the Environment: https://www.environment.gov.au/biodiversity/threatened/key-threatening-processes</p> |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>Department of Agriculture, Water and the Environment (established on 1 February 2020, before that Department of the Environment and Energy), with environmental affairs being managed by the Minister for the Environment.</p> <p>Nomination of threatening processes (sections 183-194 EPBC Act)</p> <p>An invitation to nominate a species / process as a key threatening process is extended by the Minister each year ahead of a new assessment cycle. Nominations received during the invitation period are considered by the Threatened Species Scientific Committee (the Committee) for inclusion in a proposed priority assessment list.</p> <p>Nominations included on the finalised priority assessment list are assessed by the Committee, which makes these nominations available for public and expert comment. After assessment, the Committee's advice is forwarded to the Minister, who decides whether a</p> | <p>Sections 183-194 and 267-284 of the EPBC Act https://www.legislation.gov.au/Series/C2004A00485 Further information is available on the web-site of Australian Government Department of Agriculture, Water and the Environment: https://www.environment.gov.au/biodiversity/threatened/key-threatening-processes https://www.environment.gov.au/biodiversity/threatened/threat-abatement-plans</p> |

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| | <p>threatening process is eligible for listing under the EPBC Act.</p> <p>Creation of and implementation of threat abatement plans (sections 267-284 EPBC Act)</p> <p>Within 90 days of listing a key threatening process the Minister must decide if a threat abatement plan should be made or adopted.</p> <p>This decision is based on whether having and implementing a plan is the most 'feasible, effective and efficient way to abate the process'. The Minister will consult the Threatened Species Scientific Committee and interested government agencies before making this decision.</p> <p>If a threat abatement plan is needed one will be developed in accordance with the requirements specified in Section 271 of the EPBC Act and in Regulation 7.12. Having decided to have a plan, before making or adopting the plan the Minister must consult widely. Consultation includes advertising and inviting comment on the plan during a specified period. In making a threat abatement plan regard must be had to the role and interests of Indigenous people in the conservation of Australia's biodiversity.</p> <p>Section 279(2) of the EPBC Act requires threat abatement plans to be reviewed at intervals of not longer than five years. The Minister may, at any time, review a recovery plan or threat abatement plan that has been made or adopted under this subdivision and consider whether a variation of it is necessary.</p> <p>The purpose of a review of a threat abatement plan is to assess the actions that have been undertaken to abate the threat from the disease as identified through the actions, goals and objectives of the threat abatement plan.</p> | |
| <p>Question A.5</p> <p>Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Chapter 6, Part 17 of the EPBC Act contains strong compliance and enforcement mechanisms, some of which have only recently become available to the Commonwealth under environmental law. These are enforced by the Minister of Environment and/or Federal Courts and include:</p> <ul style="list-style-type: none"> • court injunctions - orders preventing a party or parties from undertaking or continuing with an activity. • required environmental audits – where the Minister suspects that an authorised action is | <p>Chapter 6, Part 17 of the EPBC Act https://www.legislation.gov.au/Series/C2004A00485</p> <p>Further information is available on the web-site of Australian Government Department of Agriculture, Water and the Environment: https://www.environment.gov.au/epbc/compliance-and-enforcement/mechanisms</p> |

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| | <p>having impacts greater than anticipated when the action was assessed, or that the holder of the environmental authority is likely to breach a condition of that authority.</p> <ul style="list-style-type: none"> • civil and criminal penalties – a person or a corporation can be liable for a civil penalty and/or for a criminal penalty of imprisonment where they (i) take an action that is likely to have a significant impact on a matter of national environmental significance, without first obtaining approval; (ii) takes an action that is likely to have a significant impact on Commonwealth land, without first obtaining approval; (iii) takes, or fails to take, an action that results in contravening a condition of their approval; (iv) provides false or misleading information to obtain an approval or a permit. • remediation of environmental damage – the Federal Court can require the person to repair or mitigate any damage to the environment that the person has caused, is causing, or is likely to cause. • enforceable undertakings - a written undertaking provided by a person to the Minister that specifies that the person will pay a specified amount within a specified period to the Commonwealth or to another specified party for the purpose of protection and conservation of a protected matter. | |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Section 443 of the EPBC Act authorizes the Government to search goods and baggage that are taken from any ship or aircraft that flies between Australia and another country or territory where the authorized officers believe, on reasonable grounds that there is a need to conduct a search. Customs Act 1901 and Biosecurity Act 2015 further ban or license the importation of goods, including animals and plants (or animal and plant products).</p> <p>Australia has a range of pre-border activities in place which aim to anticipate threats and manage risks before they arrive in the country. Central to these activities are science-based risk assessments which determine risk levels for different products seeking entry to Australia. These risk assessments help the Australian Government</p> | <p>Section 443 of the EPBC Act https://www.legislation.gov.au/Series/C2004A00485 Further information is available on the web-site of Australian Government Department of Agriculture, Water and the Environment: https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/aws-final.docx https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument</p> |

