

REASONED OPINION

**of the European Affairs Committee of the Federal Council
of 8 October 2013**

**pursuant to Article 23g (1) of the Austrian Constitution in conjunction with Article 6 of Protocol
No.2 on the Application of the Principles of Subsidiarity and Proportionality**

COM (2013) 620 final

**Proposal for a Regulation of the European Parliament and the Council on the prevention and
management of the introduction and spread of invasive alien species**

A. Reasoned Opinion

The project under consideration is incompatible with the principle of subsidiarity.

B. Grounds for Reasoned Opinion

Invasive alien species are species that are initially transported through human action outside of their natural range across ecological barriers and that then reproduce and spread, which may cause ecological damage and, subsequently, have economic consequences. For the time being, there is no comprehensive EU framework for tackling the problem of such species. As a matter of principle, the Federal Council supports a regulatory regime similar to the legal provisions already in force in the fields of animal health and plant health. In this context, we refer to the Reasoned Opinion of the Federal Council of 2 July 2013 on the proposal for a Regulation of the European Parliament and the Council on protective measures against pests of plants.

Although the Federal Council welcomes the objective of the proposal submitted, excessive regulation is rejected for reasons of principle as well as for legal reasons and in a concern for efficiency, as it runs counter to the principle of subsidiarity and proportionality.

In particular, Article 10 of the proposed regulation, which is to introduce rules applicable to invasive alien species of concern not for the entire European Union, but only for individual Member States, is considered to be excessive. In a case of national or regional spread, the eradication or containment of the alien invasive species can be better attained by the Member States concerned. Therefore, the Federal Council regards the proposed article as being in violation of the subsidiarity principle. If the surveillance system mentioned in Article 12 also refers to the collection and recording of data on a national and/or regional basis, a similar subsidiarity concern is expressed in respect of that article.

As regards proportionality, the Federal Council wishes to note that the degree of detail of the proposed provision is too high and therefore not in accordance with the principle of proportionality. At any rate, against the background of subsidiarity considerations, the possibility of adoption of delegated legal acts is to be put into question.