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„Influence of different nature conservation power divisions
in Austria and Romania on the implementation of
supranational protection obligations and regulations
against invasive alien species”

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Abstract

Many Multinational Environmental Agreements (MEAs) mention the issue of invasive alien species (IAS), especially in the past decade. In 2014, the European Parliament released the supranational Regulation (EU) No 1143/2014 against IAS. The EU-Member States must apply this regulation directly on their national level and are bound to release certain general as well as individual normative acts to set implementation measures. For this implementation, the Member States can use their existing competences, or they can modify them.

This study analyses through literature research, empirical data from experts (via surveys and interviews), both at national and subnational level, how two Member States -Austria, and Romania- two countries with different distribution of competences (legislative and administrative structures), start enforcing the supranational Regulation against IAS, discovering what challenges these activities face and how they influence the implementation.

By exploring the distribution of competences at national and subnational levels, it becomes clear how understanding them benefits the success of the implementation of this unified supranational regulation against IAS. The fragmented legislative framework in Austria causes difficulties in national decision making and coordination between competences, even if the implementation at subnational level is most efficient. In Romania, legislation remains convenient at the national level, but with no or low practical applicability at the subnational level. By comparing the two countries in this thesis, we propose the ideal combination for an effective implementation in the form of a more unified legislative framework at national level, and at subnational level a more diverse, adjustable law enforcement as well as a more involved administration. For this ideal combination to work, an increased interest and involvement of the different stakeholders and voluntary action are necessary, along with high cooperation and coordination between stakeholders.

Keywords Regulation (EU) No 1143/2014 • Invasive alien species (IAS) • Biodiversity
• Ecosystem services (ESS) • Distribution of competences • Legislation • Enforcement •
Austria • Romania

Zusammenfassung

Viele multinationalen Umweltabkommen erwähnen das Problem der invasiven gebietsfremden Arten (IGA) vor allem im letzten Jahrzehnt. Das Europäische Parlament hat im Jahr 2014 die supranationale Verordnung, (EU) Nr. 1143/2014, gegen IGA veröffentlicht. Die EU-Mitgliedstaaten müssen diese Verordnung direkt auf nationaler Ebene anwenden und sind verpflichtet, bestimmte allgemeine und individuelle Rechtsnormen umzusetzen und Durchführungsmaßnahmen zu erlassen. Für die Implementierung können die Staaten ihre vorliegenden Kompetenzen nutzen oder diese ändern.

Diese Studie analysiert anhand von Literaturrecherchen und empirischen Daten von Experten (durch Fragebögen und Interviews), wie die zwei EU-Mitgliedstaaten, Österreich und Rumänien auf nationaler und subnationaler Ebene mit unterschiedlicher Kompetenzverteilung (Gesetzgebungs- und Verwaltungsstrukturen) sich mobilisieren, um die supranationale Verordnung zu vollziehen, welchen Herausforderungen sie begegnen und welche Einflüsse diese auf den Vollzug haben.

Durch die Untersuchung der Kompetenzverteilung auf nationaler und subnationaler Ebene wird die Umsetzung der supranationalen Verordnung gegen IAS verbessert. Der fragmentierte Rechtsrahmen in Österreich erschwert bei der nationalen Entscheidungsfindung die Koordinierung zwischen den Zuständigkeiten, auch wenn die Umsetzung auf subnationaler Ebene effizient ist. In Rumänien besteht die Gesetzgebung praktisch nur auf nationaler Ebene, aber mit keiner oder nur geringer praktischer Anwendbarkeit auf subnationaler Ebene. Der Vergleich der beiden Länder in dieser Arbeit ergibt, dass die ideale Kombination für eine effektive Umsetzung diejenige ist, die einen einheitlicheren Rechtsrahmen auf nationaler Ebene, ein vielfältigerer, anpassungsfähigerer Vollzug sowie eine umfassendere Verwaltung auf subnationaler Ebene voraussetzt. Dafür sind ein verstärktes Interesse und Engagement der verschiedenen Interessengruppen und freiwillige Maßnahmen, sowie eine gute Zusammenarbeit und Koordination der Interessengruppen notwendig.

Schlüsselwörter (EU) Verordnung Nr 1143/2014 • Invasive gebietsfremde Arten (IGA)

- Biodiversität • Ökosystemleistungen • Kompetenzverteilung • Gesetzgebung • Vollzug
- Österreich • Rumänien

Rezumat

Marea majoritate a acordurilor multinaționale de mediu menționează problema speciilor alogene invazive (SAI), în special în ultimul deceniu. În 2014, Parlamentul European a eliberat Regulamentul supranațional (UE) nr. 1143/2014 împotriva SAI. Statele membre ale Uniunii Europene trebuie să aplice direct regulamentul la nivel național, sunt obligate să elibereze acte normative generale și individuale și să stabilească măsuri de punere în aplicare a regulamentului. Pentru această implementare, statele membre pot folosi competențele deja existente sau le pot modifica.

Studiul acesta analizează cu ajutorul literaturii de specialitate și prin date empirice obținute de la experți (prin sondaje și interviuri), la nivel național și subnațional, modul în care cele două state membre, Austria (AT) și România (RO), cu o distribuție diferită a competențelor (legislative și administrative) se mobilizează pentru a aplica acest regulament supranațional, ce provocări întâmpină ele și influențele pe care acestea le au asupra implementării. Clarificarea distribuției competențelor la nivel național și subnațional facilitează succesul implementării în timp a regulamentului supranațional împotriva SAI.

Explorarea distribuției competențelor la nivel național și subnațional ajută la înțelegerea implementării cu succes al acestui regulament supranațional împotriva SAI. Cadrul legislativ fragmentat din AT asigură dificultăți în luarea deciziilor la nivel național și coordonarea dintre competențe, chiar dacă implementarea la nivel subnațional este foarte eficientă. În RO, legislația rămâne convenabilă la nivel național, dar fără sau doar o mica aplicabilitate practică la nivel subnațional. Comparând cele două țări în acest studiu, combinația ideală pentru o implementare eficientă este un cadru legislativ mai unificat la nivel național, iar la nivel subnațional o aplicare a legii mai diversă și mai reglabilă, precum și o administrație mai implicată. Pentru ca această combinație ideală să funcționeze, este nevoie de un interes și implicare sporită a diferitelor părți interesate, de acțiuni voluntare, precum și de o cooperare și coordonare între ele.

Cuvinte cheie Regulamentul (EU) Nr 1143/2014 • Specii alogene invazive (SAI) • Biodiversitate • Servicii ecosistemice • Distribuția competențelor • Legislație • Implementare • Austria (AT) • România (RO)

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List of abbreviations

AAR Romanian Water Agency (*Agenția Apelor Române*)

AFM Administration of the Environment Fund (*Administrația Fondului pentru Mediu*)

AGES Austrian Agency for Health and Food Safety (*Die Agentur für Gesundheit und Ernährungssicherheit GmbH*)

AJPM County Agency for Environmental Protection (*Agenția Județeană pentru Protecția Mediului*)

ANANP National Agency of Protected Natural Areas (*Agenția Națională pentru Arii Naturale Protejate*)

ANAR “Romanian Waters” National Administration (*Administrația Națională Apele Române*)

ANM National Meteorological Administration (*Administrația Națională de Metereologie*)

ANPM National Agency for Environmental Protection (*Agenția Națională pentru Protecția Mediului*)

APIA Agency for Payments and Intervention for Agriculture (*Agenția de Plăți și Intervenție pentru Agricultură*)

AS Alien Species

AT Austria

ATU Administrative territorial units (*UAT-unități administrativ teritoriale*)

BMF Federal Ministry of Finance (*Bundesministerium für Finanzen*)

BMGF Federal Ministry of Health (*Bundesministerium für Gesundheit und Frauen*)

BMLFUW Federal Ministry of Agriculture, Forestry, Environment, and Water Management (*Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft*)

BMFWF Federal Ministry of Science, Research and Economy (*Bundesministerium für Forschung, Wissenschaft und Wirtschaft*)

B-VG Austrian Constitution (*Bundes-Verfassungsgesetz*)

CAEN Classification of activities from the national economy (*Clasificarea Activităților din Economia Națională*)

CBD Convention on Biological Diversity

CEPS Centre for European Policy Studies

CoP Conference of Parties

COR Classification of the occupations in Romania (*Clasificarea Ocupațiilor din Romania*)

CoR The European Committee of the Regions

CSES The Centre for Strategy & Evaluation Services

DE Germany

EC The European Commission

ECR The European Center for the Regions

EDRE Early detection and rapid eradication

EEA European Environmental Agency

EIPA The European Institute of Public Administration

EPPO European and Mediterranean Plant Protection Organization

ESS Ecosystem services

EU European Union

FAO Food and Agriculture Organization of the United Nations

FFH Flora Fauna Habitats

GISP The Global Invasive Species Programme

GMO Genetically Modified Organism

GNM The National Environmental Guard (*Garda Națională de Mediu*)

IAS Invasive Alien Species

IAS Regulation or **the Regulation** 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

IPPC International Plant Protection Convention

IUCN International Union for Conservation of Nature

JRC Joint Research Centre

LAU Local Administrative Units

MS Member States

NAEP National Agency for Environmental Protection

NPPO National Plant Protection Organization

NUTS The Nomenclature of Territorial Units for Statistics of the European Union

pSCI Proposed Site of Community Importance

RNP National Forestry Directorate ROMSILVA (*Regia Națională a Pădurilor ROMSILVA*)

RO Romania

RPPO Regional Plant Protection Organization

SAC Special Area of Conservation

SCI Site of Community Importance

SPA Special Protected Area

SPS Agreement Agreement on the Application of Sanitary and Phytosanitary Measures

WTO The World Trade Organization

1 Introduction

Invasive alien species (IAS) can be considered a worldwide and a relative newly recognised threat (Hulme, 2009). They are one of the main reasons and threats for the loss of biodiversity (Born et al., 2005; McGeoch et al., 2010; Sundseth, 2014; IAS Regulation¹, 2014) and related Ecosystem Services (ESS)². Invasion science is a multi-disciplinary science and spreads over international, national, and domestic political borders (Wilson et al., 2017, pp. 12, 159). The different forms of threat to biodiversity and related ESS include “*severe impacts on native species and the structure and functioning of ecosystems through the alteration of habitats, predation, competition, the transmission of diseases, the replacement of native species throughout a significant proportion of range and through genetic effects by hybridisation*”³. Hence, the need of an integrated framework for biological invasions at EU level occurs (Sundseth, 2014; Blackburn et al., 2011). The Regulation against IAS of the European Union (EU) has been released on the 4th of November 2014 and came into force on the 1st of January 2015⁴.

The Regulation is directly applicable in the EU-Member States (MS), but also forces them to release certain general as well as individual national normative acts and to set implementation measures (Ermacora & Krämer, 2000; Katsanevakis et al., 2013; Trouwborst, 2015). Public authorities all around the world and the EU are confronted with economic, ecological, and other challenges through IAS (Sundseth, 2014, p. 5).

Keeping the problem with IAS under control involves more domains than just nature conservation. The implementation of such a Regulation needs the full attention and cooperation of various national and subnational competences (jurisdictions, public

¹ The 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 IAS (short in the following ‘**IAS Regulation**’ or ‘**the Regulation**’), preamble (2) (EUR-Lex, 2014)

² IAS Regulation, Preamble (2) (EUR-Lex, 2014)

³ IAS Regulation, Preamble (3) (EUR-Lex, 2014)

⁴ IAS Regulation, Art.33 (EUR-Lex, 2014)

authorities, institutions and experts from international and national level) (Wilson *et al.*, 2017, p. 159; Anastasiu, *et al.*, 2017).

For further understanding and avoidance of misunderstandings, confusions, or misconceptions, it is important to know the classification applied for alien species (AS) (Blackburn *et al.*, 2011; Heink *et al.*, 2016). As in Figure 1, the Regulation defines:

1. *‘Alien species’* as “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”⁵;
2. *‘Invasive alien species’* as “an alien species whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services”⁶;
3. *‘Invasive alien species of Union concern’* as “an invasive alien species whose adverse impact has been deemed such as to require concerted action at Union level pursuant to Article 4(3) [of the IAS Regulation]”⁷;
4. *‘Invasive alien species of Member State concern’* as “an invasive alien species other than an invasive alien species of Union concern, for which a Member State considers on the basis of scientific evidence that the adverse impact of its release and spread, even where not fully ascertained, is of significance for its territory, or part of it, and requires action at the level of that Member State”⁸.

Sometimes respondents and interviewees of this study refer to IAS as *‘invasive species’* but are considered the same. Only if they mention *‘alien species’*, they are not considered also invasive anymore, just non-native. These four definitions on AS, along with the other

⁵ IAS Regulation, Art.3 (1) (EUR-Lex, 2014)

⁶ IAS Regulation, Art.3 (2) (EUR-Lex, 2014)

⁷ IAS Regulation, Art.3 (3); Art.4 (3) presents the needed criteria for the inclusion of IAS in the Union list. (EUR-Lex, 2014)

⁸ IAS Regulation, Art.3 (4) (EUR-Lex, 2014)

thirteen definitions from Art.3 of the Regulation must be applied directly to all competent authorities and courts of all MS (Mauerhofer, 2014, p. 16), including Austria and Romania (AT and RO⁹).

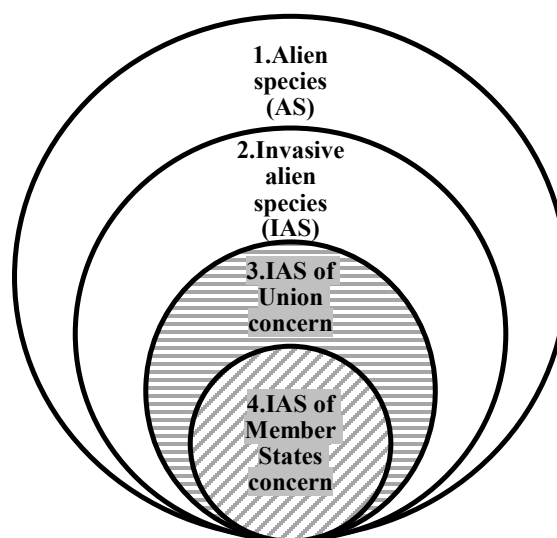


Figure 1: Types of non-native (alien) species. Classification of AS after the IAS Regulation and Mauerhofer, 2014, p. 6.

Most relevant to the IAS Regulation and this study are the IAS of Union concern and for some articles of the Regulation the IAS of Member States concern. These species define the application of the Regulation with the help of a compulsory List of Union Concern¹⁰ and the process can be supported with additional, optional, national lists and regional cooperation between and within MS¹¹ (Trouwborst, 2015, p. 91).

The concept of AS in policy and legislation can vary according to context and purpose. Including ESS, harm to human health and economic costs into a definition, is strategically helping conservationists to take action against IAS. This is what they call a '*policy definition*' and differs from an '*ecological definition*' that uses spread and rate of range expansion as defining criteria (Heink *et al.*, 2016, p.1670). Combining the two definitions,

⁹ <https://www.iso.org/iso-3166-country-codes.html> ISO 3166 Country Codes, 10.09.2017;
<https://www.iso.org/obp/ui/#search> Online Browsing Platform (OBP), 10.09.2017 – alpha-2 codes

¹⁰ IAS Regulation, Art. 4 (EUR-Lex, 2014)

¹¹ IAS Regulation, Art. 11 and Art. 12 (EUR-Lex, 2014)

“management needs to be more context-specific. Control had to change from country to country depending on the socio-political and economic context, while success was ultimately reliant on political will, such efforts require overall dedicated coordination.” (Wilson *et al.*, 2017, pp. 11,12).

Managing biological invasions is important in order to protect biodiversity, but also the economic productivity in agriculture, forestry, and fisheries, to prevent the spread of non-native species which can transmit human diseases. Hence, the quantification of the impacts of AS on ESS become a significant and newly addressed issue in invasion biology and nature conservation legislation (Vilà & Hulme, 2017, pp. 1,2). Through an empirical approach, the aim of this thesis is to highlight the need of an interplay and network between competences and stakeholders at supranational, national, and subnational levels to implement a unitary, supranational legislative framework against IAS. Also, trying to comprehend, with emphasis on three research objectives, how the particularities of the different competences (governments, stakeholders, and institutions) from AT and RO can influence this implementation, to eventually minimize the impact of IAS on the biodiversity and its ESS, including human health and the economy.

The three research objectives of this thesis will be met with the help of five main research questions. These are:

- 1) Status quo
 - What are the legislative predecessors of the IAS Regulation?
 - How does the different competence distribution in AT and RO influence the implementation of the IAS Regulation?
- 2) The national situation in AT and RO towards IAS and the IAS Regulation
 - What are AT and RO currently doing against IAS?
 - Are there any overlaps with the IAS Regulation?
- 3) Comparing the two EU-countries: Remarks, improvements, solutions for the implementation of the Regulation.
 - What recommendations can be developed from a comparative analysis of a centralized and a federal political system and from the experiences of the experts on the problem of IAS and the implementation of the IAS-Regulation in the two different countries?

1.1 Legislation on IAS from international to national levels

This chapter explains some of the formal legislation and agreements at international, supranational (regional¹²), national, or subnational (regional¹²) levels, some of which may have a binding or a non-binding character.

Legislation is “*required to enable decision making, to frame the risk analysis processes, to determine the roles and responsibilities of those involved, to define pre-border prevention activities, to determine which management measures are acceptable and how they can be applied, and to set conditions for enforcement, compliance, and non-compliance. [...] International and national legislation is required to safeguard a country’s biological diversity, protect agricultural and forestry resources, and to ensure access to foreign trade markets. [...] the absence of implementation, legislation (formal or otherwise) will not be worth the paper it is written on. [...] Legislation and agreements can take many forms, including acts, regulations, treaties, conventions, and policies, and these can apply at international, national, or regional levels.*” (Wilson, et al., 2017, p. 139)

There are two kinds of legislation: one - ‘*reactive legislation*’ - which is a response to an already established invasion making adverse impacts, and the new - ‘*proactive legislation*’ which focuses on prediction and prevention of establishment of the IAS, using risk analysis and spatial predictive modelling (Wilson, et al., 2017, p. 140). For further understanding, brief definitions and description of some Multilateral Environmental Agreements (MEA) follow, that address IAS from global and international to national level¹³:

‘*A treaty*’ is “*an agreement formally signed, ratified, or adhered to between two nations or sovereign countries- an international agreement concluded between two or more states*

¹² The term ‘*regional*’ can have three meanings: 1. As in ‘*supranational level*’, for e.g. the European Union (EU), or 2. as for ‘*NUTS 2 region*’, which might differ from country to country and are part of the subnational level for e.g. the federal provinces in AT and the development regions in RO (see Table 1); 3. Other administrative territorial units (ATU or TAU) or parts of ATUs from the subnational level of one or more countries.

¹³ Note: there are probably more agreements related to the IAS issue, which could not be fully covered by this thesis. The selection of the agreements with provisions to the IAS, here described, lead mostly to the genesis of the IAS Regulation.

in written form and governed by international law” (Garner, 2009 qtd. in Wilson, *et al.*, 2017, pp. 139-140);

‘A convention’ is “*an international agreement between countries comprised of a set of mutually agreed or negotiated terms that have not received the sanction of law and cannot be enforced by the courts. [...] often lead to the development of national legislation within a signatory country [...]*” (Wilson, *et al.*, 2017, p. 140);

With regard to the EU, the following definitions apply:

‘A Regulation’ is “*binding in its entirety and directly applicable in all EU countries*” (European Union, 2017)¹⁴;

‘Directives’ are “*binding the EU countries as to the results to be achieved; they have to be transposed into the national legal framework and thus leave margin for manoeuvre as to the form and means of implementation*” (European Union, 2017)¹⁴;

‘Decisions’ are “*fully binding on those to whom they are addressed*” (European Union, 2017)¹⁴;

‘Recommendations and opinions’ are “*non-binding, declaratory instruments*” (European Union, 2017)¹⁴;

Additionally, and in general

‘Voluntary agreements between stakeholders’ are “*an attractive functional alternative to formal legislation. These instruments involve a voluntary and moral commitment from an organization to implement an agreement*” (Halford *et al.*, 2014 qtd. in Wilson, *et al.*, 2017, p. 155).

The International Plant Protection Convention (IPPC) is a legally binding international agreement on plant health and gives the framework for the invasive pests legislation. On national, regional (supranational), and international level is the umbrella

¹⁴ http://eur-lex.europa.eu/summary/glossary/community_legal_instruments.html (EUR-Lex, 26.07.2017)
– this are instruments listed in Article 288 of the Treaty on the Functioning of the European Union (TFEU).

organization for phytosanitary activities worldwide (Wilson, *et al.*, 2017, p. 145). It encourages international cooperation and addressed invasive species since 1951 (Shine, 2007 *qtd. in* Wilson, *et al.*, 2017, p. 145). It is in force since 1952 (McNeely, *et al.*, 2001). After the latest check-up in July 2017, 183 countries are contracting parties, including AT and RO, which can become active in developing international standards as help to protect their traded goods (Food and Agriculture Organization of the United Nations (FAO), 2017)¹⁵. This Convention led to the development of the Regional Plant Protection Organizations (RPPOs) (in Article IX of the IPPC): one of the nine most active RPPO with invasive plants is the European and Mediterranean Plant Protection Organization (EPPO). It also led to the National and RPPOs with plant health units on national level (Wilson, *et al.*, 2017, p. 146). The standards for the application in international trade of phytosanitary measures for prevention and control of spreading plant pests, developed under the IPPC, are recognized by the World Trade Organization (WTO) under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) (McNeely, *et al.*, 2001, p.3)¹⁶.

The SPS Agreement of the WTO aims to “*provide the balance between the right of governments to protect food safety, plant and animal health, and prevent these sanitary and phytosanitary measures from being unjustified trade barriers.*” (Centro de Comercio International, 2017)¹⁷ Relevant for an IAS legislation here are Articles 2 and 5 of the SPS Agreement. All Members adopted these measures against the introduction of invasive pests with scientific evidence. Any phytosanitary measure must be based on a risk assessment supported by appropriate scientific evidence (Wilson, *et al.*, 2017, p.146; WTO, 2016¹⁸).