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| | <p>gauge the level of biosecurity risk that may be associated with the importation, or proposed importation, of animals, plants or other goods into Australia.</p> <p>If the biosecurity risk is found to exceed the level of risk that is acceptable to Australia, then there may be measures put in place to ensure the safety of the trade. However, if the biosecurity risks cannot be overcome, then the trade will not be permitted.</p> <p>Governments invest heavily, and have a critical role in pre-border and border activities to reduce the risks of new pest animals arriving. Pre-border activities include offshore inspection, certification and overseas capacity building. At the border, Australian, state and territory governments impose biosecurity and inspection activities and ban or license the importation of goods, including animals and plants (or animal and plant products). These aim to prevent known risks from entering the country or state.</p> | <p>s/pests-diseases-weeds/consultation/apas-final.docx Customs Act 1901 https://www.legislation.gov.au/Details/C2017C00219 Biosecurity Act 2015. https://www.legislation.gov.au/Details/C2020C00127</p> |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>The Commonwealth's involvement in the management of established pests is limited to funds delivery for research or specific on-ground activities, some planning activities under the EPBC Act, and representation on national consultative committees. The States and Territories bear most of the statutory responsibility for managing invasive species once they are in the country.</p> <p>State and Territory Governments (Weeds control, provided in Australian Weeds Strategy 2017 to 2027):</p> <ul style="list-style-type: none"> • lead and coordinate emergency responses to priority weed incursions of state and territory significance and take all reasonable steps to eradicate state and territory prohibited weeds • build coordination and collaboration in weed management at local, regional and state and territory levels • encourage responsible weed management by providing a suitable institutional, legislative and regulatory framework; developing and implementing effective policies and programs; and where appropriate, providing positive support measures (not necessarily financial) | <p>Australian Weeds Strategy 2017 to 2027, Roles and Responsibilities Section https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/aws-final.docx Australian Pest Animal Strategy 2017 to 2027, Roles and Responsibilities Section https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/apas-final.docx</p> |

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| | <ul style="list-style-type: none">• provide leadership, coordination and resources for research, evaluation, advisory services and education programs about weeds• encourage the development of effective weed management strategies at local, regional, state and territory and national scales• provide support where there is sustained collective action to manage an established weed by an industry or community in their state or territory• manage weed problems on state and territory government land, state and territory-managed corridors and waterways in a responsible way, in co-operation with other landowners• when necessary for containment of an established weed, work with other state and territory governments to apply nationally consistent regulatory measures only to the minimum extent necessary to manage unacceptable risks• work with other jurisdictions and stakeholders to coordinate policy for the management of established weeds of national significance• work with people or groups that have the potential to create weed risks after the border (for example transport companies) to assist adoption of risk management measures as part of normal business practices• undertake enforcement actions and regulatory interventions with respect to individual landholders only when necessary to support sustained management of widely established weeds by an industry or community• provision of diagnostic services through herbarium and laboratory resources• support research, development and extension of improved weed control or management when there is a strong public interest in the state or territory to do so• support the collection of weed data and information that can be collated nationally. | |
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| | <p>The Commonwealth Federal Government (Weeds control, provided in Australian Weeds Strategy 2017 to 2027):</p> <ul style="list-style-type: none">• honour international treaties and to contribute to global environmental and trade initiatives• oversee herbicide and pesticide regulation• provide leadership and coordination for emergency responses to weed incursions of national significance• provide a legislative framework, including biosecurity and environmental legislation, to minimise the risk pre-border and at the border of weed incursions including undertaking enforcement actions and regulatory interventions with respect when necessary• work with people or groups that have the potential to create weed risks before or at the border (for example importers) to assist adoption of risk management measures as part of normal business practices• manage weed problems on Australian Government land in a responsible way, in co-operation with other landowners• facilitate coordinated policy across jurisdictions for the management of established weeds of national significance• provide support where there is sustained collective national action to manage an established weed by an industry or community• support national research and development of improved weed control or management when there is a strong public interest to do so, and through matching industry contributions to rural research and development• work with state and territory governments to provide mechanism by which weed issues of national significance can be identified and addressed• coordinate, facilitate and promote national weed management policies and programs• provide leadership, coordination and resources for research, evaluation and education to build | |
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| | <p>public awareness and knowledge of weed issues of national significance</p> <ul style="list-style-type: none"> • encourage and support the development and integration of effective weed management strategies at all levels of management • promote the development of ongoing partnerships between governments, industry, community and scientists • support the collection and collation of national weed data and information. | |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>No, giant hogweed is not an invasive species or “Weed of National Significance” (the most problematic plant species as determined by the federal government) in Australia. However, giant hogweed has been previously recorded in South Australia and Tasmania and “has the potential to become an invasive harmful weed if it does become naturalised, as it is a weed of great significance in all countries where it has become weedy”.</p> | <p>Weeds Australia. Centre for Invasive Species Solutions. https://profiles.ala.org.au/opus/weeds-australia/profile/Heracleum%20mantegazzianum</p> |
| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>Yes, there are many comparable species of weeds that are considered alien or invasive. Under the National Weeds Strategy, 32 introduced plants have been identified as Weeds of National Significance, based on their invasiveness, potential for spread and environmental, social and economic impacts:</p> <ul style="list-style-type: none"> • African boxthorn • asparagus weeds • alligator weed • athel pine • bellyach bush • bitou bush/boneseed • blackberry • bridal creeper • brooms • cabomba • cat’s claw creeper • Chilean needle grass • fireweed • gamba grass • gorse • hymenachne • lantana | <p>Weeds Australia. Centre for Invasive Species Solutions, Government weeds lists’ and strategies. https://weeds.org.au/overview/lists-strategies/ Agriculture Victoria, State prohibited weeds. https://agriculture.vic.gov.au/biosecurity/weeds/state-prohibited-weeds</p> |

