Commission Implementing Regulation (EU) 2017/1263 of 12 July 2017 updating the list of invasive alien species of Union concern established by Implementing Regulation (EU) 2016/1141 pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1263

of 12 July 2017

updating the list of invasive alien species of Union concern established by Implementing Regulation (EU) 2016/1141 pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 4(1) and (2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2016/1141[(2)] establishes a list of invasive alien species of Union concern ('the Union list'), which is to be kept updated as appropriate, in accordance with Article 4(2) of Regulation (EU) No 1143/2014.

(2) The Commission has concluded, on the basis of the available evidence and the risk assessments carried out pursuant to Article 5(1) of Regulation (EU) No 1143/2014, that all criteria set out in Article 4(3) of that Regulation are met for the following invasive alien species: *Alopochen aegyptiacus* Linnaeus, 1766; *Alternanthera philoxeroides* (Mart.) Griseb.; *Asclepias syriaca* L.; *Elodea nuttallii* (Planch.) St. John; *Gunnera tinctoria* (Molina) Mirbel; *Heracleum mantegazzianum* Sommier & Levier; *Impatiens glandulifera* Royle; *Microstegium vimineum* (Trin.) A. Camus; *Myriophyllum heterophyllum* Michaux; *Nyctereutes procyonoides* Gray, 1834; *Ondatra zibethicus* Linnaeus, 1766; *Pennisetum setaceum* (Forssk.) Chiov.

(3) The Commission has concluded that for all those invasive alien species all elements set out in Article 4(6) of Regulation (EU) No 1143/2014 have been duly considered.

(4) Some Member States envisage applying to the Commission for authorizing the continuation of farming *Nyctereutes procyonoides* Gray, 1834 under Article 9 of Regulation (EU) No 1143/2014 for alleged compelling public interests of a social or economic nature. Against this background, the inclusion of this species on the Union list should be subject to a transition period to allow completing the procedure of Article 9 of that Regulation before the listing of this species takes effect.

(5) Since the date of adoption of Implementing Regulation (EU) 2016/1141, the CN codes laid down in Council Regulation (EEC) No 2658/87[(3)] have been updated, with the most recent amendments having been laid down in Commission Implementing Regulation

(EU) 2016/1821[4]. Implementing Regulation (EU) 2016/1141 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Invasive Alien Species,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Implementing Regulation (EU) 2016/1141 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 July 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1263. (See end of Document for details)*

ANNEX

The Annex to Commission Implementing Regulation (EU) 2016/1141 is amended as follows:

(1) In the table of the list of invasive alien species of Union concern, the following species are inserted in alphabetical order:

Species	**CN codes for live specimens**	**CN codes for parts that can reproduce**	**Categories of associated goods**
(i)	**(ii)**	**(iii)**	**(iv)**
'*Alopochen aegyptiacus* Linnaeus, 1766	ex 0106 39 80	ex 0407 19 90 (fertilised eggs for incubation)	
Alternanthera philoxeroides (Mart.) Griseb.	ex 0602 90 50	ex 1209 99 99 (seeds)	(12)
Asclepias syriaca L.	ex 0602 90 50	ex 1209 99 99 (seeds)	(7)
Elodea nuttallii (Planch.) St. John	ex 0602 90 50	ex 1209 99 99 (seeds)	
Gunnera tinctoria (Molina) Mirbel	ex 0602 90 50	ex 1209 99 99 (seeds)	
Heracleum mantegazzianum Sommier & Levier	ex 0602 90 50	ex 1209 99 99 (seeds)	
Impatiens glandulifera Royle	ex 0602 90 50	ex 1209 99 99 (seeds)	
Microstegium vimineum (Trin.) A. Camus	ex 0602 90 50	ex 1209 99 99 (seeds)	(7), (12)
Myriophyllum heterophyllum Michaux	ex 0602 90 50	ex 1209 99 99 (seeds)	
Nyctereutes procyonoides Gray, 1834[a]	ex 0106 19 00	—	
Ondatra zibethicus Linnaeus, 1766	ex 0106 19 00	—	
Pennisetum setaceum (Forssk.) Chiov.	ex 0602 90 50	ex 1209 99 99 (seeds)	

a The inclusion of *Nyctereutes procyonoides* Gray, 1834 shall apply as of 2 February 2019.'

(2) In the notes to the table for column (iv), the following point is added:

(12) ex 2309 90: Feeding preparations for birds.