The United Nations Convention on Biological Diversity (CBD) is an international binding treaty for the protection of biological diversity, which came into force in 1993

¹⁵ <https://www.ippc.int/en/countries/> (FAO, 26.07.2017)

¹⁶ <http://www.ippc.int> (FAO, 9.08.2017)

¹⁷ <http://www.forumdecomercio.org/The-SPS-Agreement-WTO-agreement-on-the-application-of-sanitary-and-phytosanitary-measures-en/> (Centro de Comercio International, 26.07.2017)

¹⁸ https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm (WTO, 26.07.2016)

(Wilson, *et al.*, 2017, p.146; CBD Secretariat, 2017¹⁹). Until July 2017, 196 parties ratified the treaty, including AT and RO (Wilson, *et al.*, 2017, p.146; CBD Secretariat, 2017²⁰). In Article 8 (h) of the CBD under the in-situ conservation, parties must “*prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species*” (CBD Secretariat²¹; Wilson, *et al.*, 2017). It is a global instrument for direct prevention and mitigation measures for all invasive species, where the CBD’s Conference of the Parties (COP) treats the impact of invasive species through an approach of a three-stage hierarchy: priority on prevention of new introduction, early detection, and rapid response, followed by eradication, containment, and long-term management efforts (Shine, Williams, & Burhenne-Guilmin, 2005 qtd. in Wilson, *et al.*, 2017, p. 147). Non-binding principles categorised into three groups (general, prevention, and introduction of species) were adopted in 2002 by the COP to help governments and organisations develop effective strategies to minimise spread and impact of invasive species (Wilson, *et al.*, 2017). In Aichi (Japan) 2010, parties decided through target 9 that „*by 2020, IAS and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.*” (CBD Secretariat, 2017²²) There is some overlap in scope, however, when it comes to invasive species at the CBD. It deals with the impact of organisms on the biological diversity, while the IPPC deals with pests impactig plant and animal health (MacLeod *et al.*, 2010 qtd. in Wilson, *et al.*, 2017). But these overlaps are worked out and usually added in appendices of the agreements. In order for the principles of these two agreements to come into effect, national legislation is needed (Wilson, *et al.*, 2017). Parties of the CBD must adapt these targets to their own national targets, to their own national and subnational needs and priorities. They then must report to the next Conference of the Parties (CoP) and implement their national biodiversity strategy and

¹⁹ <https://www.cbd.int/history/> (CBD Secretariat, 26.07.2017)

²⁰ <https://www.cbd.int/information/parties.shtml> (CBD Secretariat, 26.07.2017)

²¹ <https://www.cbd.int/convention/articles/default.shtml?a=cbd-08> (CBD Secretariat, 26.07.2017)

²² <https://www.cbd.int/sp/targets/> (CBD Secretariat, 26.07.2017)

action plan²³. To fulfil the objectives of the CBD from a global level at a national level, intermediate steps were needed along the years.

The Global Invasive Species Programme (GISP) supports the implementation of Article 8 (h) of the CBD since 1997 and addresses the global threats made by IAS (McNeely, *et al.*, 2001, p.3). They prepared a Global Strategy on IAS at a workshop held in Cape Town, South Africa, in September 2000²⁴ (GISP, 2000, p. 58).

Inspired by the Aichi targets of the CBD, an **EU Biodiversity Strategy for 2020** was designed at EU level²⁵ (European Union, 2011, p. 7). This led, partly to the development of an IAS Regulation that aims to protect the native biodiversity and the ESS against IAS. Target 5, from the six targets of the European Biodiversity Strategy for 2020, is to combat IAS *“by 2020, identify and prioritize IAS and their pathways, control or eradicate priority species, and manage pathways to prevent the introduction and establishment of new IAS”*²⁶. Two Actions sustain this target: Action 15 that is supposed to *“strengthen the EU Plant and Animal Health Regimes by 2012”* and Action 16 by *“filling the policy gaps in combating IAS and establish a dedicated legislative instrument on IAS by 2012”*²⁷ (European Union, 2011, p. 20)

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) is a binding European treaty that ensures the conservation of European wildlife and natural habitats by means of cooperation between States. The convention came into force in 1982 and has now 50 acceded countries of which four African countries and the EU countries²⁸, including AT and RO. An initiative on an European Strategy on IAS started in the year 2000, under the Bern Convention and in collaboration with the European Section of the IUCN Invasive Species Specialist Group (Genovesi & Shine, 2004, p. 10). The continued development of this European Strategy

²³ <https://www.cbd.int/sp/elements/default.shtml> (CBD, 7.02.2017)

²⁴ <https://cites.org/common/com/ac/16/E16-Inf-12.pdf> (GISP, 08.2017)

²⁵ http://ec.europa.eu/environment/nature/legislation/index_en.htm (European Commission, 7.02.2017)

²⁶ <https://www.cbd.int/nbsap/about/targets/eu/> (CBD Secretariat, 07.2017)

²⁷ http://ec.europa.eu/environment/nature/biodiversity/strategy/target5/index_en.htm (European Commission, 08.2017)

²⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A128050> (EUR-Lex, 26.07.2017) and https://www.bfn.de/0302_berner+M52087573ab0.html (Federal Agency for Nature Conservation, 26.07.2017)

on IAS was supported by some assessments along the years 2008-2011. Based on two studies of the European Commission “*towards an EU strategy on IAS*”, looking for the views of citizen and stakeholders on IAS, in 2008 and 2012, the Commission launched on September 9th, 2013 a proposal for a Regulation on IAS²⁹. At supranational level, the EU tries to protect its nature and biodiversity by several existing laws developed with the help of directives. The first relevant EU commitment to the nature protection is the **Bird Directive**³⁰ from 1979, then modified in 2009 which protects all wild, naturally occurring birds in the EU³¹. The second relevant EU commitment is the **Flora, Fauna, Habitats Directive** from 1992. It protects over 1000 animals and plant species and over 200 types of habitats to maintain biodiversity³². **The Natura2000 network** of protected areas was developed based on this Directive (Rödiger-Vorwerk, 1998, p. 8). The basis of this second directive was formed by the Bern Convention, which led also to the **Emerald Network** of the Bern Convention (Trouwborst, 2015, p. 99). These two Directives give the framework for the application of the provisions of the Bern Convention³³. Therefore, the Bern Convention is a valuable tool supporting the implementation of the IAS Regulation on supranational level, at EU and, maybe in the future, at non-EU level as well (Trouwborst, 2015, p. 99), for cross-border cooperation and coordination between MS³⁴.

The IAS Regulation must establish rules against the effects of IAS on biodiversity, related ESS, human health, and safety, reduce the social and economic impact of IAS and support the objectives of these four Directives³⁵: The Bird Directive, the Habitats Directive, **the**

²⁹ http://ec.europa.eu/environment/nature/invasivealien/index_en.htm (European Commission, 08.2017)

³⁰ http://ec.europa.eu/environment/nature/legislation/index_en.htm (European Commission, 08.2017) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version of Directive 79/409/EEC as amended) – short: Birds Directive

³¹ http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm (European Commission, 08.2017)

³² http://ec.europa.eu/environment/nature/legislation/index_en.htm (European Commission, 08.2017) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Also available the consolidated version of 1 January 2007 with the latest updates of the annexes) – Short: Habitats Directive

³³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:l28050> (EUR-Lex, 26.07.2017)

³⁴ IAS Regulation, Preamble (27), (EUR-Lex, 2014)

³⁵ IAS Regulation, Preamble (6) (EUR-Lex, 2014)

Water Framework Directive³⁶ and the Marine Strategy Framework Directive³⁷. For this to be highly efficient and cost-effective, existing systems of customs control, surveillance, and monitoring from these Directives should be applied³⁸. The objective of the Birds Directive is to protect all wild birds that occur naturally in the territory of the European Union, including their eggs, nests, and habitats³⁹. For an effective application of this Directive, MS should classify special protection areas (SPA) for the conservation of the species considered in this Directive (species from Annex I of the Birds Directive and occurring migratory species)⁴⁰. The objective of the Habitats Directive is to ensure the conservation of natural habitats, of wild fauna and flora on the territory of the EU, taking into consideration economic, social, and cultural needs, as well as regional, and local features⁴¹. MS must submit a list of proposed sites of Community Importance (pSCIs) to the Commission. Based on the scientific criteria mentioned in the Habitats Directive (Annex III of the Habitats Directive), supported by the European Environmental Agency (EEA), a list of Sites of Community Importance (SCIs) is adopted. MS must then appoint them as Special Areas of Conservation (SACs) as soon as possible or within six years⁴². The Natura 2000 network was established under the Habitats Directive. It is composed of sites hosting the natural habitat types (Annex I of the Habitats Directive), habitats of the species (Annex II of the Habitats Directive) and SPAs of the Birds Directive. It should maintain or restore the natural habitat types and the species of the habitats concerned at a favorable conservation status in their natural range⁴³.

³⁶ http://ec.europa.eu/environment/water/water-framework/index_en.html (European Commission, 08.2017) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for the Community action in the field of water policy – Short: EU Water Framework Directive or WFD

³⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056> (EUR-Lex, 08.2017) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy – Short: Marine Strategy Framework Directive

³⁸ IAS Regulation, Preamble (22) (EUR-Lex, 2014)

³⁹ Birds Directive (2009), Art.1 and http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm (European Commission, 08.2017)

⁴⁰ Birds Directive (2009), Art. 4 (1), (2)

⁴¹ Habitats Directive, Art. 2 (1), (3) and http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm (European Commission, 08.2017)

⁴² Habitats Directive, Art. 4 (1), (2), (4); Art. 5 (2), (4); Annex III and http://ec.europa.eu/environment/nature/natura2000/sites/index_en.htm (European Commission, 08.2017)

⁴³ Habitats Directive, Art. 3 (1)

Reporting is important in the implementation progress of a **Directive** or a **Regulation**. The reporting procedure and frequency for the Birds Directive about the status and trend of the bird populations is explained in Art.12 of the Habitats Directive in Art.17⁴⁴. For the Birds Directive, MS should send reports every 3 years on the implementation of national provisions taken under this Directive⁴⁵. For the Habitats Directive, MS must send a report every six year about the actions for the directive (Rödiger-Vorwerk, 1998) and about derogations, every two years. This latter report must include: information about the conservation measures of Art.6 (1), an evaluation of the impact of those measures on the conservation status of the natural habitat types (Annex I) and species (Annex II) and the main results of the surveillance from Art.11⁴⁶. Also, Art.11 of the Habitats Directive encourages surveillance of the conservation status of natural habitats and species from Art.2. At national level, MS communicate the national transposition measures concerning the two Directives⁴⁷ and these are updated weekly. For the Birds Directive from 1979, AT communicated 177 national transposition measures and RO has reported 25⁴⁸. For the amended Birds Directive from 2009, AT had 35 and RO 18 national transposition measures communicated⁴⁹. For the Habitats Directive, AT communicated 209 (since 1994) and RO 27 (since 2007) national transposition measures⁵⁰. Existing provisions on reporting of the implementation of the Water Framework Directive and the Marine Strategy Framework Directive should be used as support for the implementation of the IAS Regulation, especially on provisions that involve international cooperation and common approaches that cross administrative and territorial borders⁵¹.

The Alpine Convention and the Carpathian Convention are two international treaties between the Alpine Countries (Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia, and Switzerland), the Carpathian Countries (Czech Republic, Hungary, Poland,

⁴⁴ http://ec.europa.eu/environment/nature/knowledge/rep_birds/index_en.htm (European, Commission, 08.2017)

⁴⁵ Birds Directive (2009), Art. 12

⁴⁶ Habitats Directive, Art.17 (1)

⁴⁷ Birds Directive, Art. 17

⁴⁸ <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=celex:31979L0409> (EUR-Lex, 17.08.2017)

⁴⁹ <http://eur-lex.europa.eu/legal-content/en/NIM/?uri=CELEX:32009L0147> (EUR-Lex, 17.08.2017)

⁵⁰ <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=celex:31992L0043> (EUR-Lex, 17.08.2017)

⁵¹ IAS Regulation, Preamble (22), (EUR-Lex, 2014); http://ec.europa.eu/environment/water/water-framework/objectives/implementation_en.htm and http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm (European Commission, 20.08.2017)

Romania, Serbia, Slovak Republic, Ukraine) and the EU. The first one entered into force in March 1995 and the second one in May 2003. They are multi-level governance instruments that protect and sustainably develop the two worldwide important mountain regions, the Alps, and the Carpathians⁵². By pursuing a comprehensive policy and cooperation, it is possible to improve the quality of life, strengthen the local economy and communities, and to conserve the natural values and the cultural heritage⁵³. The policies are driven by the regional development of the two territories.

The principles of the two framework Conventions are contained in Protocols that cover different issues of each Convention. The Alps Convention has 10 Protocols (Spatial planning and sustainable development, Nature protection and landscape conservation, Mountain farming, Mountain forests, Tourism, Energy, Soil conservation, Transport, Solution of litigations, the Adherence of the Principality of Monaco to the Alpine Convention) and two Ministerial Declarations on Population and Culture, and on Climate Change⁵⁴. In the Protocol from „Nature protection and landscape conservation” of the Alpine Convention, Art.17 prohibits the introduction of wild animal or plant species into a region that have not been previously present naturally for a verifiable historic period. Introductions are allowed only when they are necessary for a specific reason and do not lead to negative effects of nature and landscape⁵⁵.

The Carpathian Convention has 4 Protocols to ensure its implementation and achieve its objectives (Conservation and Sustainable Use of Biological and Landscape Diversity, Sustainable Forest Management, Sustainable Tourism, and Sustainable Transport)⁵⁶. IAS are mentioned in Art. 4 (3) in the framework Convention on the protection and sustainable development of the Carpathians, where *“Parties shall pursue policies aiming at the prevention of introduction of IAS and release of genetically modified organisms [GMO] threatening ecosystems, habitats or species, their control or eradication”* and in Art.4

⁵² <http://www.alpconv.org/en/convention/framework/default.html> (Alpine Convention, 08.2017) and <http://www.carpathianconvention.org/the-convention-17.html> (Carpathian Convention, 08.2017)

⁵³ Carpathian Convention, Art. 2 (1) and <http://www.carpathianconvention.org/the-convention-17.html> (Carpathian Convention, 08.2017)

⁵⁴ <http://www.alpconv.org/en/convention/protocols/default.html> (Alpine Convention, 08.2017)

⁵⁵ Protocol on the implementation of the Alpine Convention of 1991 relating to nature protection and landscape conservation, Art.17

⁵⁶ <http://www.carpathianconvention.org/protocols-to-the-convention.html> (Carpathian Convention, 08.2017)

(4), “Parties shall develop and/or promote compatible monitoring systems, coordinated regional inventories of species and habitats, coordinated scientific research, and their networking”. In Art.4 (5) an “enhanced conservation and sustainable management in the areas outside of protected areas” is mentioned, next to the established, supported Carpathian Network of Protected Areas. In the Protocol on “Conservation and Sustainable Use of Biological and Landscape Diversity”, Art.13 has two paragraphs against IAS and GMOs together. Art.13 (1) says that parties „shall pursue policies aiming at the prevention of introduction or release of IAS and/or GMOs which are likely to have adverse environmental impacts that could affect the biological diversity, ecosystems, habitats or species of the Carpathians, including early warning on occurrence of new invasive alien species on its territory” and Art.13 (2) that parties „shall take measures in its national territory with the objective to prevent introduction or release of species mentioned under paragraph 1 and, if need be, control or eradication of such species”⁵⁷. In 2014, a draft was published by the State Nature Conservancy of the Slovak Republic for a Carpathian Red List of forest habitats and species, and a Carpathian List of Invasive Species. This draft list encourages developing regional lists on IAS and filling in missing data on this subject (Gojdičová, 2014). With all the experience gathered from the implementation of these two Conventions at macro-regional⁵⁸ and local levels, by means of raising ecological awareness, using communication and cooperation between stakeholders from the two mountain ranges for a sustainable development, these Conventions can and should support the implementation of the IAS Regulation.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), is an international agreement which entered into force on July 1st, 1975. It ensures that the international trade of wild animal and plant species does not threaten their survival. The Convention has now 183 Parties including, AT and RO⁵⁹. Seven species from Annex B of this Regulation are prohibited in the Union, because they have

⁵⁷ Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity to the Framework Convention on the Protection and Sustainable Development of the Carpathians done in Kiev on 22 May 2003, Art.13 (1), (2)

⁵⁸ In this context, the 3d meaning of ‘regional’: large ATUs of more countries.

⁵⁹ <https://www.cites.org/eng/disc/what.php> (CITES, 08.2017)

an invasive character⁶⁰ (*Callosciurus erythraeus*, *Sciurus carolinensis*, *Oxyura jamaicensis*, *Lithobates (Rana) catesbeianus*, *Sciurus niger*, *Chrysemys picta* and *Trachemys scripta elegans*). Listing these species as IAS of Union Concern was a priority to ensure a coherent legal framework⁶¹. Yet one of these species did not appear on the list of IAS of Union concern (*Chrysemys picta*)⁶², whereas the reasons are unknown. This Convention supports the IAS Regulation with its experience on cooperation across countries on international trade provisions. It ensures the efficiency of customs controls, encourage, and supports competent national authorities to verify and identify these species at the first border control or point of entry, and avoid creating parallel systems of customs controls⁶³.

Voluntary agreements between stakeholders. Governments, together with other interested groups from different industries (horticulture, pet shops, forestry, agriculture, aquaculture, NGOs, botanical gardens, zoological gardens, transport, trade etc.) or science, voluntarily organize workshops and meetings to support the implementation of formal legislation, such as the IAS Regulation. Some of these take place with the support of and under specific nature protection Conventions or organisations (such as the Bern Convention- Group of experts on IAS⁶⁴ - 1992; etc.). These voluntary actions of stakeholder help gain experience⁶⁵, insight and solutions, from the core of the industries for the problems and risks of their field regarding IAS (Wilson *et al.*, 2017, pp.155-158). These agreements can exist at an international scale, but mostly they act on a smaller scale such as local, national, and regional levels. The outcome of the voluntary agreements between stakeholders are called Codes of Conduct or Accords. Accords are simple agreements to work together (e.g. The New Zealand Plant Pest Accord – 2001). Codes of Conduct contain “good practices” and develop a practical and achievable management against IAS (Wilson, *et al.*, 2017), for example:

⁶⁰ Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade, Art.3 (2:(d))

⁶¹ IAS Regulation, Preamble (14) (EUR-Lex, 2014)

⁶² http://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm (European Commission, 08.2017)

⁶³ IAS Regulation, Preamble (23) (EUR-Lex, 2014) and <https://www.cites.org/eng/disc/what.php> (European Commission, 08.2017)

⁶⁴ <http://www.coe.int/en/web/bern-convention/on-invasive-alien-species> (Council of Europe, 08.2017)

⁶⁵ IAS Regulation, Preamble 21 (EUR-Lex, 2014)

- The Code of Conduct on Horticulture and IAS (2008) from the European and Mediterranean Plant Protection Organization (EPPO);
- The Belgian Code of Conduct (2011);
- The European Code of Conduct for Botanical Gardens on IAS (2013);
- The European Code of Conduct on recreational fishing and IAS (2013);
- The European Code of Conduct on pets and IAS (2016);
- European Code of Conduct on Zoological Gardens and Aquaria and IAS (2016) etc.

These voluntary agreements between stakeholders bring many benefits alongside some challenges. Some of these benefits are:

- Lower administrative and management costs for governments;
- A better implementation of the IAS Regulation that is adapted to the problems of the involved industries, hence implementing change;
- Raising awareness, motivation, and willingness for the IAS issue
- Spread information on the issue;
- Enforce cooperation between stakeholders at national and regional scale, develop regional and national list, and promote self-regulation in these industries.

All these can lead to a better implementation on the decision making and management against IAS and take part of the solution as an industry. The risk with self-regulation in specific industries (horticulture, pet shops, fisheries, forestry etc.) is that, by knowing the risks, it allows the decision maker to “*turn a blind eye*” (Wilson, et al., 2017, p. 157) for other short-term benefits (mostly economic) and to eventually stop cooperating and not taking responsibility over the risks of the IAS issue.

1.2 Legislation on EU level

The IAS Regulation sets rules against intentional or unintentional introduced IAS, to prevent, minimize, and mitigate the adverse impact on biodiversity, and related ESS, on human health, and/ or the economy⁶⁶. The IAS Regulation is one of the first that includes

⁶⁶ IAS Regulation, Preamble (3), Art.1 (EUR-Lex, 2014)

ESS in a supranational legislative agreement. In this Regulation, next to biodiversity, which is mentioned 18 times, ESS appear 14 times, human health 15 times and the economy 9 times. For more information, see Annex 1.

The Regulation applies to all IAS⁶⁷ but ensures priority to IAS of Union concern and the Regulation will affect only species from the List of IAS of Union concern⁶⁸ (Beninde *et al.*, 2014). Seven exceptions from the Regulation are for species and organisms that are already regulated by existing EU Law of other sectors, such as GMOs (Directive 2001/18/EC), microorganisms used in biocidal or plant protection products (Regulation (EC) No 1107/2009 or Regulation (EU) No 528/2012), pathogens that cause animal diseases, harmful organisms of Directive 2000/29/EC, species used in aquaculture (listed in Annex IV of the Regulation (EC) No 708/2007) and AS spread without human intervention, but in response to changing ecological conditions and climate change⁶⁹ (Beninde *et al.*, 2014; Mauerhofer, 2014). For the latter, it is difficult to discern between spreading with human or without human influence. On the field, climate change is difficult to separate from human influence, therefore, in the legal opinion of Mauerhofer, 2014, pp. 12-13, the author suggests putting '*and/or*' between human intervention and climate change instead of '*and*'.

Three main types of lists arise from a biosecurity and a plant health perspective (Wilson, *et al.*, 2017, pp. 154, 155):

- '*Permitted lists*' (white lists) – achievable for areas with little, controllable entry points and where risks are well known;
- '*Prohibited lists*' (black lists) – easier to manage, but at risk of causing conflicts, because of taxa with interest for some stakeholders;
- '*Lists requiring risk analysis*' (grey lists);

⁶⁷ IAS Regulation, Art.1 (EUR-Lex, 2014)

⁶⁸ See Figure 1, p.11

⁶⁹ IAS Regulation, Art.2 (2)

- Other: '*Regulatory lists*' (noxious lists) – usually used at regional levels/ state or provincial; '*Alert lists*', '*Watch lists*', or '*Early detection and rapid response (EDRE) lists*' – target surveillance activities.