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| | <ul style="list-style-type: none"> • Madeira vine • mesquite • mimosa • opuntoid cacti • parkinsonia • parthenium weed • pond apple • prickly acacia • rubber vine • sagittaria • salvinia • serrated tussock • silverleaf nightshade • water hyacinth • willows <p>The States and Territories also establish invasive weeds that are relevant to their jurisdiction – for example, the State of Victoria has a list of 19 State-prohibited weeds (which do not exist in that State but would represent a significant biosecurity risk if they were to enter Victoria) and 39 priority weeds that are controlled or prohibited.</p> <p>In addition, certain weed species have been endorsed for biological control by intergovernmental committees, including two cases where formal approval as a target weed for biological control was obtained under the Biological Control Act 1984.</p> | |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>In-country management of giant hogweed specifically is not regulated at the Commonwealth level (as the States and Territories bear most of the statutory responsibility for managing invasive species once they are in the country). However, Tasmania has a Statutory Weed Management Plan for giant hogweed, which provides direction upon the implementation of the Tasmania’s Weed Management Act 1999 with respect to giant hogweed and “[s]pecific[ies] measures to prevent the introduction and distribution of giant hogweed in Tasmania”. Giant hogweed has been detected in two Australian states in the past, but is not known to be present in Australia.</p> | <p>Tasmania, Giant hogweed – Statutory Weed Management Plan. https://dpiwwe.tas.gov.au/Documents/Giant-hogweed_WMP_2011.pdf</p> |
| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>The Australian Weeds Strategy (2017-2027) provides a national framework for addressing weed issues whilst maintaining the profitability and sustainability of</p> | <p>Australian Weeds Strategy, 2017-2027.</p> |

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| | <p>Australia’s primary industries and the reducing the impact of weeds on the environment. This strategy is overseen by the inter-jurisdictional Environment and Invasives Committee and its weeds working group. A number of jurisdictions also have specific Biosecurity or Invasive Species strategies:</p> <ul style="list-style-type: none"> • ACT Biosecurity Strategy (2016-2026) • NSW Invasive Species Plan (2018-2021) • NT Biosecurity Strategy (2016-2016) • QLD Invasive Plants and Animal Strategy (2019-2024) • WA Biosecurity Strategy <p>In addition, Weeds of National Significance have individual national strategic management plans. These plans define responsibilities and identify strategies and actions to control the weed species. They facilitate coordinated action from all stakeholders at a national level and improve linkages between research and ongoing control.</p> | <p>https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/s/pests-diseases-weeds/consultation/aws-final.docx</p> |
| Section C: Invasive Species and the Public | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Australia has threat abatement plans that provide for the research, management, and any other actions necessary to reduce the impact of a listed key threatening process on native species and ecological communities. Drafts of such threat abatement plans are open for public comment. Information and publications regarding a range of invasive species topics is available on the website for the Australian Government’s Department of Agriculture, Water and the Environment.</p> <p>In addition, there are warning and advisory systems that are specific to certain species or types of species. For example, “Weeds Australia”, which is managed through the Centre for Invasive Species Solutions (CISS) and received funding from the Australian Government, is designed to connect citizens with knowledge “to make informed decisions about managing invasive weeds within Australia”.</p> <p>State biosecurity agencies also issue alerts and information packs to landowners regarding new or threatening weeds and invasive species.</p> | <p>Australian Government, Department of Agriculture, Water and the Environment, Weeds in Australia. https://www.environment.gov.au/biodiversity/invasive-species/weeds Australian Government, Department of Agriculture, Water and the Environment, Invasive species publications and resources. https://www.environment.gov.au/biodiversity/invasive-species/publications Weeds Australia, Centre for Invasive Species Solutions. https://weeds.org.au/</p> |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Local community groups are present in many local communities that plan and drive collective action across landholders in their area. Public and private landholders</p> | <p>Australian Weeds Strategy, 2017-2027.</p> |

