

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; *Heraclium 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.

⁽¹⁾ OJ L 317, 4.11.2014, p. 35.⁽²⁾ Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ L 189, 14.7.2016, p. 4).⁽³⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).⁽⁴⁾ Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 294, 28.10.2016, p. 1).

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

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)
<i>Alopochen aegyptiacus</i> Linnaeus, 1766	ex 0106 39 80	ex 0407 19 90 (fertilised eggs for incubation)	
<i>Alternanthera philoxeroides</i> (Mart.) Griseb.	ex 0602 90 50	ex 1209 99 99 (seeds)	(12)
<i>Asclepias syriaca</i> L.	ex 0602 90 50	ex 1209 99 99 (seeds)	(7)
<i>Elodea nuttallii</i> (Planch.) St. John	ex 0602 90 50	ex 1209 99 99 (seeds)	
<i>Gunnera tinctoria</i> (Molina) Mirbel	ex 0602 90 50	ex 1209 99 99 (seeds)	
<i>Heracleum mantegazzianum</i> Sommier & Levier	ex 0602 90 50	ex 1209 99 99 (seeds)	
<i>Impatiens glandulifera</i> Royle	ex 0602 90 50	ex 1209 99 99 (seeds)	
<i>Microstegium vimineum</i> (Trin.) A. Camus	ex 0602 90 50	ex 1209 99 99 (seeds)	(7), (12)
<i>Myriophyllum heterophyllum</i> Michaux	ex 0602 90 50	ex 1209 99 99 (seeds)	
<i>Nyctereutes procyonoides</i> Gray, 1834 (*)	ex 0106 19 00	—	
<i>Ondatra zibethicus</i> Linnaeus, 1766	ex 0106 19 00	—	
<i>Pennisetum setaceum</i> (Forssk.) Chiov.	ex 0602 90 50	ex 1209 99 99 (seeds)	

(*) 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'.

- (3) In all the Annex, references to CN code '0301 99 18' are replaced by '0301 99 17'.

- (4) In all the Annex, references to CN code '0306 24 80' are replaced by '0306 33 90'.

- (5) In all the Annex, references to CN code '0306 29 10' are replaced by '0306 39 10'.

- (6) In all the Annex, references to CN code '0602 90 49' are replaced by '0602 90 46 or 0602 90 48'.