Lists require species identification which can be challenging if the identification is blurred by hybridisation, by the lack of specialists in this field or by the unavailability of specialised taxonomic skills (Wilson, *et al.*, 2017).

The list of IAS of Union concern⁷⁰ is the main tool of this IAS Regulation to enable the implementation and impose mandatory actions for all MS. This Union list is a combination of Grey and Black lists because risk assessments must be carried out by the Commission or MS, restrictions for intentionally introduced species are determined and MS must ensure preventive measures against unintentional introduced IAS of Union concern⁷¹. For the national lists of IAS (Regulatory lists), MS can apply facultative measures (Mauerhofer, 2014) and MS are free to decide whether they need such additional lists to enhance implementation of the IAS Regulation on regional or national level⁷². The six criteria for inclusion on the Union list are the core instrument for the application of the IAS Regulation⁷³ and must be based on available scientific evidence⁷⁴. The Commission should consider the implementation cost for MS, the cost of inaction, the cost-effectiveness, and the socio-economic aspects, to prioritize IAS that are not yet present, are at an early stage of invasion, and/ or already in the Union and have a significant and/ or most significant adverse impact⁷⁵.

The Union list will be reviewed at least every six years and updated regularly. The first Union list entered into force on August 3rd, 2016, with 37 species⁷⁶ and the first update of the Union list on August 2nd, 2017, adding 12 species⁷⁷ to the first Union list. The

⁷⁰ IAS Regulation, Art.4 (EUR-Lex, 2014), short: the Union list or the list

⁷¹ IAS Regulation, Art.5, Art.7 and Art.13 (2) (EUR-Lex, 2014)

⁷² IAS Regulation, Art.11 and Art.12 (EUR-Lex, 2014)

⁷³ IAS Regulation, Preamble (11) (EUR-Lex, 2014)

⁷⁴ IAS Regulation, Art.4 (3): a-e (EUR-Lex, 2014)

⁷⁵ IAS Regulation, Preamble (12) (EUR-Lex, 2014)

⁷⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1141&from=EN> (Official Journal of the European Union, 14.07.2016)

⁷⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R1263&from=EN> (Official Journal of the European Union, 13.07.2017)

second update is under preparations and risk assessment for 11 species are currently revised and the deadline for the risk assessments for the third update is February 10th, 2018⁷⁸. A brochure gives information on all current 49 IAS species (23 plants and 26 animals) of the Union list⁷⁹.

The IAS Regulation has three types of intervention:

1. Prevention
2. Early detection and rapid eradication (EDRE)
3. Management

1.2.1 Prevention

Prevention is more environmentally desirable and cost-effective than reaction after the fact⁸⁰. Eight clear restrictions try to prevent IAS from entering the Union, intentionally or unintentionally⁸¹. For research, ex-situ conservation, MS can release permits through their competent authorities for contained holdings that respect certain conditions⁸². The same goes for authorizations, in some exceptional cases, for reasons of public interest, including social and economic nature⁸³. In case of IAS species and invasions that are not on the Union list, emergency measures and risk assessment must be carried out by the MS to avoid further spread of the invasion in the Union⁸⁴. For the unintentionally introduced IAS of Union concern, MS must make an analysis of the pathways in their territory and marine waters and identify the '*priority pathways*', that require priority action within 18 months (February 2018) of the adoption of the Union list (3 August 2016). Within 3 years from the adoption of the Union list (August 2019), MS must establish an action plan that includes timetables, measures, voluntary actions, codes of

⁷⁸ http://ec.europa.eu/environment/nature/invasivealien/list/index_en.htm (European Commission, 08.2017)

⁷⁹ http://ec.europa.eu/environment/nature/pdf/IAS_brochure_species.pdf (European Commission, 08.2017)

⁸⁰ IAS Regulation, Preamble 15 (EUR-Lex, 2014)

⁸¹ IAS Regulation, Art.7 (EUR-Lex, 2014) and http://ec.europa.eu/environment/nature/invasivealien/index_en.htm (European Commission, 08.2017)

⁸² IAS Regulation, Art.8 (EUR-Lex, 2014)

⁸³ IAS Regulation, Art.9 (EUR-Lex, 2014)

⁸⁴ IAS Regulation, Art.10 (EUR-Lex, 2014)

good practice and to raise awareness, minimize contamination in trade from third countries, and support appropriate checks at the Union borders⁸⁵.

1.2.2 Early detection and rapid eradication (EDRE)

MS must develop, within 18 months from the adoption of the Union list (February 2018), a surveillance system (survey, monitoring or other) to prevent the introduction of IAS of Union concern into the EU as soon as possible. Afterwards, it is imperative to take rapid eradication measures to prevent them from establishing⁸⁶. There are two kinds of surveillance: the '*active surveillance*', which is specifically designed on certain IAS, on a specific area, is resource-expensive, but more reliable data, and the '*passive surveillance*' is cheaper, require more coordination, can cover a larger area, but the gained data can contain many false positives (Wilson et al., 2017, pp. 62-63).

Official controls must be fully functioning in the MS by January 2nd, 2016. Competent authorities must apply during these official controls to the categories of goods falling with the Combined Nomenclature codes, that are also listed in the Union list. Competent authorities in charge must apply the Regulation if something is found during the official controls. The authority in charge must use the national legislation or delegate specific functions to other authorities. The Commission and the MS must develop guidelines and training programmes to facilitate the identification and detection of IAS of Union concern during official controls. MS must notify the Commission of early detection of introduction or presence of IAS of Union concern and must apply eradication measures. If based on robust scientific evidence eradication is demonstrated to be technically unfeasible, costs will be in the long term too high and disproportionate to the benefits of eradication, eradication methods are not available, or the available methods have an adverse impact on human health, the environment or other species, MS can decide within 2 months to not apply eradication measures. MS must then monitor the effectiveness of the eradication.

⁸⁵ IAS Regulation, Preamble (18), (21), Art.13 (EUR-Lex, 2014)

⁸⁶ IAS Regulation, Art.14 - Art.18 (EUR-Lex, 2014) and http://ec.europa.eu/environment/nature/invasivealien/index_en.htm (European Commission, 08.2017)

1.2.3 Management

The general model of the invasion process is well documented, inspired by the framework of South Africa's National Strategy for Biological Invasions and presented by Wilson, *et al.*, 2017, pp. 4-5:

- Four '*stages of invasion*' (pre-introduction, incursion, expansion, and dominance); each linked to:
- A particular '*management goal*' (prevention, eradication, containment, and asset protection/ impact reduction);
- Three specific '*approaches*':
 - '*a species based approach*' (Create and enforce watch lists and prohibited lists; detect, delimit, and intensively control populations; control populations or individuals that contribute most to spread; species-specific management to reduce impacts);
 - '*an area-based approach*' (Monitor ports of entry; survey areas to detect incursions and manage areas to reduce invasive potential; ecosystem management to prevent spread; ecosystem management to reduce impacts);
 - '*a pathway-based approach*' (Manage high-risk introduction pathways; manage high-risk pathways post-introduction; manage high-risk pathways from established populations; prevent export of the problem).

Within 18 months of an IAS being included on the Union list, MS must set effective management measures and minimize their impact. They should be based on an analysis of costs and benefits and on feasible restoration measures, prioritized based on the risk evaluation and their cost effectiveness. Management measures aim the eradication of IAS, by containment through lethal or non-lethal physical, chemical, or biological actions, but also by increasing resilience of an ecosystem. MS must monitor the effectiveness of

applied management measures⁸⁷. MS can facultatively apply more stringent national rules to prevent the introduction establishment and spread of IAS⁸⁸.

The EASIN (The European Alien Species Information Network) is a platform developed by the European Commission's Joint Research Centre (JRC), which enables easy access to data on alien species reported in Europe⁸⁹. The platform facilitates the implementation of the EU policy on IAS. It includes a Species Search and Mapping Tool, allowing basic and advanced search for over 14 000 alien species in Europe and shows the distribution on a map, including the 49 species on the Union list⁹⁰. EASIN is also a tool that assists the Commission and the MS in handling the relevant early detection notifications required by Art.16 (2). By January 2019, it must become a mechanism for exchanging information also on other aspects of the application of this Regulation, such as pathways, risk assessments, management, and eradication measures⁹¹.

By June 1st, 2019, and every 6 years thereafter, MS must report to the Commission regarding nine aspects⁹² on the implementation. They also had to communicate to the Commission and the other MS, by November 5th, 2015, the competent authorities that will oversee the application of the IAS Regulation. By June 1st, 2021 the Commission must review the implementation of the IAS Regulation and can make proposals for the amendment of the Regulation, including to the Union list⁹³.

MS must cooperate and communicate with other MS, especially with neighboring countries, and with MS that share the same biogeographical region of the Union, same marine sub regions, same borders, same river basin or other common concerns. This should ensure an effective implementation of the IAS Regulation and the Commission must support such cooperation, if needed. Existing structures from regional or international agreements can be used in cooperation with other MS or third countries⁹⁴.

⁸⁷ IAS Regulation, Art.19 and Art.20 (EUR-Lex, 2014)

⁸⁸ IAS Regulation, Art.23 (EUR-Lex, 2014)

⁸⁹ <https://easin.jrc.ec.europa.eu/> (European Commission, 08.2017)

⁹⁰ http://ec.europa.eu/environment/nature/invasivealien/index_en.htm (European Commission, 08.2017)

⁹¹ IAS Regulation, Art.25 (2), (3) (EUR-Lex, 2014)

⁹² See these nine aspects in the IAS Regulation, Art.24 (a-i)

⁹³ IAS Regulation, Art.24 (EUR-Lex, 2014)

⁹⁴ IAS Regulation, Preamble 27, and Art.22 (EUR-Lex, 2014)

Within the cooperation, MS must adjust appropriate mechanisms for IAS (exchange of information and data, action plans on pathways, exchange of best practice on management, control and eradication of IAS, early warning systems and programmes related to public awareness or education, etc.)⁹⁴. The scientific forum, composed of representatives of the scientific community from the MS, must ensure scientific advice on the application of the IAS Regulation and especially on updating the Union list, risk assessments, emergency measures and rapid eradication measures⁹⁵. MS must ensure the public early and effective opportunities to participate in preparation, modification or reviews of established actions plans and management measures of the Regulation⁹⁶.

The European Commission supports the action against IAS with the help of existing financing mechanisms. Some of these mechanisms are:

- LIFE (EU financial instrument for environmental, nature conservation and climate action projects- supports measures on IAS, trans-border cooperation, and raising awareness on IAS);
- Horizon 2020⁹⁷ (ex. DAISIE Project- “Delivering Alien Invasive Species Inventories for Europe);
- EU Rural Development policy 2014-2020 (supports action against IAS through national and regional rural development programmes);
- Regional Development funding, and others⁹⁸.

MS must aim to recover the costs of measures needed to prevent, minimise or mitigate the adverse impact of IAS, the environmental and resources costs, and the restoration costs, according to the polluter pays principle (PPP)⁹⁹. According to this principle, MS must apply effective, proportionate, and dissuasive penalties for the violation of the Regulation¹⁰⁰.

⁹⁵ IAS Regulation, Preamble 30, Art.28 (EUR-Lex, 2014)

⁹⁶ IAS Regulation, Preamble 29, and Art.26 (EUR-Lex, 2014)

⁹⁷ <http://ec.europa.eu/environment/nature/invasivealien/docs/Prioritising%20prevention%20efforts%20through%20horizon%20scanning.pdf> (European Commission, 2014 accessed on 17 October 2017)

⁹⁸ http://ec.europa.eu/environment/nature/invasivealien/index_en.htm (European Commission, 08.2017)

⁹⁹ IAS Regulation, Preamble (26), (33) and Art.21 (EUR-Lex, 2014)

¹⁰⁰ IAS Regulation, Preamble (33) and Art.30 (EUR-Lex, 2014)

1.3 Legislation on national level

To comprehend how the different nature conservation power divisions in AT and RO influence the implementation of the IAS Regulation, a general understanding of the distribution of powers in the two countries is necessary. This distribution of competences happens on a special scale, namely the constitutional legislation (Mauerhofer, 2013). The Constitution of both countries is therefore being consulted. Under the European Committee of the Regions (CoR), the European Institute of Public Administration (EIPA), the European Center for the Regions (ECR), the Centre for European Policy Studies (CEPS), and the Centre for Strategy and Evaluation Services (CSSES) performed a study on the division of powers for all Member States, including for AT and RO¹⁰¹. The general analysis of the national allocation of powers in AT and RO ensures the smooth continuity of a view from European to national and subnational (regional and local) levels. It is worth mentioning the CoR, because it represents part of an institutional framework under the Treaty of Maastricht (1992) and seeks to guarantee genuine regional and local participation in the Community decision-making¹⁰². Hence, the understanding of power division goes in this context *'top-bottom'* (from supranational to subnational), as well as *'bottom-up'* (from local to regional, to national, and supranational). This applies in the European legislative process, but especially in the enforcement process for a much more thoroughly evaluation of the implementation of the IAS Regulation in the two MS.

While AT is a federal state¹⁰³ with legislative powers at the subnational level¹⁰⁴, RO is a sovereign, independent, unitary, indivisible national state¹⁰⁵, without legislative powers at the subnational level¹⁰⁴. Within the implementation of the IAS Regulation, AT and RO can use their existing distribution of competences and administrative structures or they can modify them. These different preconditions have also shaped the distribution of competences and administrative structures that are now relevant for the implementation

¹⁰¹ <https://portal.cor.europa.eu/divisionpowers/Pages/default.aspx> Division of powers, 4.09.2017

¹⁰² http://cor.europa.eu/en/documentation/studies/Documents/The%20selection-process-of-CoR-members-Summary/Selection_Process_CoR%20Members-Procedures_EN.pdf Summary of the selection process of CoR members procedures in the MS, 09.2017

¹⁰³ <https://portal.cor.europa.eu/divisionpowers/Pages/Austria.aspx> CoR- Division of Powers, 09.2017

¹⁰⁴ <https://portal.cor.europa.eu/divisionpowers/Pages/All-countries.aspx> Division of Powers, 09.2017

¹⁰⁵ <https://portal.cor.europa.eu/divisionpowers/Pages/Romania.aspx> CoR- Division of Powers, 09.2017

and are compared in Table 1, Table 2 and Table 4. For a better comparison of the two MS, the national territory division is presented with the help of NUTS Regions¹⁰⁶. The comparison is made at all subnational levels (from central to regional, provincial, and local levels). Based on this, the main competence distribution for each level is added and further explored in the next two chapters.

¹⁰⁶ <http://ec.europa.eu/eurostat/web/nuts/national-structures-eu> Eurostat, 09.2017

Table 1: Territory and main division of powers in AT and RO. Overview on the two State territory divisions and main competences at national and subnational levels after Mayer, 2007; Keating & Ziller, 2010; Vara Arribas, 2012.

*		Austria (AT)		Romania (RO)	
EU Membership		1995-12 CoR members		2007-9 CoR members	
Inhabitants **		8.6 million		19.7 million	
Area ***		83.858 km ²		238.391 km ²	
Map ****					
Form of state and central level		Federal State: the National Council (Nationalrat) and the Federal Council (Bundesrat)		Unitary State: the bicameral Romanian Parliament: the Chamber of Deputies (Camera Deputaților) and the Senate (Senatul)	
Regional level		9 NUTS 2 regions- Federal provinces (Bundesländer): AT11- Burgenland , AT12- Lower Austria , AT13- Vienna , AT21- Carinthia , AT22- Styria , AT31- Upper Austria , AT32- Salzburg , AT33- Tyrol , AT34- Vorarlberg ; Regional Parliaments (Landtage) ; Regional Governor (Landeshauptmann)		8 NUTS 2 regions- Development regions constituted by counties (Județe) NUTS 3 regions: RO11- North-West region (counties: Bihor, Bistrița-Năsăud, Cluj, Maramureș, Satu Mare, Sălaj), RO12- Central (Alba, Brașov, Covasna, Harghita, Mureș, Sibiu), RO21- North-East (Bacău, Botoșani, Iași, Neamț, Suceava, Vaslui), RO22- South-East (Brăila, Buzău, Constanța, Galați, Tulcea, Vrancea), RO31- South-Muntenia (Argeș, Călărași, Dâmbovița, Giurgiu, Ialomița, Prahova, Teleorman), RO32- București - Ilfov , RO41- South-West Oltenia (Dolj, Gorj, Mehedinți, Olt, Vâlcea), RO42- West (Arad, Caraș-Severin, Hunedoara, Timiș). They are not administrative territorial units and have no legal status , but the regional development process is coordinated by Regional Development Councils (Consiliul Național de Dezvoltare Regională) , composed by County Council Presidents and implemented by the Regional Development Agencies (Agenții de Dezvoltare Regională) .	
Provincial level		No elected authorities. Only districts (Bezirke) with the district Governor (Bezirkshauptmann) , but with no entrusted competences-serve as administrative units.		41 counties/ NUTS 3 + Bucharest: the Prefect (Prefectul) appointed by the central government; County council (Consiliul Județean) - its president (președinte) + two vice-presidents .	
Municipal/ Local level		LAU 2: 2.358 Municipalities (Gemeinden) - represented by the Austrian Association of Municipalities (<i>Gemeindebund</i>); Municipal Council (Gemeinderat) ; the Austrian Association of Cities and Towns (<i>Städtebund</i>) represents the Austrian cities; Mayor (Bürgermeister)		LAU 2: 2.825 Rural localities (Comune), 208 Towns (Orașe) and 103 Municipalities (Municipii) ; Local Council (Consiliul Local) , Mayor (Primarul) .	
System of Competences		Federal provinces- legislative + administrative competences; Municipalities- only administrative competences- act upon delegation by the Federation and by the federal provinces ; The Constitution distinguishes between: 1. Areas of exclusive federal state powers of legislation and implementation (Art.10); 2. Areas where federal legislation is implemented by federal provinces (Art.11); 3. Areas where federal state framework legislation is implemented by federal provinces legislation (Art.12); 4. Areas where the federal provinces have both legislative and administrative powers (Art.15).		The Romanian Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country (Art.61 (1)). ***** Counties and local government have only administrative competences .	
Intergovernmental relations		The Governor of federal provinces (Landeshauptmann) - federal provinces executive + carrying out federal state legislation and regulation at regional level; federal provinces representatives can attend the EU Council of Ministers at the invitation of the federal government .		The Prefect controls the legality of local and county decisions; Romanian Association of Municipalities and the National Union of Romanian Counties represent the local authorities to the central government and have offices of representation in Brussels.	

* AT: <https://portal.cor.europa.eu/divisionpowers/Pages/Austria.aspx>; RO: <https://portal.cor.europa.eu/divisionpowers/Pages/Romania.aspx> CoR- Division of Powers, 09.2017; <http://ec.europa.eu/eurostat/web/nuts/national-structures-eu> Eurostat, 09.2017

** Eurostat 2016, last up-date 16.03.2017

*** Eurostat 2015, last up-date 15.02.2017

**** Eurostat GISCO, 04/2016 AT: <http://ec.europa.eu/eurostat/documents/345175/7451602/nuts-map-AT.pdf>; RO:

<http://ec.europa.eu/eurostat/documents/345175/7451602/nuts-map-RO.pdf>

***** Romanian Constitution http://www.dreptonline.ro/en_resources/en_romanian_constitution.php

CoR- The European Committee of the Regions; NUTS- The Nomenclature of Territorial Units for Statistics of the EU; LAU 2- Local Administrative Units.

1.3.1 Austria

According to the Austrian Constitution, legislation can be initiated in AT at national level by the federal state (*Bund*) through the National Council (*Nationalrat*) and the Federal Council (*Bundesrat*), or at subnational level by the federal provinces (*Bundesländer*) through the Regional Parliament (*Landtag*)¹⁰⁷ (Mauerhofer, 2011; see table 1 and 'Type of competences' from table 2). The type of competences from table 2 are the legislative, judicial, and executive powers. The legislative power is enforced through the executive authorities (the judicature and the administration) (Mauerhofer, 2011). While the judicature is enforced by independent, indispensable, free from instructions organs - 'the judges' (*die Richter*)- and is under the responsibility of the federal state, the administrative authorities are deductible, displaceable, bound by instructions and are split between the authorities of the federal state and the federal provinces¹⁰⁸ (Mauerhofer, 2011 and see 'Level of competences' in Table 2).

Before the release of the first Union list, there have been 39 Austrian areas of competences selected at the beginning of this study, relevant to the implementation of the IAS Regulation (Austrian Constitution, Meyer, 2007; Mauerhofer, 2014a, pp. 17-20). One of these competences areas is '*nature conservation*', which is an important competence area to support the implementation of the IAS Regulation and lies under the legislation and administration of the federal provinces¹⁰⁹. As part of nature conservation, the conservation of species (populations of animals and plants) has laws (*Artenschutzrecht*) in every federal province under the nature conservation law (*Naturschutzgesetz*) (Köhler, 2012, pp. 55, 56; Westermann, 2012), that at least mention the AS or the IAS (See Table 3).

¹⁰⁷ <https://portal.cor.europa.eu/divisionpowers/Pages/Austria.aspx> Division of Powers, 12.09.2017

¹⁰⁸ https://austria-forum.org/af/AEIOU/Beh%C3%B6rdenorganisation/Beh%C3%B6rdenorganisation_english
Austria-Forum, 12.09.2017

¹⁰⁹ Austrian Constitution, Art.15

Table 2: Competence distribution in AT. Distribution of competences in AT by type and level after the Austrian Constitution (Bundes-Verfassungsgesetz, B-VG) *; Mayer, 2007; Keating & Ziller, 2010; Mauerhofer, 2011; Vara Arribas, 2012; Mauerhofer, 2014a; Austria-Forum, 2017**.