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| | <p>can draw on the relevant aspects of all of regional and local weed management plans to develop their own property level plans, and utilize farm biosecurity measures to protect their properties from the entry and spread of diseases.</p> <p>For example, Tasmania’s Weed Management Plan includes the following provisions:</p> <ul style="list-style-type: none"> • A person must not import or allow to be imported into Tasmania any giant hogweed. • A person must not: <ul style="list-style-type: none"> ○ sell giant hogweed or any material or thing containing or carrying giant hogweed; or ○ purchase or offer to purchase giant hogweed or any material or thing containing or carrying giant hogweed; or ○ grow, propagate or scatter giant hogweed; or ○ store giant hogweed or any material or thing containing or carrying giant hogweed; or ○ hire or offer for hire any material or thing containing or carrying giant hogweed; or ○ use giant hogweed or any material or thing containing or carrying giant hogweed; or ○ deal with giant hogweed or any material or thing containing or carrying giant hogweed in any manner that is likely to result in the spread of the declared weed. <p>By far the most important land management program is Landcare Australia. This is a national program, funded by Federal and State governments, to support and educate local communities on sustainable land management. Pest control, including management of invasive weed species, is a key priority of Landcare Australia, and of Landcare groups around the country.</p> | <p>https://www.agriculture.gov.au/sites/default/files/sitecollectiondocument/pests-diseases-weeds/consultation/aws-final.docx</p> <p>Tasmania, Giant hogweed – Statutory Weed Management Plan. https://dpiwwe.tas.gov.au/Documents/Giant-hogweed_WMP_2011.pdf</p> |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>There are no specific non-government entities that appear to have experience specifically managing hogweed. However, there are a number of non-government entities listed on the Weeds Australia</p> | <p>Weeds Australia, Centre for Invasive Species Solutions. https://weeds.org.au/connect/</p> |

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| | <p>website that appear to have experience managing comparable species:</p> <ul style="list-style-type: none">• Council of Australasian Weeds Societies• The Weed Society of NSW• Tasmanian Weed Society• The Weed Society of QLD• Weed Management Society of South Australia• The Weeds Society of WA• Weed Society of Victoria• Victorian Gorse Taskforce• Landcare Australia• Australian Association of Bush Regenerators | |
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| Section A: Legislative/Regulatory framework | | |
| <p>Question A.1 Is there an invasive species control regime in place? Does it include specific laws and/or regulations for management or control of invasive species? If so, please list.</p> | <p>Yes, the Biosecurity Act (1993) (the “Biosecurity Act”) and the Hazardous Substances and New Organisms Act (1996) (the “Hazardous Substance and New Organisms Act”) are the main laws governing the management of invasive species in New Zealand.</p> | <p>Biosecurity Act, available at: Biosecurity Act 1993 No 95 (as at 01 December 2020), Public Act Contents – New Zealand Legislation</p> <p>Hazardous Substances and New Organisms Act, available at: Hazardous Substances and New Organisms Act 1996 No 30 (as at 01 April 2021), Public Act Contents – New Zealand Legislation</p> |
| <p>Question A.2 What are the main policies/programs of the invasive species control regime?</p> | <p>There are two (2) main overarching strategies for invasive species control: (a) the National Pest Management Strategy and (b) the Regional Pest Management Strategy, in each case, each of which must comply with Section 5 of the Biosecurity Act and the National Policy Direction. The decision to make a Regional Pest Management Strategy is made by a regional council, once it has made any amendments as directed by the Environment Court. The decision to make a National Pest Management Strategy is made by Order in Council by the Governor-General on the recommendation of a Minister.</p> <p>The 2015 National Policy Direction for Pest Management (the “National Policy Direction”) describes the national policy for managing pests. The National Policy Direction is divided into six (6) sections: setting objectives, program description, analyzing benefits and costs, proposed allocation of costs, good neighbor rules and timing of an inconsistency determination. The purpose of the National Policy Direction is to:</p> <ul style="list-style-type: none"> • set out the framework for developing national and regional pest management plans and small-scale management programs; • clarify the requirements under the Biosecurity Act's for the plans described above; | <p>See Part 5 of the Biosecurity Act</p> <p>National Pest Management Plan: Sections 59 to 67</p> <p>Regional Pest Management Plan: Sections 69 to 78</p> <p>The legal basis for the NPAA is set forth in Section 164C and Sections 52 and 53 of the Biosecurity Act.</p> <p>National Policy Direction: National Policy Direction for Pest Management 2015 (mpi.govt.nz)</p> <p>Additional information about the National Policy Direction is available at: National Policy Direction for Pest Management Biosecurity NZ Government (mpi.govt.nz)</p> <p>For a comparison of policies see: NPPA and regional pest</p> |