AT	Austrian Constitution		Possibly affected relevant Austrian competences by the implementation of the IAS Regulation
Type of competences	Legislation	Federal state (<i>Bund</i>)	Art. 10 Art. 11
		Federal state (<i>Bund</i>) + Federal provinces (<i>Bundesländer</i>)	Art. 12
		Federal provinces (<i>Bundesländer</i>)	Art. 15
	Enforcement (Jurisdiction + Administration***)	Federal state (<i>Bund</i>)	Art. 10
			Art. 11
		Federal provinces (<i>Bundesländer</i>)	Art. 12 Art. 15
Level of competences	National	Supreme federal authority (<i>Oberste Bundesbehörde</i>)	Federal President (<i>Bundespräsidenten</i>); Federal Government (<i>Bundesregierung</i>); Federal Ministries (<i>Bundesminister</i>)
		Subordinate federal authority (<i>Nachgeordnete Bundesbehörde</i>)	Direct federal administration (<i>unmittelbare Bundesverwaltung</i>) e.g. Federal Office of Security (<i>Sicherheitsdirektion</i>), Office of Finance (<i>Finanzlandesdirektion</i>) or indirect federal administration (<i>mittelbare Bundesverwaltung</i>)**** e.g. Regional Gouvernor with the subordinated provincial authorities or in most cases the District Commissioner
		Indirect federal administration (<i>Mittelbare Bundesverwaltung</i>)****	Federal provinces authorities implement different federal laws
	Subnational	Supreme provinces authority (<i>Oberste Landesbehörde</i>)	The regional Government (<i>Landesregierung</i>), with the regional Gouvernor (<i>Landeshauptmann</i>) on top, and elected by the regional Parliament (<i>Landtag</i>)
		Subordinated provinces authority (<i>Nachgeordnete Landesbehörde</i>)	District administration (<i>Bezirkshauptmannschaft</i>) headed by the District Commissioners (<i>Bezirkshauptmann</i>)
		Non-governmental organisation (NGO)	Non-sovereign actor and non-profit organisation; can be mentioned in laws, otherwise private legal entities without a public ownership share

* <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138> - Bundesrecht konsolidiert: Gesamte Rechtsvorschrift für Bundes-Verfassungsgesetz, Fassung vom 06.09.2017; Rechtsinformationssystem (RIS), 09.2017 and https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1930_1/ERV_1930_1.pdf RIS, 09.2017

** 'Behördenorganisation, AEIOU, in: Austria-Forum, das Wissensnetz, <https://austria-forum.org/af/AEIOU/Behördenorganisation>, 25. März 2016' based on Österreich-Lexikon, E. Bruckmüller, Verlagsgemeinschaft Österreich-Lexikon, 2004 (3 Bde.); and 'Behördenorganisation (english), AEIOU, in: Austria-Forum, das Wissensnetz, <https://austria-forum.org/af/AEIOU/Behördenorganisation>, 25. März 2016' based on a translation of Österreich-Lexikon, R. u. M. Bamberger, E. Bruckmüller, K. Gutkas, Verlagsgemeinschaft Österreich-Lexikon, 1995 (2 Bde.)

*** The Jurisdiction is matter of the federal state, while the Administration is split between federal state and provinces as shown.

Table 3: Selected legislation of the federal provinces regarding IAS. Additional regulations of the conservation of species, as part of the federal provinces nature protection legislation regarding the AS or IAS after Westermann, 2012*(own translations).

Federal province	Nature conservation law	Nature conservation law regarding IAS	Context regarding the IAS
Burgenland	Burgenländische Naturschutz- und Landschaftspflegegesetz; in addition a general nature protection regulation (11 March 1992)	§ 17 NG 1990 § 6 NG 1990	Release of non-autohton or non-native plants and animals dependent on a permit (<i>Genehmigung</i>), released by the regional Government (<i>Landesregierung</i>)- except the Fasan; Release of permit only if the structure of the natural environment is not adversely affected;
Carinthia	§§ 17 until 22, and IV. Section of the Kärntner Naturschutzgesetz 2002; in addition the plant protection and animal protection regulations	§ 21 K-NSG 2002	Release and sow of wild plants and release of free animals, that are not under the hunting and fishing law and are not native to the areas, need a permit from the district administrative authority (<i>Bezirksverwaltungsbehörde</i>); no general and/ or ultimative preventive prohibition;
Lower Austria	§§ 17 and 18 des Niederösterreichischen Naturschutzgesetzes; in addition the regulation for the protection of species (5 July 2005)	§ 17 ¶15 NÖ NSchG 2000 § 17 ¶15 S. 2 NÖ NSchG	Release and furtherance of non native and alien plants and animals is prohibited, but can be granted through an approval (<i>Bewilligung</i>); Approvals depend on the fact that the native nature is not damaged;
Salzburg	§§ 29 to 34 regulations on the protection of plant and animal species of the Salzburger Naturschutzgesetz 1999	§ 33 ¶1 NSchG	Introduction of alien plants and release of alien animals is prohibited without an approval from a nature conservation authority.
Styria	III. Section of the Steiermärkischen Naturschutzgesetzes 1976, in addition a species protection regulation (14 Mai 2007)	§ 13 d. ¶7 NSchG 1976	Release of animal hybrids is subject to an approval; approvals are possible if the release does not adversely affect the local areas; for non-native bird species, the European Commission must be therefore consulted;
Tyrol	Tiroler Naturschutzgesetz 2005, in addition a nature protection and a mushroom protection regulations	§ 23 ¶7 TNSchG 1997 § 25 ¶6 TNSchG 1997	Legal resettlement of non-native plant and mushroom species need a nature conservation approval; the same goes for the release of non-native animal species, which can not be hunted or fished; Release of wild, non-native bird species that are not under any hunting regulation, depend on an approval, and the consultation of the European Comission;
Upper Austria	V. Section of the Oberösterreichische Naturschutzgesetzes, in addition to a species protection regulation	§ 31 Oö. NSchG 2001	Release of alien plants and animals dependent on an approval from the regional Government; animal approvals are always required, also for hunted animals; plant approvals are necessary only when the public interest of nature and landscape protection requires it;
Vorarlberg	Gesetz über Naturschutz und Landschaftsentwicklung (GNL)	§ 16 ¶1 GNL	Release of non-native animals need an approval from the federal regional Government; non-native plants are connected to preventive prohibition, with option to an approval, if it affects the native animal and plant species, the interactive structure of nature or essential changes of the landscape;
Vienna	Wiener Naturschutzgesetz; in addition one regulation on the protection of wild plants and free animals, their habitats and desination of their biotope types	§ 13 ¶3 Wiener Naturschutzgesetz	Release and introduction of non-native plants must be regulated and dependent on an approval of the nature conservation authority; approvals must be released in case of damage to biotopes or native animal and plant species.

* translated from German, 10.09.2017

In AT, the Federal Ministry and the Federal Government signed International Agreements for which they can make legally not binding proposals and suggestions (especially the Federal Environment Agency, *Umweltbundesamt*) to the federal provinces, but the power and authority in nature conservation, fisheries and hunting are the responsibility of the nine federal provinces. Hence, AT has nine different laws in nature conservation, fishing and hunting and no overall national law. Certain coordination between them exists, mostly facilitated by the Federal Ministry of Agriculture, Forestry, Environment, and Water Management (BMLFUW- *das Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft*) (Pöckl, 2017).

Important national actors of nature conservation in AT are sovereign acting organs (public legal entities and entrusted private legal entities) and non-sovereign organs (public legal entities, private legal entities in public (partial) ownership, private legal entities without a public ownership share) (Mauerhofer, 2014b, pp. 42-53). The main stakeholder responsible of the implementation of the IAS Regulation in AT is the BMLFUW, which is responsible of the communication with the EC and the coordination between the federal provinces, followed by the provincial governments and the Federal Ministry of Science, Research, and Economy (BMWFW- *Bundesministerium für Forschung, Wissenschaft und Wirtschaft*). Other relevant stakeholders are the Austrian Agency for Health and Food Safety (AGES), the Environment Agency AT, the Federal Ministry of Finance (BMF- customs responsibility), Federal Ministry of Health (BMGF), botanical and zoological gardens, fishery and hunting associations, gardening and gardening trade, agricultural chambers, nature reserve administrations, Universities, NGOs, and others (Obermayr, et al., 2014), depending on the affected competence areas and the species from the Union List (Mauerhofer, 2014a).

Within the Group of experts on IAS of the Bern Convention, AT sent its national report on the current situation of IAS and its measures to the EC (Pöckl, 2017). Much progress has been made, especially at regional (subnational) level in the past years in raising awareness (through media, exhibitions, conferences, production of brochures and flyers, etc.), education (from primary schools to universities and the general public), scientific research (increased number of publications), and IAS management (especially in protected areas and sites, monitoring, evaluation of management success, mostly on plant

species- many small projects on regional level, grazing projects, etc.). No information is available on the control or eradication of animal invasive species (Pöckl, 2017, p. 10; Tiefenbach, Rabitsch, & Brandl, 2014, p. 78). The '*bottom-up*' flow of information is not effective, because the communication, cooperation and collaboration within and between the federal provinces and with the federal state are not ideal. The good work from the regional and local scales is often forgotten and not communicated to the higher interested authorities (Pöckl, 2017).

1.3.2 Romania

The three types of competences (legislative, judicial, and executive powers) are, according to the Romanian Constitution, split between the Parliament, which is the sole legislative power at central or national level in RO, the Courts of Law, the President, and the Romanian Government (See table 1 and table 4). The Government is the public authority of the executive power. The Ministries are directly subordinated to the Government. Their number, name, and competence are not clearly defined in the Romanian Constitution or in any framework law. They vary from specific periods of time and interests of a Government to another (Viorescu, 2006; Table 4).

There are two kinds of public administration in RO: the specialized central public administration and the local public administration. The Prefecture is a component of the state administration, deconcentrated in the administrative-territorial division of the state with the highest degree of extension - the county. The government appoints a Prefect in each county and in the city of Bucharest. The Prefect is the local government representative and leads the deconcentrated public services of the ministries and other central public administration bodies in the territorial administrative units. The role of a law enforcement supervisor over the local authorities, emphasizes the control relations of the Prefect with Local Councils, Mayors, and County Councils. It is a control through delegation of authority and not one sprang from hierarchical subordination (Viorescu, 2006; Table 4).

The eight development regions are not regional authorities and have no legal personality. The executive bodies of the Regional Development Councils, the Regional Development Agencies, develop strategies, attract resources, identify, and implement financing

programmes and offer services for stimulating sustainable economic development, partnerships, and entrepreneurial spirit¹¹⁰ (Keating & Ziller, 2010; Vara Arribas, 2012; Viorescu, 2006).

To understand how the IAS Regulation may be implemented in RO, a general explanation of the institutional framework of the environmental protection competences in RO is necessary. The environmental protection is mentioned twice in the Constitution. Once, linked to the protection of private property as “*the right of property requires the observance of duties relating to environmental protection*”¹¹¹ and secondly, that the State must secure “*environmental protection and recovery, as well as preservation of the ecological balance*”¹¹². The environmental protection is an obligation of the central and local public administration, as well as that of natural or legal persons. The responsibility for nature protection rests with the central environmental protection authority and its territorial agencies (Cazan, 2013).

The Ministry of environment (*Ministerul Mediului*)¹¹³ is the central public administrative authority, which carries out policies for developing, promoting, and implementing the environmental laws and the Governments strategy in the fields of environmental protection. According to the Ordinance for completion of the governmental Emergency Ordinance nr. 57/2007 regarding the regime of protected natural areas, conservation of natural habitats, wild flora, and fauna, published in the Official Gazette on 29 January 2016, the public central authority for environmental and forest protection was designated for the application of the provisions of the IAS Regulation¹¹⁴. Hence, both Ministries of Environment and the one of Waters and Forest, must be mentioned because of the split of the former Ministry of Environment, Waters, and Forests.

¹¹⁰ <https://portal.cor.europa.eu/divisionpowers/Pages/Romania.aspx> Division of Powers, 09.2017

¹¹¹ Romanian Constitution, Art. 44 (7); in http://www.dreptonline.ro/en_resourses/en_romanian_constitution.php 09.2017

¹¹² Romanian Constitution, Art. 135 (e), in http://www.dreptonline.ro/en_resourses/en_romanian_constitution.php 09.2017

¹¹³ At the beginning of the study it was called the Ministry of Environment and forests (2015), now it is just Ministry of Environment and since 03.2017 there is a separate Ministry of Waters and Forests; <http://gov.ro/ro/guvernul/organizare/ministere> Guvernul României-Ministere, 09.2017

¹¹⁴ See Annex 2: Ordinance of the Romanian Government and Annex 3: The Official Romanian Gazette (Monitorul Oficial), p.7)

Subordinated to the Ministry of Environment are the National Environmental Protection Agency (ANPM), the National Environmental Guard (GNM), and the National Agency of Protected Natural Areas (ANANP)¹¹⁵. Under the authority of this Ministry is the National Meteorological Administration (ANM)¹¹⁶. In coordination with the Ministry of Environment is the Administration of the Environment Fund - AFM Bucharest¹¹⁷.

Subordinated to the Ministry of Waters and Forests are the Forest Guard (*Garda Forestieră*; head offices: București, Brașov; four more provincial level offices and nine more at local level). Under its authority is the National Director of Forests „ROMSILVA” (*Regia Națională a Pădurilor „ROMSILVA”*) and in coordination the National Administration of Romanian Waters (*Administrația Națională „Apele Române”*)¹¹⁸.

ANPM, with its 42 directly subordinated County Environmental Protection Agencies (AJPM- *Agențiile Județene pentru Protecția Mediului*) play a key role in the implementation of the international, supranational, and national environmental law at national and local level. They interact with many other county and municipal bodies that run environmental utilities¹¹⁹ (Cazan, 2013). Also, the 42 County Environmental Protection Agencies represent the Directorate of Nature Conservation (*Direcția Conservarea Naturii*) and the Directorate of Biodiversity (*Direcția Biodiversității Biologice*), that are under direct coordination of the State Secretary of the Ministry of Environment (Viorescu, 2006). The Environmental Guard is controlling and inspecting the implementations of the Government environmental policy through its County Inspectorates (*Comisariate Județene*)¹²⁰.

As for Romania, 61 areas of competence or work areas that could possibly be affected by the implementation of the IAS Regulation have been selected at the beginning of this

¹¹⁵ <http://www.mmediu.gov.ro/articol/subordonate/15> Ministerul Mediului, 09.2017

¹¹⁶ <http://www.mmediu.gov.ro/articol/sub-autoritate/14> Ministerul Mediului, 09.2017

¹¹⁷ <http://www.mmediu.gov.ro/articol/in-coordonare/13> Ministerul Mediului, 09.2017

¹¹⁸ <http://apepaduri.gov.ro/wp-content/uploads/2014/08/Institutii-in-subordinea-sub-autoritatea-in-coordonarea-MAP.pdf> Ministerul Apelor și Pădurilor, 09.2017

¹¹⁹ <http://www.anpm.ro/web/guest/acasa> ANPM, 09.2017

¹²⁰ Organisation Chart for the Environmental Guard: <http://www.gnm.ro/sitenou/org.php?id=2> National Environmental Guard, 09.2017

study.¹²¹ The selection had the selection from the Austrian areas of competence as a model and was often similar, but because the competence distribution does not appear in the Romanian Constitution, as in the case of AT, some other existing official work codes were consulted for the Romanian selection. Other criteria for the selection, were the information on IAS from literature before the start of this thesis and how they relate to the selected area of competence. The Romanian Ministry of Environment issued a Ministerial Order (979/2009) regarding the introduction of alien species as an intervention on IAS and the reintroduction of native species listed in the Annexes to EU Birds and Habitats Directives (adopted in the emergency ordinance 57/2007 and later by Law 49/2011). The national lists provided by the Ministry, rely on the Pan-European Inventory of Alien Species DAISIE website, for which the institution did not get actively involved, so this database is limited for RO and does not fully represent the real situation of IAS in RO. Hence, an urgent action is to finalise the National list of IAS and continuing the research projects on IAS in RO to increase the scientific knowledge and awareness on this matter (Anastasiu, et al., 2012).

According to the latest national annual report on environmental protection issued by the Ministry of Environment and the National Environmental Protection Agency, there is

- a low degree of public awareness and that of the civil society, hence a great opposition to government administration interventions towards IAS;
- an extremely low accessibility to scientific information, especially to species identification, risk analysis, etc.;
- the absence of a priority approach on the control of invasive species;
- uninterrupted introduction of IAS - often through mail services – because of inadequate inspection and quarantine measures; inadequate monitoring capacity;
- lack of effective emergency measures;

¹²¹ No such areas of competence or work areas were found in the Romanian Constitution, therefore the CAEN and COR codes of the Labour Code were consulted and selected; <http://coduricaen.info/> Coduri CAEN 2017, 09.2017

- poor coordination between government agencies, local authorities, and local communities (Ministerul Mediului, Apelor si Pădurilor; Agenția Națională pentru Protecția Mediului, 2016, p. 157).

Table 4: Competence distribution in RO . Distribution of competences in RO by type and level after the Romanian Constitution *; Viorescu, 2006; Keating & Ziller, 2010; Vara Arribas, 2012; Cazan, 2013.

RO	Romanian Constitution		Structures of competences and public authorities		Legal acts **	Possibly affected relevant working areas after the CAEN and COR of the different Romanian competences by the implementation of the IAS Regulation	
Type of competence	Legislation	The Romanian Parliament	Art.61 (1)	Chamber of Deputies and the Senate	Laws (constitutional, ordinary and organisational), carry resolutions and motions		
		Courts of law	Art.124, Art.125	Judges, County Courts and Court of Bucharest, Courts of Appeal, High Court of Cassation and Justice	Decisions of the court (Hotărâri judecătorești)		
	Enforcement (Jurisdiction + Administration)	The President	Art.80	Mediator between the powers in the State, and State and society	Decrees (Decrete)		
		The Romanian Government	Art.102	Prime Minister, Ministers, other members as established by an organic law	Decisions (<i>Hotărâri</i>) and Ordinances (<i>Ordonanțe</i>); Emergency ordinances (<i>Ordonanțe de Urgență</i>)		
Level of competence		Competent National authority	Art.116 (1)	Ministries (e.g. Ministry of Environment)	Orders (<i>Ordine</i>)	See Tab.8	
	National	Relevant subordinated agencies	Art.116 (2)	Specialized central public administration	Other specialised agencies subordinated to the Government or Ministries (e.g. National Environmental Protection Agency)		
					Autonomous administrative authorities (e.g. Supreme Council of National Defense)		
		Regional authority	Not specified	Regional Development Councils with their Regional Development Agencies	None		
	Subnational	County or Local public authority	Art.120, Art.121, Art.122, Art.123	Local public administration (the territorial-administrative units) ****	The Prefect ***	Orders (<i>Ordine</i>)	
					County Council	Decisions (<i>Hotărâri</i>)	
					Local Council	Provisions (<i>Dispoziții</i>)	
Mayor							
	Non-governmental organisation (NGO)		Institutionalized structures, of a private nature, independent of public institutions; sometimes organised in associations, foundations and federations		None		

* Romanian Constitution, translated in English in http://www.dreptonline.ro/en_resources/en_romanian_constitution.php; 09.2017

** In this case, three types of legal acts: Laws, legal acts (Decisions of the Court and Decrees), and act of administrative law (all others) with normative or individual character; see at <http://www.rasfoiesc.com/legal/drept/Deosebiri-intre-actele-de-drept57.php> Răsfioiesc.com, 24.09.2017

*** the representative of the Government at the local level and shall direct the decentralized public services of ministries and other bodies of the central public administration in the territorial-administrative units; appointed by the Government in each county and in Bucharest; can challenge in the administrative court an act of the County Council, of a Local Council, or of a Mayor, in case he deems it unlawful (Art.123)

**** Based on the principles of decentralisation, local autonomy, and deconcentration of public services (Art.120 (1); Viorescu, 2006); are Local autonomous administrative authorities; the County and Local Council are deliberative authorities; the Mayor and the president of the County Council are executive authorities.

***** after Listchi & Micescu, 2013 found in <http://www.aid-ong.ro/politica-statului-privind-ong/model-participativ-de-elaborare-a-politicii-publice-nationale-privind-ong-in-romania/documente-de-realizat/politica-statului-privind-ong-in-romania/>, 09.2017.

After presenting some of the legislative predecessors of the IAS Regulation, the Regulation itself and the different competence distributions in AT and RO, this thesis will continue in the third chapter with the results and discussion about the national situation in AT and RO towards IAS and the Regulation, then compare the two countries. The remaining research objectives mentioned in the beginning of this first chapter will be covered and organised in these six main parts:

- Information on the respondents;
- 3.1 Status quo;
- 3.2 List of IAS of Union concern;
- 3.3 Aspects of prevention;
- 3.4 Aspects of EDRE;
- 3.5 Management aspects.

There are a few studies (e.g. Heink *et al.*, 2016) which consider arguments for the prevention and management of IAS on a supranational or national level from a legislative point of view and how they are implemented in national and local administrations. Until the IAS Regulation, studies focused on the biological aspects of IAS to be able to understand the phenomenon better. Therefore, the overall pursuit of this study is to find who, from the national competences of the two MS, is responsible for or is involved with implementing the requests of the IAS Regulation, even before the release of the Union list, which will need more time to settle. How will this influence the enforcement? This mobilization of national competences needs cooperation both on administrative 'top-down' and 'bottom-up' legislative levels, to avoid an actual threat on biodiversity and on the ecosystem services that come along.

2 Methods

A rigorous research of current literature on the subject has been made first¹²², mostly from legislative, administrative, and biological points of view. A qualitative approach is used in this thesis to generate empirical data. The data was gathered from officials of the two MS, AT and RO, who occupy a certain key role in the implementation of the IAS Regulation. After consulting relevant literature, questionnaires were designed with guidance from the thesis coordinator. These surveys were adapted for each MS, based on the knowledge gathered at that time about the two different power divisions (see Table 1, Table 2, Table 4 and Annex 6). To gain more insight on this subject, a semi-structured interview was additionally prepared and performed with respondents that had more knowledge on the IAS problematic and the IAS Regulation.

These three methods that were used in this study, literature review, interview, and questionnaires, were also discussed for horizon scanning to develop a “framework for the identification of IAS of EU concern”. It is shown that together they provide a broad approach through existing knowledge, get a key perspective of individuals, but at the same time provide an opinion overview on a certain aspect on the subject (Roy, et al., 2015). For both MS, the semi-structured interview contained the same guiding questions. The experience of the experts and other stakeholders emphasize the rich and complex, real-world context in which implementation and combating phenomena occur. The theory-building process unfolds by recursive cycling between the case data, emerging theory, and by extant literature (Eisenhardt & Graebner, 2007).

2.1 Rationale for country selection

The geographical location of the two MS is relevant within the topic. AT is centrally located in the EU, surrounded mostly by MS, except for Switzerland, while RO lies at *‘the edge’* of the EU, a border region to MS, non-EU countries, with access to the Black Sea and hence to Minor Asia. The selection for the Romanian respondents started in Timiș county, which is the home county of the thesis’s author and because of its important

¹²² See Introduction, pp.1-33

border points (located on the western part of RO, see map from table 1). Secondly, the ability of this study's author to provide questionnaires and conduct interviews in the mother tongue of the respondents, in German and Romanian language, has been a further reason for the countries selection. Respondents feel thus more comfortable and keen on answering the survey and the interview questions. Hence, information and concepts do not get lost due to interpretation during data analysis. The translations in English are performed by the author of the study, for the same reason.

2.2 Data collection

The selection of Austrian respondents was partly recommended by the coordinator of this study, then through internet research, but mostly for both MS through snowball sampling (Atkinson & Flint, 2001). In RO, through an official notification to the Prefecture of Timiș county from June 10th 2015¹²³, the institution answered within five days¹²⁴ and forwarded us to the County Environmental Protection Agency (AJPM) of the Timiș county, with the official request of their full support to this study. The AJPM of Timiș county had limited information about the IAS Regulation at that time, but suggested further local experts involved in the IAS matter, thus first access to other experts from RO was gained. From the website of the Ministry of Environment, Waters, and Forests¹²⁵ two lists with contact data from all Romanian nature protection non-governmental organisations (NGOs)¹²⁶ and all custodians of the natural protected areas¹²⁷ were used to contact more respondents via e-mail. Only five out of 114 addressed possible respondents from these two lists with Romanian nature conservation NGOs and custodians of natural protected areas accepted the proposal and even recommended other relevant respondents.

Starting with May 2015, before the first Union list appeared, all respondents were contacted by e-mail, and asked to complete the survey, and if willing, to schedule an additional interview. The timeframe of the data gathering was between June 2015 and August 2015, but an extension was needed until November 2015 due to the time

¹²³ See Annex 4: Request to the Prefecture of Timiș county from 10.06.2015

¹²⁴ See Annex 5: Official answer Nr.7948/S2 of the Prefecture of the Timiș county

¹²⁵ Old name of the Ministry in year 2015

¹²⁶ <http://www.mmediu.gov.ro/articol/date-de-contact-ong/1293> Ministerul Mediului, 05.2015

¹²⁷ Lista ariilor naturale protejate atribuite in custodie ANPM, 08.04.2015

availability of the respondents (see Table 6 and Table 7). For the anonymity of the respondents, data codes were assigned, depending on the country, the time of the data collection, and if an additional interview took place or not (Table 6 and Table 7). Research objectives of this study, complemented by further research questions and divided in focused research questions, led to a better structure of the data analysis (See Annex 9). The results are presented within the main topics that result from the Regulation, such as status quo; the list with IAS of Union concern; prevention (national and regional lists, cooperation and coordination); EDRE; management (enacting legal norms- economic aspects of the IAS Regulation, public participation- raising awareness and information, creating more stringent national rules, and other recommendations and opinions on the IAS Regulation and its implementation).

2.2.1 Online survey

For data collection, online surveys were sent via e-mail through a link and then the additional interview was taken. Four (3 from AT and one from RO) respondents answered the interview first, before sending the completed survey. These situations were avoided at any cost, thereby not to influence the respondent answers or to avoid deviations, misunderstandings, or insecurities during the interview. The online tool '*Survey Monkey*'¹²⁸ was used for designing, sending, and gathering the surveys. From there, data could be analysed and then exported in .pdf or .xls formats for further analysis. Respondents could access the survey online through the link, one in Romanian¹²⁹, the second in German¹³⁰ language. From a total of twenty-one survey questions thirteen questions differ between the Austrian and the Romanian survey (see Annex 6, Table 2 and Table 4). The codes for the survey respondents contain a capital letter and a number: The first capital letters '*A*' for AT or '*R*' for RO and a chronological number in order of the completed survey. A descriptive quantitative analysis was done, using counts and percentages for the responses, because of the relative small and different samples from

¹²⁸ www.surveymonkey.com

¹²⁹ Survey link sent to the Romanian respondents: https://www.surveymonkey.com/r/Chestionar_EU1143-2014

¹³⁰ Survey link sent to the Austrian respondents: https://de.surveymonkey.com/r/Fragebogen_EU1143-2014

Austrian (ns=16) and Romanian (ns=31) respondents (Table 6 and Table 7). Tables and figures are used to describe the results of the survey.

The survey had three parts¹³¹: a cover with short information about the survey and this study, explanations of the data usage and the protection of the respondent through anonymity of the answers. Then, a second part dealt with broad questions about the respondents and the third part with different questions on the Regulation, its main topics and on possible responsible competences at national and subnational level. A mix of single choice questions, multiple choice questions, and scale questions was used in the survey. The results were further analysed and compared for relevant meanings, and then discussed in this study¹³². Because of the open option, 'other', where respondents could add a better option, some questions were skipped, or the answers were incomplete. The "other option" was separately mentioned in the analysis. For all other reasons, we tried to contact the respondent to receive a clear answer. It was not always possible to get a reason for every skipped question, because of this, the missing answer was not considered.

2.2.2 Semi-structured interview

At the end of every survey, respondents were asked for an additional semi-structured interview. For AT, out of 16 respondents, 8 were open for an interview and out of 31 Romanian respondents, 14 accepted the additional interview, even if one respondent did not return the completed online survey (See RN in Table 7). The coding for interview respondents contain the first capital letter of the country ('A' or 'R'), but instead of the number, another capital letter was given in alphabetical order according to the date when the survey was completed and received (See Table 6 and Table 7). Meetings were set via e-mails or by phone, they usually took place at the work office of the respondent, and took between 15 and 40 minutes, depending on the experience and knowledge of the respondent. If meetings were not possible, phone interviews were organised. All interviews were recorded with the consent of each respondent and held in their mother language. They were then transcribed, translated into English and further analysed. For

¹³¹ See Annex 7 and Annex 8

¹³² See Results and discussion, pp. 40-

the qualitative data analysis, inspiration was taken from the step model of inductive category development and deductive category application and from thematic text analysis (Mayring, 2010). The analysis was more of a hybrid approach of content and grounded analysis¹³³, where research questions and focused research questions¹³⁴ for the interviews were split into these six topics: status quo, the effects before the Union lists appeared, the Union list, the more rigorous national rules, international and national cooperation and coordination, and other additional thoughts and recommendations on the Regulation. Under these six topics, color-coding was used to arrange every argument. Sometimes the coding has helped to develop new ideas, which were not set before the analysis. The quotes from the examined transcripts were used for more credibility (Stål *et al.*, 2015). Therefore, the five research questions from the first introduction chapter were covered in depth with information on the matter from the experiences and opinions of the experts and stakeholders.

Table 5: Total for data collection

Country	Total (n)	Surveys (ns)	Interviews (ni)	Type of competence						Level of competence		
				Legislation (LE)	Enforcement (EN)***			Both (B)	None (0)	National (N)	Subnational (SN)	NGO
					Regulation (ENr)	Control (ENc)	Administration (ENa)					
AT	16	16	8	1	4			7	4	8	6	2
RO	32	31*	14*	1	3	5	9	7	11	18**	8*	7**
Total	48	47	22	2	4 + 12 = 16			14	15	26	14	9

* one Romanian respondent from subnational level gave the interview, but completed no survey, he is not in the survey analysis;

** for Romania one respondent chose both National and NGO; in the survey counts once at national level;

*** Enforcement in Romania was split in three: 1.Regulation, 2.Control and 3.Administration and allowed multiple choice answer.

¹³³ <https://www.skillsyouneed.com/learn/analysing-qualitative-data.html> Analysing Qualitative Data, 09.2017

¹³⁴ Annex 9: Guiding Interview questions design inspired by the research questions and Annex 10: Interview guide questions in all three languages: English, German, and Romanian from 06.2015

Table 6: Data collection for AT

Respondent code	Type of competence	Level of competence	Stakeholder	Survey date	Interview date	Type
AA	Both	National	University, science	10.06.2015	13.07.2015	Meeting
AB	Both	National	Federal ministry	10.06.2015	16.06.2015	Meeting
A1	None	NGO	NGO	15.06.2015		
AC	None	National	Company	17.06.2015	18.06.2015	Meeting
AD	Both	National	Federal authority, science	19.06.2015	14.12.2015	Meeting
AE	Both	National	Federal authority	21.06.2015	13.07.2015	Meeting
A2	Both	Subnational	Provincial agency/ department	25.06.2015		
A3	Legislation	Subnational	Legally intended representation of interests	08.07.2015		
A4	Enforcement	Subnational	Provincial agency/ department	13.07.2015		
A5	None	National	Federal agency/ department, science	21.09.2015		
A6	None	NGO	NGO	22.09.2015		
A7	Enforcement	National	Federal agency/ department	22.09.2015		
AF**	Partial enforcement*	National	Federal authority	23.09.2015	18.06.2015	Meeting
AG**	Both	Subnational	Provincial agency/ department	22.10.2015	17.06.2015	Meeting
AH**	Both	Subnational	State authority	28.10.2015	23.06.2015	Phone
A8	Enforcement	Subnational	Independent, state agency/ department, science	08.11.2015		

* Skipped question, because the respondent had limited option selection, but later on told the answer: "partial enforcement"

** Respondents who first did the interview and afterwards sent the survey.

Table 7: Data collection for RO

Respondent code	Type of competence	Level of competence	Stakeholder	Survey date	Interview date	Type
R1	Enforcement (Regulation)	National	Institution of higher education	17.07.2015		
RA	Both (Legislation, Control, Administration)	Subnational	Public local institution	18.07.2015	09.09.2015	Meeting
RB	Enforcement (Control, Administration)	Subnational	Public local institution	19.07.2015	09.09.2015	Meeting
RC	Enforcement (Administration)	Subnational	Public local administration	20.07.2015	09.09.2015	Meeting
R2	None	Subnational	Company	28.07.2015		
RD	None	National	Further education, Institution of higher education, Science	27.08.2015	10.09.2015	Meeting
RE	Both (Legislation, Regulation)	National	Public national institution	02.09.2015	02.09.2015	Meeting
RF**	None	National	Institution of higher education	16.09.2015	8.09.2015	Meeting
R3	Both (Legislation, Regulation)	National	Public national institution	16.09.2015		
R4	None	National	Science	17.09.2015		
RG	Both (Legislation, Administration)	NGO	NGO	30.09.2015	6.10.2015	Phone
R5	Enforcement (Control)	National	Public national institution	01.10.2015		
R6	Enforcement (Regulation, Administration)	National	National authority	02.10.2015		
RH	None	NGO	NGO, science	04.10.2015	5.10.2015	Phone
R7	None	Subnational	Public local administration	05.10.2015		
R8	None	National	Institution of higher education	05.10.2015		
R9	None	National	Institution of higher education	06.10.2015		
R10	None	NGO	NGO	06.10.2015		
R11	Skipped question	National, NGO	Institution of higher education, NGO	07.10.2015		
R12	Legislation	National	National authority, public national institution	09.10.2015		
R13	None	National	Public national institution	09.10.2015		
RI	Enforcement (Control, Administration)	Subnational	Private forestry administration	09.10.2015	9.10.2015	Phone
R14	Enforcement (Administration)	National	PFA, institution of higher education, NGO	09.10.2015		
R15	Enforcement (Administration)	NGO	Legal entity, NGO	10.10.2015		
R16	Enforcement (Administration)	Subnational	Independent administration	12.10.2015		
R17	Enforcement (Administration)	National	Public national institution	13.10.2015		
RJ	Both (Legislation, Regulation)	National	National authority	15.10.2015	20.10.2015	Phone
RK	None	NGO	NGO	16.10.2015	22.10.2015	Phone
RL	Enforcement (Regulation, Control,	National	Public national institution, NGO	18.10.2015	28.10.2015	Phone
R18	Both (Legislation, Regulation, Administration)	National	Public national institution	19.10.2015		
RM	Both (Legislation, Regulation, Control,	NGO	NGO	19.10.2015	29.10.2015	Phone
RN***	Enforcement (Control)	Subnational	Public local institution	no survey	13.07.2015	Meeting

** Respondents who first did the interview and afterwards sent the survey

*** only interview, no survey- data used for the qualitative analysis of the semi-structured interview.

3 Results and discussion

The first part of the online survey provided **information on the respondents about** (see Annex 11 for details):

- Field of education;
- Highest academic degree;
- Work area;
- Involvement in the level and the type of competence (see Table 2 and Table 4);
- Involvement in the IAS problematic, and the IAS Regulation.

Education and highest academic degree. The education fields of the most Austrian respondents are biology, nature conservation or law, fewer in forestry, plant conservation, social sciences, or economics. Most of the respondents have a Doctor, Diploma, Magister, or Habilitation academic degree, fewer respondents have a PhD or only a high school diploma. The Romanian respondents have graduated in biology, nature conservation or other related sciences such as biotechnology, biochemistry, inorganic chemistry, horticulture, agriculture, ecology, developmental biology, geology, management, protected areas, and digital cartography; fewer in forestry, economy, plant conservation, social sciences, and political sciences. Their **highest academic degrees** are a Master's degree, Doctor, or Bachelor, fewer have a PhD, a public servant academic degree, or an academic Prof. degree.

Work area. The Austrian respondents work mostly in science, a federal province agency or department, in a federal authority, or in an NGO; some respondents are working at the university, in a federal ministry, in a federal province authority or at a company, some of them are independent or work for a legally intended representation of interests (see Table 6: Stakeholder). Most Romanian respondents come from NGOs, public federal institutions, or institutions of higher education. Fewer come from science, a federal authority, a public local administration, from an independent administration or a private forestry administration. Less come from a company, further education, other legal entity, or employment (See Table 7).

The personal work areas of the Austrian respondents are selected from a list of many different competence areas, that are under responsibility of the federal state or the federal provinces (Art.10, Art.11, Art.12 and Art. 15 of the B-VG; see Table 2). Romanian respondents choose their personal working area, after the CAEN and COR classification (Classification of Occupations in RO), which are mandatory in RO for all central and local public administrations, budgetary units, economic agencies, employer organizations, trade unions, professional and political foundations, associations, individuals, and legal entities¹³⁵ (see Table 8). This personal information has two purposes: to show the complexity and diversity of the involved stakeholders within the implementation of this Regulation, and secondly, to highlight and get to know the context that this data will support, while discussing further issues.

Involvement of the respondents. In short, most of the survey respondents have their background knowledge in biology and nature conservation and have a higher education degree, they come from a national institution, science, university, or an NGO (see Table 6 and Table 7: stakeholder), and find this Regulation important in their work activity. Austrian respondents have a higher professional experience (up to or over 25 years) than the Romanian respondents (up to 10 or 20 years). Respondents are mostly involved with nature or biology conservation and with environmental impact activities or assessments (see Table 8). Additionally, for the Romanian respondents, activities of custodies and protection of natural protected area are important work areas, relevant to the implementation of this Regulation (see Table 8).

3.1 Status quo

The status quo focused on in this thesis is the IAS problem before the IAS Regulation entered into force in 2014 and on the fresh debut of the IAS Regulation and before enacting the lists, especially the Union list from August 3rd 2016 (year of the data collection: 2015; see Table 6 and Table 7: survey and interview date). Both Austrian (from the national level) and Romanian (from all levels and NGOs) respondents dealt with IAS in their work area before 2013 (69% and 87%). The rest of the Austrian

¹³⁵ CAEN and COR codes found in <http://www.rocaen.ro/informatii-utile/index-alfabetic-al-ocupatiilor-cor/>, 05.2015

respondents in 2013 (19%) Austrian respondents from federal provinces/ subnational level and NGOs had to deal with IAS just in 2015. The rest of the Romanian respondents dealt in 2015 (3%) or have never dealt with IAS (10%).

The IAS problem was already present and growing both in AT and RO (AC, RA, RE, RI). Their negative impacts increased in time (RL). From a purely legal point of view, there was no difference before or without the IAS Regulation on this problem (AB). The IAS problem is ambiguous, complex, complicated, dramatic, not regulated, and difficult to control (RA, RD, RG, RK). The control is not efficient, because of the lack of interest and lack of practical actions (RF, RH).

Table 8: Respondents work areas. Involvement of Austrian (n=16) and Romanian (n=31) respondents in their work activity from the different work areas possibly relevant to the implementation of the IAS Regulation; thick frame - most frequent choices (multiple answers).

Nr.	Austria		Romania	
	Work area after B-VG	Counts	Work area after CAEN and COR classification	Counts
1	Nature conservation	12	Biodiversity conservation	18
2	Environmental impact assessment (Art.11)	4	Activities with environmental impact	13
3	Plants protection	4	Activities of custodies in natural protected areas	12
4	Other: University teaching, Research and documentation of invasive species; Species conservation - wildlife trade (CITES); Biodiversity; Coordination of the countries in the crop and pesticides department	4	Protection of natural protected areas	10
5	Plants protection against illnesses and pests	3	Animal welfare	7
6	Customs	2	Plant protection	6
7	Fishing	2	Research and development in natural sciences and engineering	5
8	Forestry	2	Higher education	5
9	Hunting	2	Management of forest and wildlife	5
10	Nutrition affairs (foods, seeds and seed stock, pesticides)	2	Activities of botanical gardens, zoos and reservations	4
11	Animal protection	1	Phytosanitary activities	4
12	Environmental information	1	Other environmental information service activities	4
13	Environmental responsibility	1	Protection of plants against diseases and pests	4
14	Genetic engineering precaution	1	General public administration services	4
15	Immissions limit values	1	Land planning activities (landscaping, architecture)	3
16	Federal provinces land use planning	1	Sustainable Development	3
17	Strategic environmental assessment SEA	1	Water management	3
18	Transport (railways, aviation, shipping)	1	Environmental infrastructure	3
19	Water law	1	Fishing and fish farming	3
	Animal breeding; Beekeeping/apiculture; Constructions; Control and conservation of waters; Corridor condition, forrest and pasture servitude, agrarian administration; Electricity and water transport police; Environmental impact assessment (Art.10); Federal provinces forestry; Federal provinces roads; Federal roads; Foreign Affairs; Goods and cable ways; Inland water transport; Land reform; Public health; Road police; Soil protection; Trade and industry; Trade with goods and livestock abroad; Veterinary affairs; Waterways construction and maintenance.	0	Strategic planning in environmental protection	3
20-30			Agricultural activities	2
			Activities of the centralized, administrative offices, directories	2
			Forestry	2
			Activities of public order and civil defense	1
			Activities and services of decontamination	1
31			General administration	1
			Other human health activities	1
			Biosecurity conservation	1
			Depositing	1
			Hunting and wild protection	1
			Other: APIA Agency for Payments and Intervention in Agriculture	1
			Activities in mixed farming (crops growing combined with animal breeding); Activities of political organizations; Administration of secondary public roads (agricultural, forest, mountain); Air transport by graphic; Animal breeding; Animal breeding activities; Beekeeping; Casual air transport; Collection, purification and distribution of water; Construction (highways, roads, airfields and sport facilities, hydraulic structures); Construction issues; Construction of other engineering projects; Cultivation of plants for multiplication; Customs activities; Food industry; Foreign Affairs; Forestry commissars; Inland waterway transport; Legal activities; Marine and coastline transport; National defense activities; National roads administration; Other passenger land transport, based on graphic; Road transport of goods; Telecommunications, courier and mail services; The agrarian reform; Trade and brokerage; Transport by rail; Vehicle traffic control system of defense, public order and national security by traffic police; Wastewater Treatment.	0
62				
Total counts		46	Total counts	133

At European and national levels, positive impacts against IAS are visible in the **ex-situ conservation**, through Botanical Gardens, especially in AT. Awareness and consciousness on IAS are very high on national level and in cooperation with other European Botanical Gardens (AA). The Commission took partial regulations and ideas from plant protection and aquaculture laws addressing IAS and attempted to apply these through nature conservation laws and other Directives (AF, RF). Some of these conservation laws and Directives addressing IAS are partly found in those presented also in the introduction of this Thesis. This bandwidth of laws regulates some aspects of this

issue, but there are no unitary rules against IAS within a legal supranational or national framework (AF).

In AT, a strong fragmentation of the competences between national and subnational levels takes place (AD).

“The legal situation in Austria is very inhomogeneous, which has to do with a strong fragmentation of the law landscape [...] responsibilities between federal and provincial competences. IAS or biological invasions do not have any separate matter in the law [...]. [...] wide bandwidth of laws that regulate aspects of this topic [...] are again more fragmented [...] by the federal government and [...] by the provinces.” (AD)

At the national level in AT, nothing was settled before the Regulation (AF) and at subnational level, the application demand against IAS was insufficient (AH)¹³⁶. In RO, extensive work is still needed in special protected areas (SPA) and at national and subnational levels (RB, RJ). The population was little aware of the IAS problem before the Regulation. On local level, this was a matter of administration (AD, AG, RD). National and local authorities have limited attributions in this field (RA).

“The current situation is rather ambiguous, because more species are spreading, and invasions are growing, and the local and central authorities have limited attributions in this field.” (RA)

The IAS issue in both countries is still a young policy area that affects many industries on maritime and terrestrial areas (AD, RH). The main affected work area is in nature conservation, but it is not the only one (AD, AH, RL, see table 8). Most of the impacts concentrate on economic damage, for example, of fishery, agriculture, forestry (AC, AD, RH, RL).

Without the Regulation, actions were still expected, but prompt implementation measures happened mostly ad hoc and only from existing scarce budgets from affected work areas to attempt keeping the IAS at a minimum level (AC, AD, AG, RB).

¹³⁶ See Table 3: Selected legislation of the federal provinces regarding IAS

“The financing is insufficient and before there was no financial demand of covering invasive species management, preventive measures, and others. [...] it is always difficult to implement measures promptly, because [...] it happens ad hoc or from existing scarce budgets of most working areas.” (AD)

Lists of potential invasive species at European and national levels, and research information about these species, are found in journals and publications within the work of Botanical Gardens (AA, RD). Management measures are often at subnational level, in cities, in management plans of national parks and are based on standard methods like plucking, mowing, and others as transport controls through phytosanitary and veterinary inspections (AG, RA, RH, RL), but often these management measures are incomplete.

Before the Regulation, the challenges, or the impediments faced were:

- Low involvement of stakeholders (RG, RJ),
- No appropriate financing (AD, RJ),
- No prevention or no management (AD, AE, AG, RA, RG),
- Low control (AE, RA, RH).
- The little knowledge about the IAS and low population awareness prevailed, mainly because of the lack of specialists (RH, RK, RN).