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| | <ul style="list-style-type: none"> • ensure that plans are aligned and consistent, at a national and regional level; and • describe the requirements for developing “good neighbor” rules in regional pest management plans. <p>There are also two non-statutory agreements that govern pest control: (a) the Government Industry Agreement (the “GIA”) and (b) the National Pest Plant Accord (2001) (the “NPPA”).</p> <p>The NPPA is a non-statutory agreement between organizations that have common interest in managing risks associated with the sale, distribution and propagation of specific, harmful pest plants set forth on the Accord List. All plants on the Accord List are designated as “unwanted organisms” under the Biosecurity Act. An exemption from a Chief Technical Officer is then required in order to sell, distribute or propagate any plant on the Accord list. The governing and decision making body for the NPAA is a Steering Group, which comprises representatives from Biosecurity New Zealand, the Nursery and Garden Industry Association, regional councils and the Department of Conservation. One of the key functions of the members of the NPAA is to update the Accord List.</p> <p>For the GIA, see C.2 below.</p> | <p>management strategies (mpi.govt.nz)</p> |
| <p>Question A.3 Are there any applicable regulatory standards for determining if a species is invasive? Are any species specified or recognised as invasive under any applicable regulations? If so, which?</p> | <p>Biosecurity Act: Under the Biosecurity Act, a Pest is an organism specified as a “pest” in a pest management plan under Part 5 thereof. There is also a category for “unwanted organisms” in the Biosecurity Act which includes any organism that a chief technical officer believes is capable or potentially capable of causing unwanted harm to any natural and physical resource or human health. Section 164C mandates that the Chief Technical Officer keep a public registrar of unwanted organisms.</p> <p>NPAA: The NPAA prevents the sale, distribution and propagation of a set list of pest plants within New Zealand in the Accord List. All plants on the Accord List are unwanted organisms under the Biosecurity Act, which</p> | <p>For the NPPA see: NPPA and regional pest management strategies (mpi.govt.nz)</p> |

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| | <p>means they cannot be distributed or sold in New Zealand. Any person can suggest a change to the Accord List by filling out a proposal. Once the MPI has received enough proposals to justify a review – or if a proposal needs immediate action – the NPPA Technical Advisory Group (TAG) carries out a risk assessment and evaluates the plant species on the basis of various criteria, such as whether the plant species is capable of forming self-sustaining populations in New Zealand, whether it has the potential to cause adverse impacts, and whether the plant has appeal as a cultivated plant.⁴ The TAG then makes a recommendation to the NPPA Steering Group, which in turn makes a final recommendation to a Chief Technical Officer as to whether or not the species should be included on the Accord List. A Chief Technical Officer must then make a decision as to whether or not the plant should be designated as an unwanted organism under the Biosecurity Act. If so, it may be added to the Accord List.</p> | |
| <p>Question A.4 Which governmental or quasi-governmental agencies are involved in developing and/or implementing each policy/program?</p> | <p>The Ministry for Primary Industries (the “MPI”) is the lead government agency for developing and implementing policies, programs and legislation. Within MPI, Biosecurity New Zealand is a business unit that leads biosecurity responses.</p> <p>Several agencies work with the MPI to provide a robust biosecurity response, including:</p> <ul style="list-style-type: none"> • The Department of Conservation, which advises on pests and diseases that are harmful to the natural ecosystem; • Environmental Protection Agency (“EPA”), which monitors biosecurity issues; • Immigration New Zealand, which protects the borders and conducts investigations for border control; and • New Zealand Customs Service, which controls import and exports. | <p>See the Biosecurity Act. See also: Introduction to biosecurity legislation NZ Government (mpi.govt.nz)</p> <p>See The New Zealand Government Biosecurity Response Guide: The New Zealand Government Biosecurity Response Guide (mpi.govt.nz)</p> |

⁴ Ministry for Primary Industries. “Evaluation Criteria for Assessment of Candidate Species for Inclusion in the NPPA.” <https://www.mpi.govt.nz/dmsdocument/14365-Evaluation-criteria-for-assessment-of-candidate-species-for-inclusion-in-the-NPPA>