“If there is no list, there is no control, easy.” (AE)

“[...] when a city tries to combat the species through standard methods [...], but the combat is not made in the surrounding municipalities or villages, effects are minimal.” (RA)

“More involvement is required. For this, national, regional and local mechanisms are needed [...]” (RF)

“[...] basically, there is no control and there are many potential risks at the entrance zones.” (RH)

“Unfortunately, there are no trainings for specialists from this working field about the identification of certain IAS that can occur or are present accidentally, unintentionally or intentionally in certain ecosystems.” (RN)

The IAS Regulation, is expected to help, quicken, and intensify the process against IAS, even if it does not cover all problems yet (AC). Also, Romanian interviewees believe in

a high possibility to eradicate the problem, especially at subnational level. It establishes clearer attributions for the national or subnational authorities, for the police or other control authority, it clarifies legal problems for local authorities and for the citizens, through stricter obligations and combat, and it drops costs through more unitary rules (RA, RM).

Before 2013 (44%) or in 2013 (25%), most Austrian respondents heard for the first time about the IAS Regulation, the others only in 2014 or in 2015. Most respondents (38%) receive monthly updates about the IAS Regulation or no updates at all (31%). Romanian respondents have heard for the first time about the IAS Regulation in 2015 (53%), 20% before 2013, 20% in 2014 and the rest in 2013, most of them do not receive any updates at all (77%) and 13% rarely get updates, and just one respondent receives monthly updates (R12). Most Austrian respondents have known about the Regulation for a longer period than the Romanians and they received updates more often on this matter, also, because Austrians are involved at least since 2002 in the IAS matter, especially through the Neobiota study from 2002 (Essl and Rabitsch, 2002).

Several factors may influence the implementation of the IAS Regulation in AT and RO in a more advantageous or disadvantageous way (See Figure 2 and Figure 3) which are further explained in the following.

Decision from the EC and funds allocation on supranational, national and subnational for the implementation of IAS Regulation: Decisions and the financial support from the European Commission (EC) are mostly of advantage to the implementation in both countries with one exception, at subnational level for AT and one exception from a Romanian NGO. The responsibility for the funds allocation at national level is for both countries, mostly of advantage, with two exceptions for AT and two for RO. The allocation of financial resources at subnational level for RO is still of advantage, but with a light opposition from six respondents (two from each level of competence), who see it as disadvantageous. The funds allocation at the level of provinces for AT is split between the answer options, but mostly seen as a disadvantage to the implementation of the IAS Regulation.

The influence of the distribution of competences on the implementation: Clearly, the opinion of the Romanian respondents over the distribution of competences in the legislative and enforcement processes in RO is more unified and the majority sees it as a rather advantageous factor, in favor for the implementation (see the two middle columns for distribution of competences in Figure 3). The opinion on the distribution of competences in the legislative and enforcement process for AT is split exactly in half, between the advantageous or disadvantageous influence of the distribution of competences on the implementation (see the two middle columns for distribution of competences in Figure 2). This can suggest the challenging, disadvantageous influence of the legislative fragmentation and the unclear enforcement responsibility in AT on the implementation of this supranational Regulation against IAS.

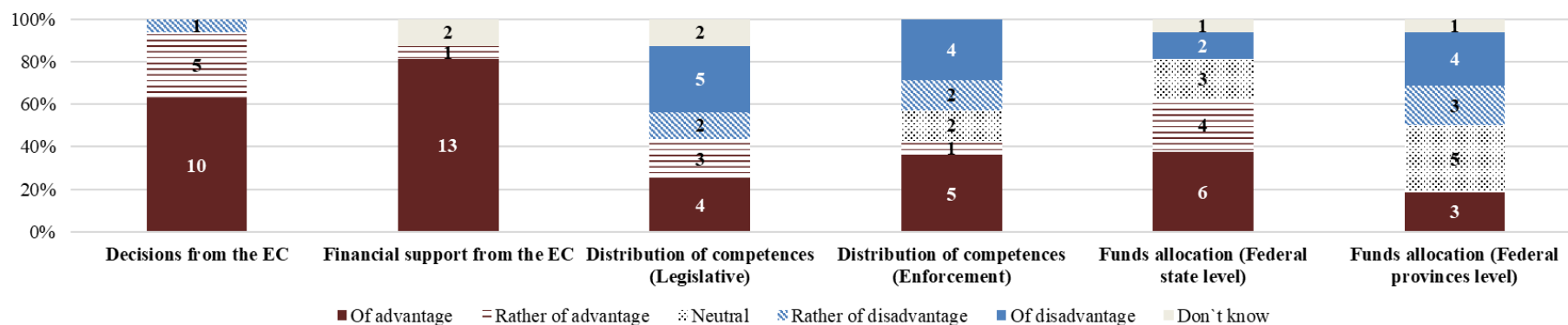


Figure 2: Impacts on the implementation in AT. Impact of the following factors in Austria on the implementation of the IAS Regulation, n=16.

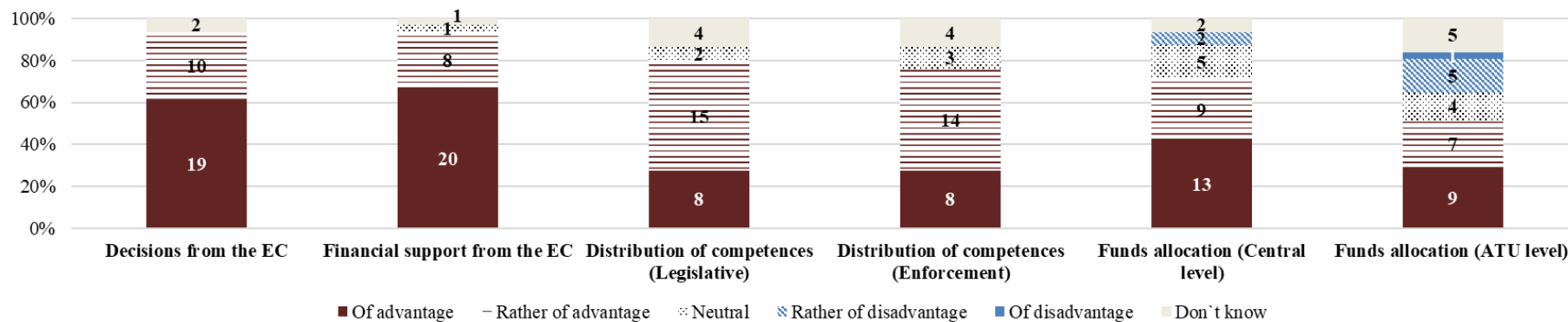


Figure 3: Impacts on the implementation in RO. Impact of the following factors in Romania on the implementation of the IAS Regulation, n=31. ATU= administrative territorial units.

Before the release of the Union list, the implementation started with mobilising MS, particularly at central, and national level. The legal supranational requirements with binding character led to a higher political and administrative threshold (AD). Preparations started to intensify, scientific view was added, scientific advice was given, more work must be done, responsible competences in RO and AT must be identified and clarified, other adjustment and control requirements fulfilled, and funding solutions need to be found (AC, AD, AE, RL).

“It is about identifying where adjustments are needed, where the Regulation is crucial in Austria and how to start, together with the affected stakeholders.” (AE)

“The authority responsible for implementing the Regulation in Romania should be the Ministry of Environment, but I have no exact information on this aspect.” (RL)

First effects of the Regulation opened more discussions in MS, rose awareness on IAS and increased the consciousness of the authorities and the population in a positive or sometimes negative way (AB, AF, RN).

“The Regulation contributes to raising awareness about the IAS problem, [...] but also to the panic and fears in certain domains which are believed to be adversely affected in their economic activity. Of course, the Regulation is an enormous administrative burden [...]” (AF)

Positive awareness will increase the interest of authorities on the researcher’s data and NGOs, which could bring more financial resources to activities and projects (AC, RH, RK).

“[...] increased interest from the authorities for our data and information. [...] hope some teams, and/or specialized laboratories will be established and financed by the state or through other budget mechanisms. The interest in projects are high, when there are financial resources, but if those resources disappear usually the activity dies too.” (RH)

In RO, the communication between the central and local authorities, and experts from the Capital with those at subnational levels is faulty. At local level in RO and AT there are no significant effects and no great mobilization before enacting the lists (AG, table 3, RA, RB, RF).

“Not sure if it is a communication problem, but I blame the higher levels, such as the Ministry. When they got to apply this Regulation, they thought at the last minute to call and send somebody to represent them and if the Ministry decides, they send someone who is closer, and the decision takes place ad-hoc. The person chosen, contacted us two, three days before going to Brussels, but very vaguely, by a short e-mail. I did not know, and nobody got involved, because nobody clearly understood what it was about. Meanwhile we clarified it, but the discussion and the proposal has already taken place in Brussels. This is not something that is done in a hurry. You have to set some priorities and then everybody has to come with additions.” (RF)

„I only heard how the administrative level is causing disquiet, because for the first time in Austria arose questions like who, where, which competences we have and where and how to implement them.” (AG)

No direct effects are seen in already regulated domains, such as the Austrian Horticultural Society or the Association of German-speaking Botanical Gardens, where voluntary guidelines regarding handling and collecting management on potential IAS have been applied for years (AA). One Romanian interviewee also thinks that there are enough actions and action plans against IAS and therefore no effects are seen now (RM). Most of the interviewees thought that the effects depend strongly on the Union list, without which everything is just a theoretical framework (RJ, RE, RG, AF, AH).

„Until the adoption of the lists, it is simply a theoretical framework, which should create some structures for monitoring and reporting. They have not been yet created and that is a little late for Romania. My colleague made a proposal amending the law of protected areas, which is only a proposal that has not come out of the Ministry yet. That will take more time until it will be approved [...] Now, I see it purely theoretical.” (RJ)¹³⁷

In addition to the personal work area of the respondents from Table 8, respondents selected their own and other work areas that they think may be affected by the implementation of the IAS Regulation (See Table 9). Most Austrian choices were for forestry, nature conservation, customs, and fishing, trade, and hunting, for RO:

¹³⁷ See Annex 2 and Annex 3 with the amendment of the law of protected areas and published in the Official Gazette from 29 January 2016, p. 7

agricultural activities, administration of natural protected areas, and biodiversity protection and conservation.

Table 9: Work areas affected by the implementation. Opinion of Austrian (n=16) and Romanian (n=31) respondents on working areas of different competences, possibly becoming affected by the implementation of the IAS Regulation; thick frame- work areas with the most common choice counts; interrupted line frame + thick frame- top 10 choices of the Austrian and Romanian respondents of the possible work areas that could be affected by the implementation of the IAS Regulation (multiple answers); Choices with same count numbers were taken on the same spot in the top 10.

Nr.	Possibly affected Austrian work areas by the IAS Regulation implementation	Counts	Possibly affected Romanian work areas by the IAS Regulation implementation	Counts
1	Forestry	15	Agricultural activities	27
2	Nature conservation	15	Activities on administration / custody of protected natural areas	23
3	Customs	14	Biodiversity conservation	23
4	Fishing	14	Protection of protected natural areas	22
5	Trade with goods and livestock abroad	13	Plant protection	20
6	Hunting	13	Activities with environmental impact	18
7	Nutrition affairs (foods, seeds and seed stock, pesticides)	12	Management of forest and wildlife	15
8	Plants protection	12	Activities of botanical gardens, zoos and reservations	14
9	Plants protection against illnesses and pests	11	Forestry	14
10	Animal breeding	10	Biosecurity conservation	13
11	Beekeeping/apiculture	10	Cultivation of plants for multiplication	13
12	Transport (railways, aviation, shipping)	9	Strategic planning in environmental protection	13
13	Inland water transport	9	Protection of plants against diseases and pests	13
14	Animal protection	9	Land planning activities (landscaping, architecture)	12
15	Control and conservation of waters	8	Fishing and fish farming	12
16	Waterways construction and maintenance	8	Phytosanitary activities	11
17	Environmental information	8	Other human health activities	11
18	Trade and industry	7	Activities in mixed farming (crops growing combined with animal breeding)	10
19	Federal provinces forestry	7	Beekeeping	10
20	Environmental responsibility	7	Animal breeding	10
21	Public health	7	Customs activities	9
22	Veterinary affairs	7	Animal welfare	9
23	Water law	7	Animal breeding activities	8
24	Foreign Affairs	6	Sustainable Development	8
25	Federal state roads	6	Water management	7
26	Environmental impact assessment (Art.10)	6	Activities of the centralized, administrative offices, directories	6
27	Electricity and water transport police	5	Activities and services of decontamination	6
28	Federal provinces roads	5	Veterinary activities	6
29	Strategic environmental assessment SEA	5	Other environmental information service activities	6
30	Environmental impact assessment (Art.11)	4	Research and development in natural sciences and engineering	6
31	Goods and cable ways	3	Environmental infrastructure	6
32	Federal provinces land use planning	3	Legal activities	5
33	Soil protection	3	General public administration services	5
34	Agrarian reform	2	Marine and coastline transport	5
35	Corridor condition, forrest and pasture servitude, agrarian administration	2	Transport by rail	5
36	Constructions	2	Hunting and wild protection	5
37	Other: Biodiversity research	2	National defense activities	4
38	Immissions limit values	1	National roads administration	4
39	Road police	1	General administration	4
40	Genetic engineering precaution	0	Collection, purification and distribution of water	4
41	Total counts	288	Forestry commissars	4
42			Inland waterway transport	4
43			Road transport of goods	4
44			Administration of secondary public roads (agricultural, forest, mountain)	3
45			Construction (highways, roads, airfields and sport facilities, hydraulic	3
46			Higher education	3
47			Activities of public order and civil defense	2
48			Trade and brokerage	2
49			Depositing	2
50			Food industry	2
51			The agrarian reform	2
52			Casual air transport	2
53			Wastewater Treatment	2
54			Activities of political organizations	1
55			Foreign Affairs	1
56			Other passenger land transport, based on graphic	1
57			Construction issues	1
58			Construction of other engineering projects	1
59			Telecommunications, courier and mail services	1
60			Air transport by graphic	1
61			Other: Custom control services, Phytosanitary quarantine services	1
62			Vehicle traffic control system of defense, public order and national security by traffic police	0
63			Total counts	465

Given the experts opinion, the negative, environmental, economic, and social impacts of IAS (Wilson et al, 2017, pp.28) within the implementation of this Regulation, clearly affect the agriculture and the forestry of the two countries and therefore, this result draws attention to the ESS issues. Nature and biodiversity conservation clarify the context in which the respondents think that this implementation of the IAS Regulation, must take place, and what goals this Regulation must protect. The opinion on customs draw attention to preventive official control and trade aspects of the Regulation which need increased attention. This implementation will also affect the administrations of natural protected areas, because in their management plans they must prepare measures against IAS.

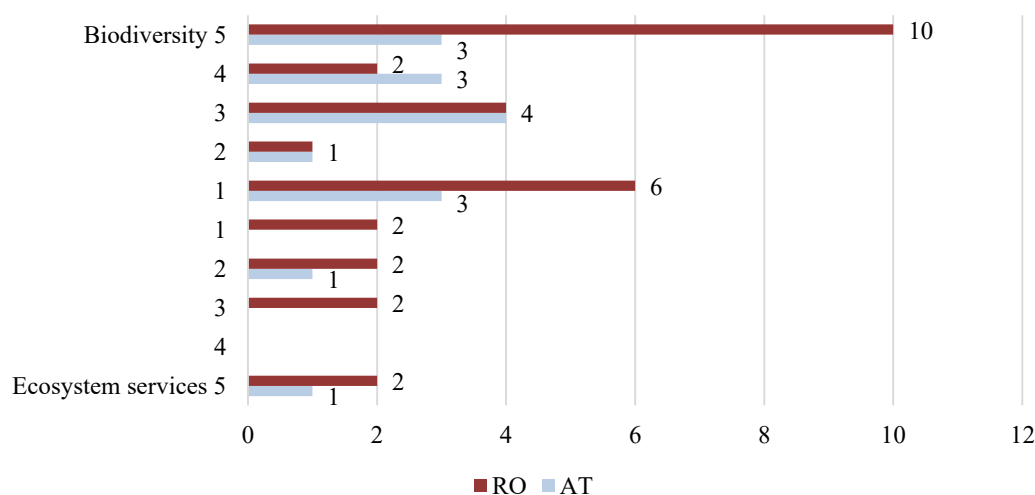


Figure 4: Main goals of the IAS Regulation. Estimation of the focus on the two main protection subjects of the IAS Regulation: biodiversity and ESS in the future work activity of the respondents; n(AT)=16, n(RO)=31. Each of the two goals has its own vertical level scale (1-5): Number 5 is in strong favor of one of the two goals and 1 is in a weak favor of one of the two goals (single choice).

The main goal of the IAS Regulation is the protection of biodiversity against the impacts of IAS, along with the related ESS¹³⁸. The Regulation clearly and directly formulates the legislative framework and goal, considering not just biodiversity alone, but the ESS that come along with it, mainly because IAS affect and modify ESS strongly (Vilà and Hulme, 2017), and by that, they are bound together. Figure 4 shows clearly, that the focus for

¹³⁸ IAS Regulation, Preamble 1 and 2, Art.1; (EUR-Lex, 2014); see also Annex 1.

both Austrian and Romanian respondents will be the protection of biodiversity in their work with the IAS Regulation (13 Austrian respondents and 23 Romanian respondents), rather than the conservation of the associated ESS (2 Austrian - one from national and one from local level, and 8 Romanian respondents - five from national, two from subnational level and one from NGO). To quantify the impact of IAS with the help of ESS, more research and acknowledgement from stakeholders is needed. This Regulation approaches biodiversity conservation while trying to sustain ESS affected by IAS.

3.2 List of IAS of Union concern

The Union list is welcomed and needed for further practical action within the implementation at national and subnational levels. Future activities will primarily depend on it, for e.g. it will help to decide if species need a special permit or will be eliminated in Botanical Gardens. Problematic species missing from the Union list will be a challenge, especially on subnational, and local level (AA, AG, RE, RI).

“[...] the list is welcomed, even if at first it cannot be complete, but it is good to have along the red list a black list as well.” (RE)

“The list will help us massively, because we will know exactly the species and if it is in the Regulation, obligations will be mandatory. The problem will be regarding the species missing from the list.” (RI)

After the Union list will be known, competence distribution in AT will be an ongoing detailed process. Matters of implementation, like deciding which measures are relevant to the affected activities and developing national legislation will take place. It is a challenge for AT as the competences are still unclear. Because of an economic mindset in companies, where every action must be economically quantifiable, the need for a clear, structured distribution of tasks is necessary (AB, AC, AE). A special competence is the coordinating link between national, federal and the subnational, provincial level in AT, the link to Brussels, visiting the administrative committee with the provincial representatives of the federal provinces in Brussels and the working group of the EC on IAS (AF). In RO, this coordination would be welcomed between national and subnational, local levels. *‘The territory’* is waiting for clear and precise acting orders, following a prior training from the national authorities (RN).

“Furthermore, an IAS platform tries to include all stakeholders for the service of the Austrian authorities responsible for the implementation. I will continue to visit the administrative committee in Brussels for Austria, together with the regional representatives and the working group of the European Commission on invasive species.” (AF)

“Due to legislative issues needed to be solved, I am convinced that in the coming period, on local level, competences will be obligated to respond to the European Commission about the implementation of an European directive or regulation. We are waiting for clear and precise orders to act on local level after a prior training from the central authorities.” (RN)

Several Romanian researchers do not feel influenced in their future work by this list and will probably have nothing to do with the list (RD), but Romanian NGOs believe that after the release of the list, they will continue with research on the distribution of the IAS, eventually with combating methods and further proposals for the Union list (RK). In both countries, the list will make the trade and border control system easier to implement and will lead to further elaboration of legal changes to adapt the existing control systems to the requirements of the Regulation. For AT, the Switzerland border asks for new infrastructure, because prior existing control systems were abolished by an agreement between the two countries (AE).

“The import concerns are, in this case, clearly under federal authority. [...] For Austria, there is the challenge at the border to Switzerland, with no existing phytosanitary controls, [...]. New infrastructure is needed there.” (AE)

The list will help develop and determine the most efficient mechanism of intervention against IAS on national, subnational levels, and in special protected areas, through: identification of IAS, information spread, monitoring, on site inventories, workshops within NGOs, early warning systems, action plans for the introduction pathways and the reporting. These mechanisms depend also on national legislation, scientific information, financial means, awareness of the involved stakeholders and so on (AC, RI, RL, RH). In RO, NGOs seem to want to come forward and get more involved in these matters.

“[...]we try to do some workshops. Because we are a NGO, we will continue doing all that research, and monitoring on which our work relies, so that we can determine the most effective mechanisms of intervention. We will seek and adapt effective mechanisms for the intervention against these species.” (RH)

“I do not think that we will be able to take combating measures on site. We do not have the necessary staff and legal basis for that. In Austria, that is a matter of provinces and we cannot do anything about that.” (AC)

Dependent on economic means, new tasks and activities against IAS will improve. A reliable, legal justification will develop, in form of legal normative forms for the money estimations and expenses of the legal acts designed to combat IAS (AD, RA, RC, RM).

“Nature recovery to its original state depends on the assigned funds for this activity.” (RM)

Professional advice and support from national authorities, and cooperation between national and subnational authorities will also determine the success of the implementation. Raising awareness needs further development, by engaging both national and subnational authorities, but also the citizens. Promoting the Union list will improve and quicken the implementation process. In AT, the IAS platform which includes many stakeholders provides communication, and several documentations, such as information about the species from the Union list, about the Regulation or general problems of IAS (AD, AF, RF, RG, RJ). These existing platforms should be used as examples of practical tools in RO, and the other MS to improve intern communication and coordination between national stakeholders towards IAS topics and decisions.

“We take over the professional coordination under the order of the Ministry. [...] we are representatives in the scientific board at EU level, [...] at national level we support the implementation with professional advice when content issues appear. The specialisation with the policy go hand in hand.” (AD)

“[...] often, special regulations remain basically unknown to local authorities and to stakeholders. This is a mission of awareness, of what was done until this point, where we are today, and what can be done later. [...] For better communication between the central authority and the other authorities, media communication could be an option [...]. Other communication ways could be short e-mail briefings that everyone reads, but 90% forget once they read it. A funding line for small or very small projects would be successful for this problem, as raising awareness on the topic. When people realize that money is invested for this matter, they will understand the problem better and will use it as an opportunity to lean more on the subject.” (RJ)

“The Union list can be promoted through our ways of communication: website, discussions with the specialists we work with and depending on the measures they have for each species, we will be able to promote it without any problem.” (RG)

When the interviews were taken, many respondents, mostly from local level, did not know yet if the Regulation will affect their work area, or whether their main task was foreseeable after the release of the Union list (AG, AH, RC).