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| | <p>The MPI, the New Zealand Plant Producers, unitary and regional councils and the Department of Conservation establish and review the NPAA.</p> | |
| <p>Question A.5 Do governmental or quasi-governmental agencies have enforcement authorities? If so, what is the scope of the authorities and are there penalties associated with offenses?</p> | <p>Yes, the entities responsible for enforcing regional and national pest management strategies and the NPAA are described below, along with corresponding penalties for breach thereof.</p> <p>Regional Pest Management Strategy</p> <ul style="list-style-type: none"> Enforcement is carried out by Regional Councils, including authorized persons appointed by the Principal Officer of the council for the purposes of enforcing the specific Strategy. The Biosecurity Act establishes penalties for failure to comply with any Regional Pest Management Strategy. A breach of the any regulations made under the Biosecurity Act carries penalties of (a) a fine not exceeding NZ\$5k for an individual and (b) a fine not exceeding NZ\$15k for a corporation under Section 157(6) of the Biosecurity Act. <p>National Pest Management Strategy</p> <ul style="list-style-type: none"> Enforcement is carried out by the Management Agency – authorized persons are appointed by a Chief Technical Officer for the purposes of enforcing the specific Strategy. The Biosecurity Act establishes penalties for failure to comply with the National Pest Management Strategy. A breach of the any regulations made under the Biosecurity Act carries penalties of (a) a fine not exceeding NZ\$5k for an individual and (b) a fine not exceeding NZ\$15k for a corporation under Section 157(6) of the Biosecurity Act. <p>NPAA</p> <ul style="list-style-type: none"> Enforcement is carried out primarily by regional councils – authorized persons are | <p>See Table 1 (<i>Differences between the NPPA and pest management strategies</i>): NPPA and regional pest management strategies (mpi.govt.nz)</p> <p>See Sections 154 and 157 of the Biosecurity Act</p> |

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| | <p>appointed by a Chief Technical Officer solely for the purposes of enforcing the Accord.</p> <ul style="list-style-type: none"> The Biosecurity Act establishes penalties for failure to comply with the NPAA. A breach of Sections 52 and 53 of the NPAA is an offense under Section 154(O)(1) of the Biosecurity Act. Penalties under Section 157(1) of the Biosecurity Act include (a) 5 years imprisonment and/or a fine not exceeding NZ\$100K for an individual or (b) a fine not exceeding NZ\$200K for a corporation. | |
| <p>Question A.6 Are there any controls on the import of invasive species? If so, what is the extent/limit of the controls?</p> | <p>Yes, Part 3 of the Biosecurity Act governs the importation of goods. According to the MPI website, importers need to submit a form where the MPI will assess new biological products to be imported. When an importer wants to bring an organism into New Zealand they must check the organism has been deemed present in New Zealand by the EPA and that they are not an unwanted organism or regulated. To import an unwanted organism, an importer must apply for approval and a permit from the MPI under Sections 52 and 53 of the Biosecurity Act.</p> | <p>Biosecurity assessments for ACVM imports Import NZ Government (mpi.govt.nz)</p> <p>Microsoft Word - 20130419 Information sheet regarding IHSs covered by biological products of animal origin & some additional im (mpi.govt.nz)</p> |
| <p>Question A.7 Do sub-national jurisdictions (for example, regions or municipalities) have significant invasive species control regimes?</p> | <p>Yes, the Biosecurity Act provides for a Regional Pest Management Strategy. Under Section 12B of the Biosecurity Act, Regional Councils are mandated to provide leadership on pest management including promoting alignment of pest management in the region, facilitating development of regional pest management plans, promoting public support, monitor to determine whether or not pests are present, provide plans for eradication of pests and prepare proposals for pest management.</p> | <p>See Sections 12B and 13 of the Biosecurity Act</p> |
| Section B: Management of Hogweed and Comparable/Dangerous Species | | |
| <p>Question B.1 Is giant hogweed considered an alien or invasive species?</p> | <p>Yes, giant hogweed is included in the MPI's database of pests and diseases. It is also included in (a) the NPAA as a pest and its legal status is Unwanted Organism and (b) the Regional Pest Management Plan database as a Pest and is considered a pest in all regions of New Zealand.</p> | <p>Search for a pest or disease Biosecurity NZ Government (mpi.govt.nz)</p> |

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| <p>Question B.2 Are comparable species considered an alien or invasive species?</p> | <p>The NPAA’s Accord List includes giant hogweed (<i>Heracleum mantegazzianum</i>) as an invasive species. It does not include (a) other plants in the Heracleum genus, such as cow parsnip (<i>Heracleum maximum</i>) or (b) certain other plants which we understand have similar properties, such as wild parsnip (<i>Pastinaca sativa</i>), purplestem angelica (<i>Angelica atropurpurea</i>) and Queen Anne's lace (<i>Caucus carota</i>).</p> | <p>NPPA’s Accord List: direct (mpi.govt.nz)</p> <p>List of plants with similar properties to giant hogweed: Giant Hogweed (Heracleum mantegazzianum) · iNaturalist NZ</p> |
| <p>Question B.3 Is in-country management of giant hogweed regulated? If so, how?</p> | <p>Yes. As discussed in Question B.3, giant hogweed is included in the in the MPI’s database of pests and diseases. It is also included in (a) the NPAA as a pest and its legal status is Unwanted Organism and (b) the Regional Pest Management Plan database as a Pest, where it is considered to be a pest in all regions of New Zealand.</p> <p>Under Section 52 and 53 of the Biosecurity Act, no person can sell, propagate, breed, distribute or otherwise spread giant hogweed. Failure to comply with Section 52 or 53 is an offense under the Act, and may result in the penalties noted in Section 157(1) thereof.</p> <p>Certain regions, such as Northland, provide eradication services of giant hogweed free of charge as part of their Regional Pest Management Plans.</p> | <p>Northland Regional Council: Giant hogweed - Pest control hub - Northland Regional Council (nrc.govt.nz)</p> <p>NPPA’s Accord List: direct (mpi.govt.nz)</p> |
| <p>Question B.4 Is management of comparable or other dangerous species regulated? If so, how?</p> | <p>Yes. Invasive species are regulated by the same laws described in Question B.3.</p> <p>Below are descriptions of some of the types of pest management methods that have been adopted:</p> <ul style="list-style-type: none"> • Black Lists: Certain species are included in lists, such as the Accord List, which mean that they cannot be imported into New Zealand. This policy aims to prevent the sale and spread of non-native plants. • Eradication: The government of New Zealand has conducted various eradication campaigns | <p>National Policy Direction for Pest Management: National Policy Direction for Pest Management 2015 (mpi.govt.nz)</p> <p>Philip E. Hulme. “Plant Invasions in New Zealand: global lessons in prevention, eradication and control.” <i>Biol Invasions</i> (2020) 22:1539–1562. Received: 10 December 2019 / Accepted: 6 February 2020 / Published online: 25 February 2020. Available at: Plant invasions in New Zealand: global lessons in</p> |

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| | <p>to permanently remove certain invasive species. For example, in 2006 the Ministry for Primary Industries (formerly the Ministry of Agriculture and Forestry) established the National Interest Pest Response Program (NIPR) to coordinate the complete eradication of a eight non-native plant species on a national level. The following non-native plants have been actively eradicated from the entire New Zealand territory: <i>Acroptilon repens</i>, <i>Butomus umbellatus</i>, <i>Chondrilla juncea</i>, <i>Eichhornia paniculata</i>, <i>Menyanthes trifoliata</i>, <i>Nymphoides peltata</i>, <i>Onopordum tauricum</i>, <i>Pistia stratiotes</i>, <i>Potamogeton perfoliatus</i>, <i>Typha latifolia</i> and <i>Zizania palustris</i>. Eradication programmes are also undertaken at a sub-national scale by Unitary Authorities and Regional Councils through their Regional Pest Management Plans (RPMP).⁵</p> <ul style="list-style-type: none"> • Surveillance: Authorized persons are appointed under the Biosecurity Act to carry out surveillance and inspections of plant nurseries and other outlets where NPPA species are likely to be found. An authorized person also needs to complete the necessary training and complete the following application forms, which are then assessed by a Ministry for Primary Industries Chief Technical Officer.⁶ • Control: New Zealand has adopted various methods of controlling pest growth and spread, including mechanical, fire, grazing, chemical (e.g. herbicides) and biological control (e.g. the release of host-specific natural enemies). For example, in 1929 New Zealand released 53 species of insect and 8 fungi to control 25 non-native plants and showed success with respect to the widespread suppression of certain | <p>prevention, eradication and control SpringerLink</p> |
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⁵ Philip E. Hulme. “Plant Invasions in New Zealand: global lessons in prevention, eradication and control.” *Biol Invasions* (2020) 22:1539–1562. Received: 10 December 2019 / Accepted: 6 February 2020 / Published online: 25 February 2020. Available at: [Plant invasions in New Zealand: global lessons in prevention, eradication and control | SpringerLink](#)

⁶ Ministry for Primary Industries. “National Pest Plant Accord for preventing the sale of invasive weeds in NZ.” [NPPA and the control of weeds | Biosecurity | NZ Government \(mpi.govt.nz\)](#)