Table 10 shows a list of IAS, of which, for several reasons, some are not included in the Union list, but are mentioned during the interviews (see Annex 12). The experience of the Austrian and Romanian interviewees, regarding IAS in their work, shows that species not included in the Union list are still everyday issues that need to be solved from national, subnational authorities, NGOs, and other specialists' point of view.

Table 10: List of IAS. IAS mentioned by the experts during the semi-structured interview.

Nr.	IAS	Country	Frequency	Context	Respondent code*
1	<i>Acer negundo</i> American maple	RO	1	Concrete measures in a natural park against their spread.	RL-N
2	<i>Aedes albopictus</i> Tiger mosquitos	RO/ AT	2	IAS as vectors of transmissible diseases worry specialists in the field lately. How exactly is it possible to control these species- difficult interplay between legislation and specialisation.	RE-N AB-N
3	<i>Ailanthus altissima</i> Ailanthus	AT	1	Generalisation difficult- makes the interpretation of the Regulation difficult to understand, even for jurists and confuses action against IAS, especially on local level.	AG-S
4	<i>Ambrosia artemisiifolia</i> Ambrosia	RO/ AT	6	Combat on local level with minimal effect; low population awareness about allergies (human health impact (ESS)). Because of allergies, population start to realise the impact of IAS- consciousness of the population- motivation for authorities to act (also dependent on complaint and impact- human health (allergies) vs (biodiversity) river example. Represents a major problem on local level. Many complaints from the population sent to local authorities. Did not make it on the list because of the cost-benefit analysis.	RA-S x2 RN-S RF-N x2 AF-N
5	<i>Amorpha fruticosa</i> False indigo-bush	RO	3	Concrete measurements in a natural park against their spread. Conflict between specialists and authorities if a species is invasive or helpful. Pilot project against this species- possibly used as an example of combating and managing this IAS and encouraging more small projects on the combat and prevention of IAS.	RL-N RJ-N x2
6	<i>Anoplophora glabripennis</i> Hardwood longhorn beetle	AT	1	Economic damage in the past years in forestry and agriculture.	AC-N
7	<i>Aphanomyces astaci</i> Crayfish plague	RO	1	No possible control- spread too high- cost-benefit analysis.	RD-N
8	<i>Asclepias syriaca</i> Common milkweed	RO	1	Distribution of horticultural plants and flowers, that are highly invasive are problematic - at the moment no strict controls- lists with prohibited trade species necessary; IAS problem will persist also in the future because of these trade species.	RF-N
9	Crayfish **	RO	2	Information about the species, no nature conservation (biodiversity impact) responsibilities. No possible control- spread too high- cost-benefit analysis.	RD-N x2
10	<i>Diabrotica</i> sp. Corn rootworm	AT/ RO	2	Economic damage in the past years in forestry and agriculture. In context of plant protection and potential IAS, needs to be kept under observation.	AC-N RE-N
11	<i>Eichhornia crassipes</i> Water hyacinth	RO	1	Not potentially invasive in RO, no danger for RO; although useful in cleaning waters from heavy metals; it is prohibited throughout Europe because in the Mediterranean countries it is highly invasive.	RH-NGO
12	Meroplankton, Ctenoforms, Teribionts, etc. **	RO	1	Ballast water controls in maritime areas inexistent- 50% of invasion led to economic collapse of fisheries in the Black Sea.	RH-NGO
13	<i>Myocastor coypus</i> Nutria	AT	1	As an example for permits and exceptions to permits for ex-situ conservation in zoos when the Union List will occur.	AF-N
14	<i>Phasianus colchicus</i> Fasanen	AT	1	Negative effects of the IAS Regulation on bee keepers- fear for loss in the economic activity of this stakeholders.	AF-N
15	<i>Procyon lotor</i> Raccoon	AT	1	Did not make it on the list because of the cost-benefit analysis.	AF-N
16	<i>Pseudorasbora parva</i> Stone moroko	AT	1	This Regulation will face also challenges, such as the technical vs. the practical implementation of the law enforcement.	AG-S
17	<i>Robinia pseudoacacia</i> Acacia	RO/ AT	2	Cultivated- problematic IAS with negative impact on soil and biodiversity and in connection with problematic control. Negative effects of the IAS Regulation on bee keepers- fear for loss in the economic activity of these stakeholders.	RH-NGO AF-N
18	<i>Toxicodendron radicans</i> Poison ivy	AT	1	Mentioned at the annual meetings of the Austrian Botanical Gardens, in discussions about where and how to take concrete measures and how to fully take appropriate preventive measures at their holding location.	AA-N

* Next to the respondents code, the first letter of the level of competence is added: N=National, S=Subnational, and NGO; x2=IAS mentioned twice by the same respondent

** Exact species name not specified

Inspired by the “*One Hundred of the Most Invasive Alien Species in Europe*” list of the DAISIE programme (Vilà, *et al.*, 2009, Olenin & Didžiulis, 2009), 48 out of these 100 species were selected to be present or at a high risk of becoming invasive in AT, RO, or both, then compared with the last updated IAS list of Union concern, and with the IAS species mentioned during the interviews by the experts from the two countries (Annex 12). This means that almost half of the 100 most IAS in Europe are to be found in AT, RO or both, from which 17 just in AT, 5 just in RO and 26 in both. From these 48 species, only 10 made it also into the Union list, to which 39 others were added, because certain conditions (risk assessment and financial aspects) had to be met. Hence, from the 49 IAS of the Union list, 7 are to be found only in AT, 1 just in RO, and 12 in both MS. 20 species were mentioned during the interviews. These lists are of course dynamic and must be updated regularly, but they represent the main tool of action or inaction against an IAS at national or regional levels. They also show the importance of facultative national lists, regional cooperation and the challenges of species that are not on some of the lists, but still represent a risk for invasiveness. For some species such as *Ambrosia artemisiifolia*, the preventive status is exceeded, and special management measures must be carried out. This is also a reason, even if this species was mentioned the most by the Austrian and Romanian respondents, this plant does not appear in the Union list as it is a special case, due to its high invasiveness and high impact on human health and economic impact, which also involves high financial demands. Therefore, this IAS Regulation puts so much effort in the preventive measures, in order to avoid these sort of similar cases from happening in the first place.

These lists are important, because they show which ESS are affected and how to act further (Vilà and Hulme, 2017, p. 8): prioritize action or inaction, decide the legislative application, or need for additional voluntary action, evaluate management effectiveness, compare lists, and draw helpful connections between IAS and affected ESS, etc. But the most significant role the Union List has is that of prevention, next to facultative regional and national lists.

3.3 Aspects of prevention

Austria

Austrian respondents from competences of the subnational level believe that they will become active with the proposals for IAS in the Union list, with the restrictions and the permits, but not with the enforcement of risk assessments (see Table 2, Table 5 and Table 11 for AT: subnational level of competence). For the proposals of IAS in the Union list and the restrictions, respondents from the national level split their opinion in two, between becoming active or not with these two preventive aspects, as they do not feel responsible within their work area with the enforcement of risk assessments and the permits. Respondents from NGOs did not think of becoming active with any of the preventive aspects asked in this survey (see Table 11 for AT: national level of competence and NGOs). For all preventive aspects in AT, respondents mostly suggest (over or at least 50%) that the competences from the national level (Supreme and subordinated federal authorities) are responsible, whereas for the proposals of IAS in the Union list, the supreme province authorities (ca. 30 %) should also become involved (see Figure 5). Other suggested bodies were researchers with expertise in each of the plant or animal groups, and appointed organizations (such as the Federal Environment Agency- Focal Point: Neobiota (AA, A4, A8); Experts from specialized institutions or organizations (AF); University departments for special issues or reviews (A8)).

Romania

Romanian respondents from the subnational competence level mentioned they will most likely not act according to the first four aspects of prevention within their work area (see Table 11 for RO: subnational level of competence). Most respondents from the national level believe that they will become active with the proposals for the IAS introduction in the Union list and the enforcement of the risk assessments; their answer is however split regarding the restrictions and the permits between becoming active or not with these two prevention aspects (see Table 11 for RO: national level of competence). Also, the respondents from NGOs mentioned they will become involved with the proposals and the enforcement of the risk assessments, but not with the restrictions and the permits, for which their answer is split (see Table 11 for RO: NGO). For the proposals of IAS in the Union list, the enforcement of the risk assessments and the restrictions, Romanian

respondents mostly (over 50%) suggested the competences from the national level (the competent national authority and the relevant subordinated agencies) should be responsible. This is not the case for the permits, where most suggestions (over 50%) were for the subnational competence level (the regional authority and the county or local public authority) (see Figure 6). Other possible responsible bodies for the preventive aspects are universities (RF, RK) and museums (RK).

Table 11: Results on prevention. Austrian and Romanian respondents that will involve or not in their working area with the prevention aspects and if they agree with facultative national and regional list. The bold numbers within each group of level of competence help the interpretation of the answers: they represent a strong favor for an answer if they are higher or equal to the half of the total answers from each level of competence.

Prevention aspects	Level of competence	AT				RO			
		Yes/Rather yes	No/ Rather no	Do not know	Skipped	Yes/Rather yes	No/ Rather no	Do not know	Skipped
Proposals for IAS in the Union list	National	4	4			8	4	5	1
	Subnational	5	1	0	0	0	5	2	1
	NGO	0	2			4	1	1	0
Enforcement of risk assessments	National	1	6	1		9	6	2	1
	Subnational	1	4	1	0	2	4	2	
	NGO	0	2	0		3	1	2	0
Restrictions	National	4	4			5	6	6	1
	Subnational	5	1	0	0	2	4	1	0
	NGO	0	2			2	3	1	
Permits	National	2	6			4	5	7	2
	Subnational	5	1	0	0	1	6		
	NGO	0	2			3	3	0	0
Regional list	National	7	0	1		18			
	Subnational	5	1	0	0	7	0	0	0
	NGO	2	0			6			
National list	National	4	2	2		16	1		1
	Subnational	5	1	0	0	7	0	0	0
	NGO	2	0			6			

Bold numbers: strong favor for an answer.

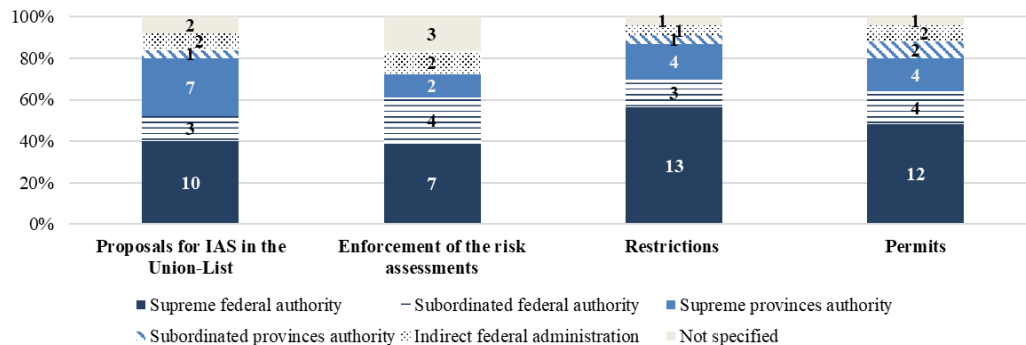


Figure 5: Aspects of prevention in AT. Opinion about the competence responsibility on risk assessments and prevention aspects for AT (multiple answers); n=16.

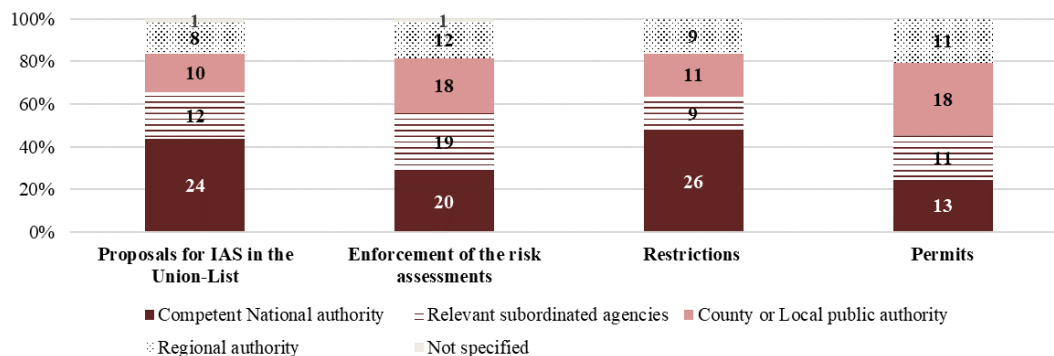


Figure 6: Aspects of prevention in RO. Opinion about the competence responsibility on risk assessments and prevention aspects for RO (multiple answers); n=31.

Austria and Romania

Comparing the results of the two countries, it is noticeable that many Romanian respondents, especially from the national competence level, do not know if they will become active in their work area with the preventive aspects. Austrian respondents are in this case more certain about their future responsibilities (see Table 11). As for the suggested suitable responsible competences for the preventive aspects, both countries chose the competences from the national level, with two exceptions: adding the competences from the subnational level (the supreme provinces authority) for the proposals of IAS in the Union list in AT, and for the release of permits in RO, letting the competences from the subnational level be responsible. These exceptions may draw attention towards the fact that competences from both national and subnational levels should be left to get involved and be taken into consideration for the proposals of IAS in the Union List; for this to happen, an intensive national cooperation between these levels of competence is needed.

Influence of the different competence distribution on the aspects of prevention

The different results for the permits leave room for discussion, for which the meaning may lean on the influence of the different competence distribution of the two MS: AT wishes to have more unified permits regulations over the nine federal provinces, therefore suggested the national level of competence, and RO wishes for more decision freedom at local level, suitable for the local issues and therefore suggested the subnational level of competence. In prevention, consulting experts from both levels of competence is vital to

improve the understanding of the mechanisms of invasions and their impacts, to identify and assess risks (Wilson *et al.*, 2017, pp. 50-51).

Facultative regional and national lists in AT and RO

Prohibited lists or watch lists can help the development of improvements against IAS. Austrian and Romanian respondents are almost all in favor for national and regional lists (see Table 11: Regional and National lists). Figure 7 and Figure 8 (general factors), and Figure 9 and Figure 10 (factors regarding the competences and the political will of the two countries) give reasoning of the increased or decreased chances of adapting facultative national or regional lists in AT and RO. In general, there are no significant differences between the answers from the national and the regional lists. The thought of environmental precaution is, for both countries, the strongest factor that increases the chance of developing such facultative lists. For RO, all factors are at least 50% in favor of increasing the chances of developing such lists, with few oppositions and more unknown answers as in AT (see Figure 8). For AT, the elimination of future costs and future time investment, and the ad-hoc arising issues, increase the chances of investing in such lists. In AT, the chances for these lists to exist are strongly dependent on the clarification of the species that must appear on the list, the indirect additional costs and the additional time investment (see Figure 7). In RO, the questions of competence, the coordination between the national state and the ATUs, and between the ATUs, increase the chances of adopting national and regional lists a bit over 50%. The political will of the national state, the county, or the local political will, are rather unclear and they split the chances between increasing, decreasing, neutral and not knowing the influences they have on implementing such lists (see Figure 10). In AT, the political will of the federal state, of a federal province, and that of the federal provinces might increase the chances of developing a national list. For all other factors, the impact on adopting national or regional lists is split between increasing, decreasing, neutral and unknown answers (see Figure 9).

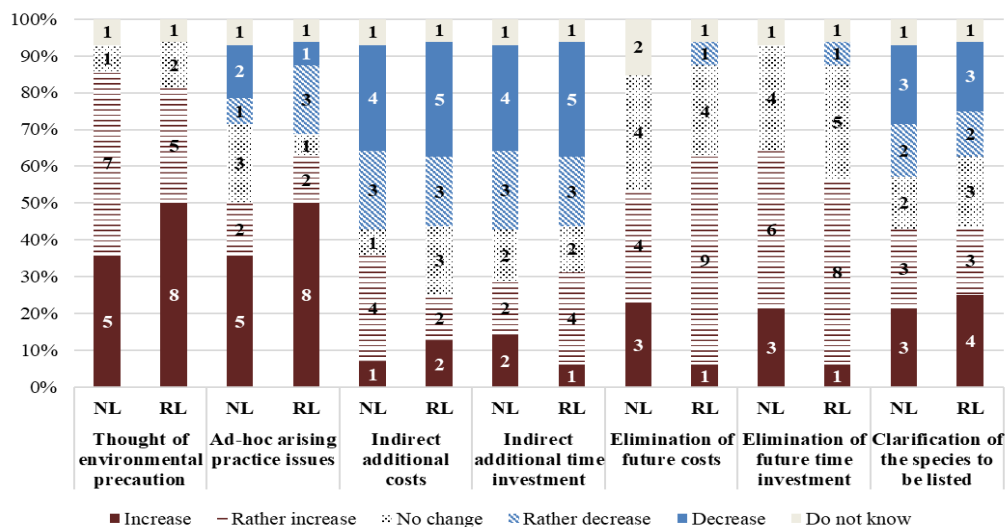


Figure 7: Facultative national and regional IAS lists in AT: general factors. Influence of these general factors on the probability of developing a facultative IAS National (NL) or a Regional list (RL) in AT, n=16.

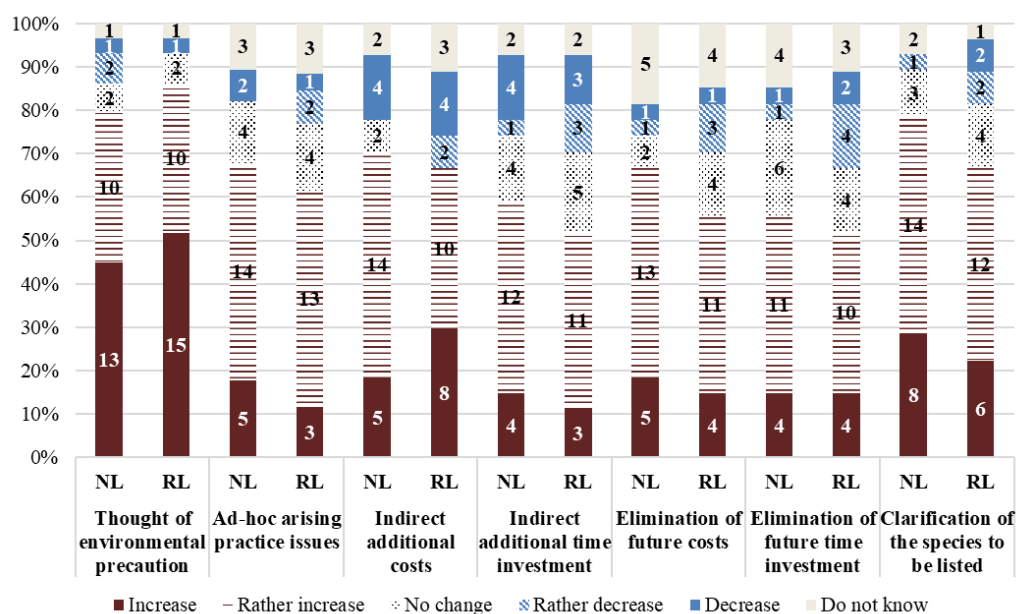


Figure 8: Facultative national and regional IAS lists in RO: general factors. Influence of these general factors on the probability of developing a facultative IAS National (NL) or a Regional list (RL) in RO, n=31.

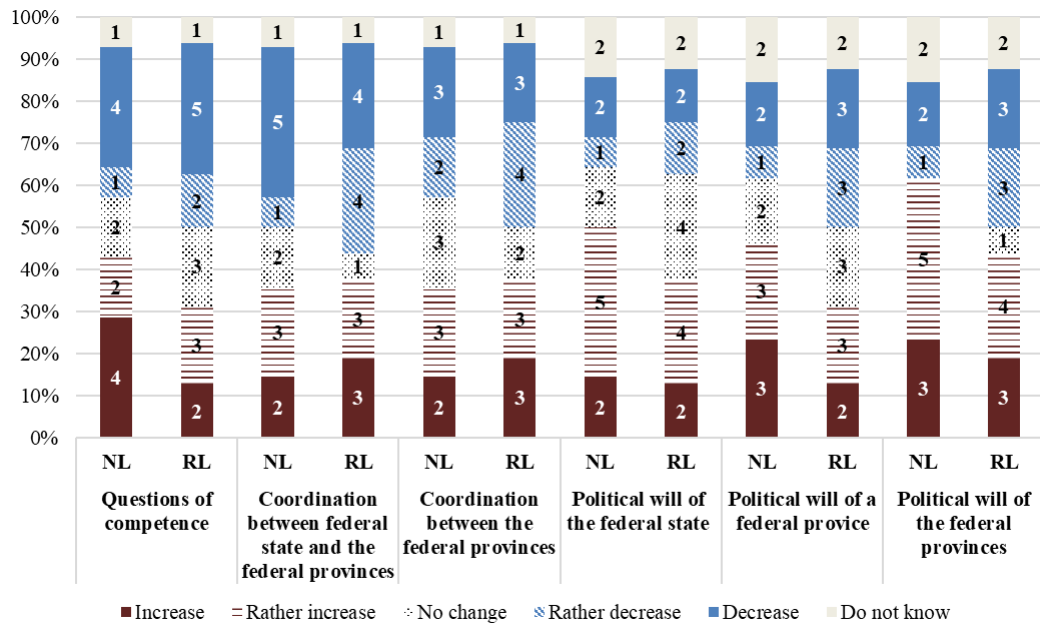


Figure 9: Facultative national and regional IAS lists in AT: competence factors. Influence of competence and political factors on the probability of developing a facultative IAS National (NL) or a Regional list (RL) in AT, n= 16.