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| | species, including <i>Jacobea vulgaris</i> , <i>Hypericum perforatum</i> and <i>Ageratina riparia</i> . ⁷ | |
| Section C: Invasive Species and the Public | | |
| <p>Question C.1 Do public warning/advisory systems exist for informing the public about invasive species? If so, how do they function?</p> | <p>Lists of invasive or unwanted plant species, such as the Accord List, are made available to the public and such lists are accompanied by descriptions of the relevant invasive plant species and associated dangers. Furthermore, the MPI’s website provides information for gardeners regarding how they can find and report invasive species. The website also provides tips for controlling weeds and describes best practices for greenwaste disposal. Gardeners are urged to contact a hotline number if they are concerned with an invasive species. They are also encouraged to:</p> <ul style="list-style-type: none"> • be familiar with types of weeds • control weeds in their garden • know about "unwanted organisms" and the rules around plants in that category • dispose of greenwaste properly • not import plants and seeds (unless they are a seed importer); and • keep a look out for pests. <p>There does not otherwise appear to be public warning or advisory systems for informing the public about invasive species in New Zealand.</p> | <p>NPPA’s Accord List: direct (mpi.govt.nz)</p> <p>Gardening: finding and reporting pests Outdoor activities NZ Government (mpi.govt.nz)</p> |
| <p>Question C.2 Does the invasive species control regime provide for activities by non-government actors? If so, how?</p> | <p>Yes, the Biosecurity Act allows for non-governmental industry actors to become signatories to the Government Industry Agreement Deed (the “GIA Deed”). The GIA Deed is a partnership between the Ministry for Primary Industries and the industry to improve biosecurity. Industry signatories have a formal role alongside the MPI in making decisions about biosecurity response activities. Signatories are involved in joint decision-making and cost sharing for biosecurity readiness (Section 2.2.3 of the</p> | <p>See Sections 100X to 100ZH establishing the GIA Deed.</p> <p>See also: GIA - Government Industry Agreement > About GIA > The Act and Deed</p> <p>See also, the GIA Deed: GIA Deed.pdf</p> |

⁷ Philip E. Hulme. “Plant Invasions in New Zealand: global lessons in prevention, eradication and control.” *Biol Invasions* (2020) 22:1539–1562. Received: 10 December 2019 / Accepted: 6 February 2020 / Published online: 25 February 2020. Available at: [Plant invasions in New Zealand: global lessons in prevention, eradication and control | SpringerLink](#)

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| | <p>GIA Deed). Signatories are tasked with raising awareness, reducing risk of entry and risk of spread of unwanted organisms, participate in processes to actively identify and take action against emerging risks, meet in a biosecurity forum of all signatories twice a year (Section 3.1.1 of the GIA Deed). Signatories can enter into Operational Agreements for joint decision-making and investment to achieve specific actions against unwanted organisms (Section 6.1 of the GIA Deed).</p> <p>See Question C.1 above for a description of the informal role that gardeners play in managing invasive species.</p> | <p>Gardening: finding and reporting pests Outdoor activities NZ Government (mpi.govt.nz)</p> |
| <p>Question C.3 Are there specific non-government entities with experience managing hogweed or comparable species?</p> | <p>There are governmental and non-governmental organizations with experience in the management of invasive species in New Zealand. However, their focus is not on hogweed or comparable species specifically.</p> <p>Non-governmental organizations:</p> <ul style="list-style-type: none"> • Invasivesnet: International Association for Open Knowledge on Invasive Alien Species (INVASIVESNET) is a non-profit, non-governmental organization open to individuals and organizations involved in research, management and exchange of knowledge on invasive species. • New Zealand Plant Conservation Network: The New Zealand Plant Conservation Network promotes the conservation of native plant species. It focuses on fostering plant identification and conservation skills and providing resources regarding conservation best practices. Some of these conservation efforts aim to restore plant life and ecosystems threatened by invasive species. • Weedbusters: Weedbusters is an organization that promotes the active control of weeds, as well as education about invasive weeds and pest plants in New Zealand. <p>Other Organizations:</p> <ul style="list-style-type: none"> • Pacific Invasives Initiative: The Cooperative Initiative on Invasive Alien Species on Islands | <p>Invasivesnet: INVASIVESNET - Home</p> <p>New Zealand Plant Conservation Network: New Zealand Plant Conservation Network • New Zealand Plant Conservation Network (nzpcn.org.nz)</p> <p>See also: Exotic Plants • New Zealand Plant Conservation Network (nzpcn.org.nz)</p> <p>Pacific Invasives Initiative: About Us (pacificinvasivesinitiative.org)</p> <p>Weedbusters: Who are Weedbusters? • Weedbusters</p> |

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| | <p>(CII) was launched by the New Zealand Government and the Invasive Species Specialist Group (ISSG) of the International Union for Conservation of Nature (IUCN) at the CBD's 6th Conference of the Parties. CII was then endorsed as a Type II Partnership at the World Summit for Sustainable Development in Johannesburg in 2002. PII was established as the first regional program of the CII in 2004 and was the first formal invasive species partnership in the Pacific. The PII aims to provide technical support and capacity development for invasive species management in the Pacific Region.</p> | |
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