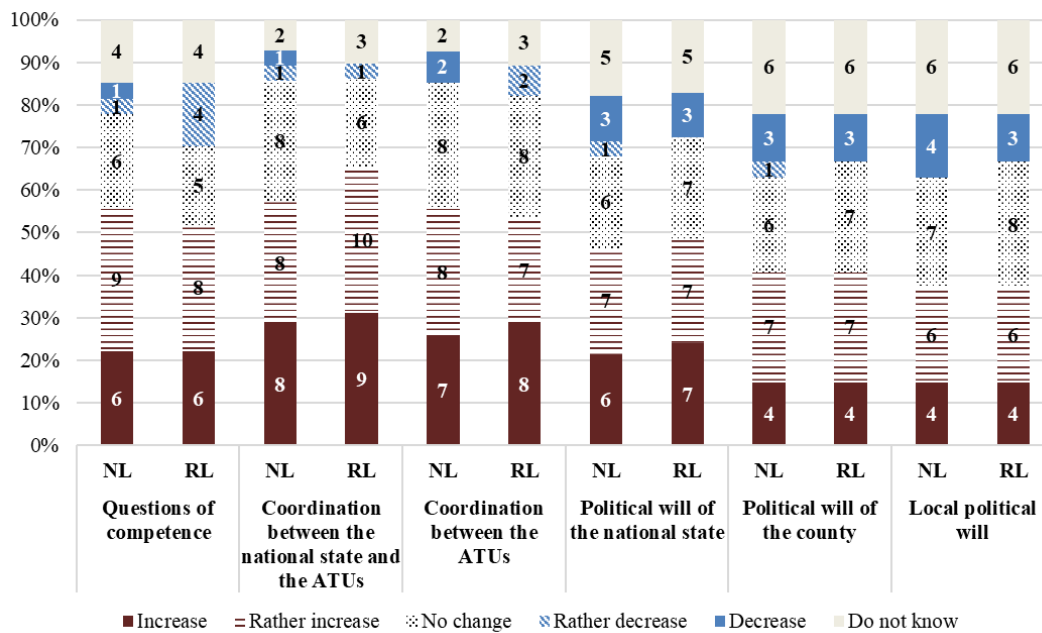


Figure 10: Facultative national and regional IAS lists in RO: competence factors. Influence of competence and political factors on the probability of developing a facultative IAS National (NL) or a Regional list (RL) in RO, n= 31.

International coordination and cooperation

Establishing national lists with IAS of MS concern, or lists with native species, is also an aspect of prevention, especially since these lists are not mandatory. With such lists, MS can develop further regional lists for a better national and international coordination and cooperation. The lists can be reasonable and permissible only with a working cooperation of all involved competence areas in AT and RO (Mauerhofer, 2014a, p. 35). In AT, 50% of the respondents will cooperate and coordinate with EU-MS within this Regulation, 31% do not know if they will get involved in such cooperation (see Annex 11), 13% will cooperate with both EU- and third countries and one respondent will not be in any cooperation (A2). Most cooperation take place at a federal state level, mostly with EU-MS, but sometimes also with third countries. For the Austrian federal provinces, this cooperation is not a priority. In RO, such a cooperation on the IAS Regulation will take place with both, EU-MS and third countries according to 51% of the Romanian respondents. 26% will cooperate only with EU-MS and 23% do not know. Also, for RO, most cooperation takes place at national level, uncertain at subnational level or for NGOs (see Annex 11).

Six Austrian experts out of eight from the national level stated that AT will possibly cooperate on international level with most of the European countries, like Switzerland, Norway, Iceland, Mediterranean countries, neighboring countries, but especially with Germany (DE). Within these cooperations, meetings and discussions take place in Brussels or at conferences on different issues of the implementation of the list. It will also aid to accessing certain strategic aspects, prevention aspects, customs administration and clearing up other ambiguities regarding the implementation. Cooperation means also scientific meetings where MS exchange information based on their current experience (AA, AB, AE): close cooperation with DE on the development of common risk assessment systems for DE and AT, where species are classified in relation to their impact from a nature conservation point of view (AC, AD). A working group in Brussels, under the Biodiversity Coordination Group, encourages MS to work with each other and to cooperate on this issue (AF).

“[...] cooperation is used to exchange information about the distribution channels and how the regulation is implemented in Germany. For them it is a little easier,

because of the nature conservation federal framework law, where they integrate this Regulation, which is not the case for Austria. In Brussels, there is also a working group under the Biodiversity Coordination Group, which aims for the Member States to work together, to report to each other, discuss campaigns, and exchange experiences and work information in this regard.” (AF)

Two out of eight Austrian interviewees from the subnational level do not think that AT will cooperate on international level and have mentioned just the neighboring countries, Hungary, and Slovenia. Nine out of fourteen Romanian interviewees think that RO will interact on international level regarding the implementation of the Regulation with the Danube countries, the Carpathian countries, but also with other EU-MS and neighboring states. Hungary, Bulgaria, and Germany were often mentioned regarding these cooperations, but also the Czech Republic, France, Italy, and Spain. This cooperation implies scientific research operations on IAS: identification, monitoring, speed of spreading, their location, and on the caused damages. Some IAS are vectors of transmissible diseases and need special attention from specialists (RD, RE, RH). Collaborations and common projects on IAS already exist. The EU funds such projects which take place between institutions from different EU countries, and it will continue to do so in the future (RG, RN). Sharing knowledge within the scientific community is possible through conferences on related subjects, especially on good practices, which can establish national strategies, and through discussions between administrations of national parks (RF, RL, RM). Three out of fourteen Romanian interviewees think that such international cooperation is desired and needed but is not requested at subnational or local level, which is not positive, as local matters often remain unknown at higher levels, especially at the European level. Another reason for the lack of international cooperation is the still unpopular status of the IAS topic and the IAS Regulation in RO, and therefore, developments are slow, which can also be an appropriate time to offer specific implementation time. The last two out of fourteen Romanian respondents have mentioned that they do not know if RO will cooperate at an international level on the implementation and they have noted that, at subnational level it is usually highly dependent on the high-level leadership, as they limit the attributions at lower levels.

National coordination and cooperation

At national level, four Austrian interviewees out of eight said that they will cooperate within the national competences. The situation for the national cooperation and coordination in AT is very complex between the federal state and the federal provinces. Hence, a national platform exists to involve and invite all stakeholders to meetings, offer information, and reports what is discussed and decided in Brussels, and it also provides service for the voting process. With the help of this platform, all opinions, (also for the Union list proposals) are gathered and taken 1:1 to Brussels.

“[...] federal provinces are still excluded from this legal opinion. They do not know now if they are responsible or do not feel very affected by this Regulation. The subject was brought in to the sovereign meetings between the ministries and the provinces and gained attention on political level. We proposed and agreed with a decision, in which a more efficient administrative implementation of the Regulation was wanted. Even if both sides are affected, no effective cooperation could be promised and only the report of the Federal Ministry of Agriculture, Forestry, Environment, and Water Management is considered at the EU Commission. [...] At the Ministry side, we are not yet the formal legal coordinator. The Regulation also affects us as a federal authority, but we, as a Federal Ministry of Agriculture, Forestry, Environment, and Water Management are not the central lead legal authority in the application of the Regulation at national level. To our understanding, this Regulation would be a federal province concern, because it is part of nature conservation, which inflicts nature conservation competences from the federal provinces. They see it however different.” (AF)

The Environmental Ministry coordinates this cooperation between the two levels of competence, by organizing meetings where all federal provinces and affected stakeholders are invited; however, the federal provinces must organise themselves for these meetings. The federal state level must first regulate and process all parts of the implementation to intensify the cooperation with the other affected parties. It is not yet known which Austrian authority will be responsible for imports. Experts play a key role in the process.

“Unknown Austrian authority responsible of invasive species found during imports. The Regulation says that no matter who does the controls (veterinary, phytosanitary service, or customs) if something is found, it must be forwarded to the competent authority which must treat it according to the national legislation. [...] Competent

authorities need more support because experience showed that cases of doubt occur quite often. In this case, experts are very useful to enlighten the questions, whether a species is invasive or not, and if it falls under the ban or not, etc.” (AE)

Cooperation between the Austrian Botanical Gardens and other organizations, such as the Austrian Horticultural Society, the federal provinces, and the Environmental Ministry on preventive measures are mentioned in the interviews. Four out of eight Austrian interviewees say that will not get involved in this national cooperation and did not go further into this subject, as the other questioned interviewees. Similar arguments exist, from the ones that would get involved in a national cooperation, but in a more negative light. The complexity of the different Ministries and the cooperation with the federal provinces is proved to be very difficult.

“There is a need of coordination within the different ministries and the cooperation with the federal provinces, which are responsible of combating, controlling, monitoring [...]. In other contexts, we often worked together with the provinces, but it is very complex, because everything needs to be done 9 times. For a functional cooperation, their responsibilities must be treated with care and the right language must be used, so that the two competences can be on the same page.” (AC)

Reports and implementation will be like those of Natura 2000.

“Nature protection in Austria is a matter of federal provinces. [...] a competent, coordinative, responsible person is in a nature conservation department, but often does not take an official operation function. [...] it is just self-organisation of the federal provinces. For reporting, implementing, or similar issues, is a national report or a national correspondent is necessary. The EU does not speak with each of the 9 provinces, but communicates on a national level. In Austria, the BMLFUW has taken over the coordinating role, but the interactions between the federal provinces and the Ministry and federal provinces with each other will be similar to the reports and implementation of Natura2000. Personally, I do not want to deal much with the national cooperation.” (AD)

Most aspects are still debated, and the implementation depends on practice (AG, AH).

“In principle, the typical major problems appear because of the federal provinces and the federal state powers. Oftentimes federal provinces are misinformed, but we fight all together for improvement.” (AG)

Five out of fourteen Romanian interviewees stated that they will get involved with the national cooperation regarding the implementation of this Regulation. In general, there is a poor national cooperation and coordination. Little cooperation exists between environmental organizations, institutions within the same Ministries, between scientists within projects, and with schools.

“Unfortunately, the law, its purposes, and objectives of protected areas in Romania are less connected to nature and more to the administrative issues, approvals for buildings, cutting off forests, hydropower constructions and so on. The biodiversity does not really matter.” (RD)

Cooperation between authorities is poor, especially at inter-ministerial level or agencies.

“[...] on an inter-ministerial level or agencies, as the the Romanian Water Agency (AAR- Agenția Apelor Române), the communication is not very effective.” (RH)

“Maybe in the future there will be a change, after we will know more. I would be willing to start projects, but usually institutional orders come from the top down: they tell us what to do, then we execute.” (RI)

Seven interviewees out of fourteen will not become involved in a national cooperation and mentioned the problems that exist. Some believe that the current national cooperation and coordination is very weak and that there is no collaboration and no strategy at all. Several reasons for this are simply no interest and no involvement of the central and local authorities towards this issue, even vanity or lack of education. In RO, IAS are not a priority now and agencies that need to be informed about the issue know very little of the current situation or this Regulation.

“Currently, it is not considered a priority issue or agencies that should know about it, do not. For e.g. the Agency for Payments and Intervention for Agriculture (APIA- Agenția de Plăți și Intervenție pentru Agricultură) or those who deal with concrete processing applications for subsidies, do not know about this issue.” (RL)

Briefings from the central authorities are sent, but without any national meetings. The IAS issue is sometimes mentioned in protected areas, but the situation always remains hanging and with no solution.

“On this subject, I do not know if they ever talked about it at the national level in some sort of a meeting. Occasionally, the matter arises in protected areas, when there

are problems with some invasive species, but the situation always remained in the air. It has never passed the current level.” (RJ)

Central authorities do not work with local authorities, so these do not receive the needed support from the higher authorities and their opinions are not taken into consideration.

“Central authorities do not get involved enough in handling problems at local authorities. Central authorities work directly with those in Bucharest. In 7 years' time, since I work here, no one has raised this issue at a local authority level. I worked for 12 years in an Autonomous Transport Administration. There exists a Union of Romanian Transport with monthly meetings, where all the problems were sent to scientists from the territory. The information was gathered for transport issues, the legislation was very well planned. It is uniform at European level, but after learning the particularities of the territory. [...] it is a massive problem, that those in charge in Bucharest do not know our problems in the territory and I doubt that they can pass anything on to Brussels. It is a total rupture of information and the cooperation at national level does not exist.” (RC)

The most relevant issue is the implementation by the Ministry of Environment, the Environment Agency, and the Environmental Guard; these three institutions hold the most vital role. New internal regulations will follow soon. The last two asked Romanian interviewees out of all fourteen do not know anything precise about a national cooperation. They mentioned other issues from other work areas with focus on captivity of threatened or endangered species of plants and animals, that receive support from central, county, and local levels and that these issues were resolved quickly in the past. As for the IAS, if some working guidelines, brochures, or expert trainings would exist, the situation could be better in this field as well.

3.4 Aspects of EDRE

Austria

Most Austrian respondents from the subnational competence level consider that they will become active within their work area in all three aspects of EDRE (see Table 12: subnational level of competence for AT), but NGOs will not (see Table 12: NGO for AT). Most respondents from the national competence level say that they will not get involved with the official controls, nor with the rapid eradication at an early stage of invasion, whereas the answer regarding the surveillance system is split between becoming and not

becoming active with it (see Table 12: national level of competence for AT). Most suggestions for the responsible competences of the surveillance system (slightly over 50%) are the national level competences (the supreme and subordinated federal authority); for the official controls, interviewees divide the responsibility between national and subnational competence levels, and for the rapid eradication, most suggestions (over 50%) are in favor of the subnational competences (supreme and subordinated provinces authority, and the indirect federal administration) (see Figure 11).

Romania

Romanian respondents from the national competence level consider that they will become active with the surveillance system, but for the rest of the two EDRE aspects, their answer is split between becoming and not becoming active of this aspects within their work areas (see Table 12: national level of competence for RO). Respondents from the subnational level mentioned that they will become responsible of the surveillance system and the rapid eradication within their work area and split their answer for the official controls (see Table 12: subnational level of competence for RO). NGOs indicated that they will not get involved with the official controls and the rapid eradication, and they divide their answers about the suggested responsible competence level with the surveillance system (see Table 12: NGO for RO). For the suggested competence responsible with the surveillance system, the respondents have split their opinion equally between the national and subnational level, and for the official controls and the rapid eradication mostly (over 50%) suggest the subnational level of competence (County or local authority, and regional authority) to be responsible. Yet, for all three EDRE aspects, the most suggested competences are the county and the local authorities (see Figure 12). Other proposals towards the bodies that should oversee these three aspects are research institutes, custodians of affected protected areas, universities, perhaps NGOs (R1, RF, RM), involved specialists from the civil society (R11), research institutions (R9), and land owners or administrators (RL).

Table 12: Results on EDRE. Austrian and Romanian respondents becoming or not active in their working area with EDRE aspects. The bold numbers within each group of level of competence help the interpretation of the answers: they represent a strong favor for an answer if they are higher or equal to the half of the total answers from each level of competence.

EDRE aspects	Level of competence	AT				RO			
		Yes/Rather yes	No/ Rather no	Do not know	Skipped	Yes/Rather yes	No/ Rather no	Do not know	Skipped
Surveillance system	National	3	4	1		13	2	2	1
	Subnational	5	1		0	4	2	1	0
	NGO	0	2			3	3	0	
Official controls	National	1	7			7	8	2	1
	Subnational	4	2	0	0	4	3	0	0
	NGO	0	2			2	4	0	
Rapid eradication at an early stage of invasion	National	3	5		0	8	6	3	1
	Subnational	5	0	0	1	4	2	1	0
	NGO	0	2		0	1	4	1	0

Bold numbers: strong favor for an answer.

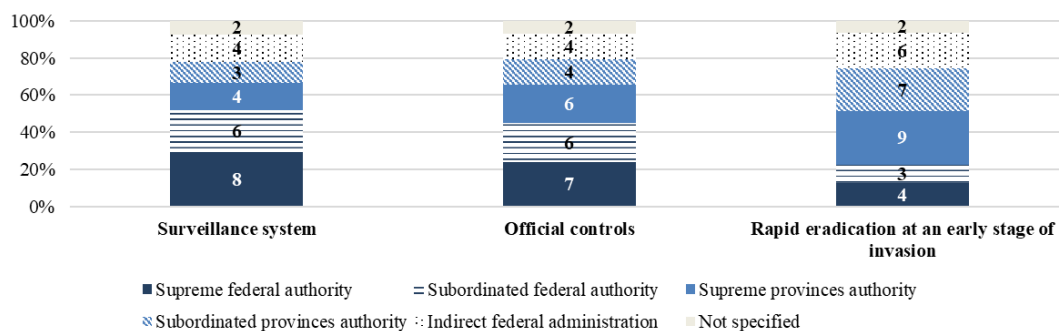


Figure 11: Aspects of EDRE in AT. Opinion about the competence responsibility on aspects of EDRE for AT (multiple answers); n=16.

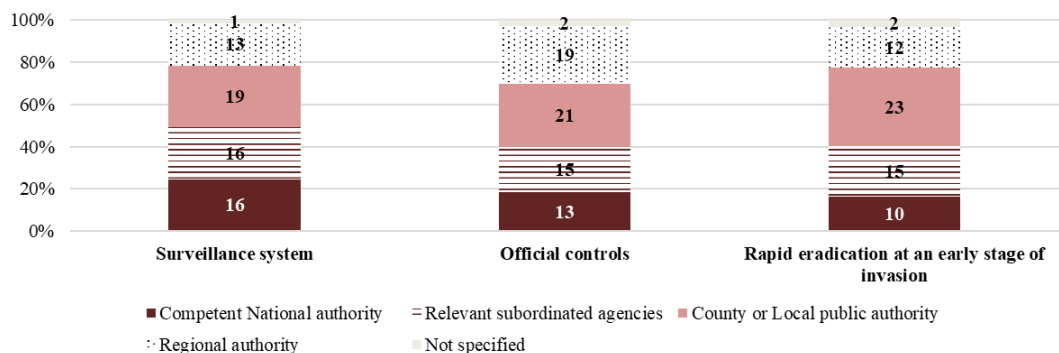


Figure 12: Aspects of EDRE in RO. Opinion about the competence responsibility on aspects of EDRE for RO (multiple answers); n=31.

Austria and Romania

Comparing the results of the two countries, in AT it is imperative that the surveillance system and the official controls overcome the fragmented legislation and unify the methods of enforcement for a more efficient coordination and cooperation between the federal provinces at subnational level and the federal state. Furthermore, there is the wish to involve the subnational competences in the official controls as well, to release the workload of the federal state, since the custom controls are a matter of the federal state in AT. In RO, splitting the responsibility of the surveillance system between competences from the national and subnational level could possibly strengthen the needed coordination and cooperation between these two levels. Having official controls and rapid eradication under the responsibility of the subnational competence level might increase the efficiency in acting faster on matters of urgent enforcement response. It might prove a better solution than rather always waiting for an approval or a command from the higher competence levels, which first need to understand the local context and decide on which solution is to be implemented best.

Nevertheless, the competence in charge needs to be able to communicate the early detection as soon as possible, to inform the EC and other MS. It is important to identify hotspots (through surveillance maps), to improve detection rates (through combining active and passive surveillance schemes, regularly training personnel, including the scientific community for advice, encouraging cooperation with affected stakeholders and the wider public from regional and local communities), and delimit incursions (through developing risk maps indicating where and when to search and estimate the search effort efficacy); otherwise, incorrect identification can lead to misinformed management responses (Wilson *et al.*, 2017, pp. 69, 78-79).

3.5 Management aspects

Austria

Most Austrian respondents from the national competence level do not feel responsible in their work area of any management aspect, except for the reporting and reviewing and their answer regarding whether to become or not active with the development of more stringent national rules is split (see Table 13 national level of competence for AT).

Respondents from the subnational level of competence feel strongly about becoming active with the management measures, restoration of the damaged ecosystems, and the reporting and review, but not so much about costs recovery, penalties, nor about the more stringent national rules. The public participation is split between those who think that they will and those who will not become active (see table 13 subnational level of competence for AT). NGOs have split their answers between becoming active or not regarding the management measures, the restoration of damaged ecosystems, and the public participation within their work area; as for the rest of the management aspects, they will not get involved (see Table 13 NGO for AT). The most suggested responsible competence for the first four management aspects are the subnational level competences (the supreme and subordinated provinces authorities, and the indirect federal administration), but for the reporting and reviewing many have also chosen the national competences (see Figure 13). Other suggestions for competences for these four management aspects are individuals who can be made accountable, according to the polluter pays principle (PPP) (A5) and the Federal Environmental Agency (*Umweltbundesamt*) (A8).

Romania

Most Romanian respondents from the national competence level consider becoming active within their work area with all the aspects of the aspects of management, except with the costs recovery. Furthermore, regarding the management measures, the answer is split between becoming active or not (see Table 13 national level of competence for RO). NGOs mentioned that they will become involved with the management measures, the public participation, and with enacting legal norms for the more stringent national rules, but not with the costs recovery, nor with the penalties. For all other aspects, their answer is undecisive (see Table 13 NGO for RO). For the respondents from subnational competence levels, answers are split between becoming active or not with all the management aspects. These answers may show that subnational competences are unsure whether they will or will not be involved with implementing management aspects (see Table 13 subnational level of competence for RO). Except for the management measures, where most of the suggested responsible competences are split equally between the national and subnational levels, most suggestions for the first four management aspects

are the subnational level (see Figure 14). Other suggested responsible competences from the EDRE were added by the Romanian respondents regarding the management aspects.

Legal norms in Austria and Romania

For AT, most suggested Austrian type of competence enacting legal norms for penalties, public participation, and the more stringent national rules are considered to belong to the federal legislation. Secondly, for penalties and the more stringent national rules, responsibility falls on the federal provinces legislation (see Figure 15). In RO, the most suggested type of competence for the penalties is the control competence (like the County Environmental National Guard), followed by the national legislation. For public participation, Romanian NGOs will involve strongly with this aspect. The regulation (like the County National Agency for Environmental Protection) and administration competences are suggested, followed by the decisions of the Local Councils. For the more stringent national rules, the national legislation followed by regulation and control competences (see Figure 16) are nominated. Other suggested competences by the Romanian respondents for these three management aspects were universities, companies from this field (R9), or custodies of protected areas (RM).

Table 13: Results on management. Austrian and Romanian respondents becoming active or not active in their working area with the management aspects. The bold numbers within each group of level of competence help the interpretation of the answers: they represent a strong favor for an answer if they are higher or equal to the half of the total answers from each level of competence.

Management aspects	Level of competence	AT				RO			
		Yes/Rather yes	No/Rather no	Do not know	Skipped	Yes/Rather yes	No/Rather no	Do not know	Skipped
Management measures	National	3	5			7	6	5	
	Subnational	6	0	0	0	3	2	2	0
	NGO	1	1			4	1	1	
Restoration of the damaged ecosystems	National	3	5			11	3	4	
	Subnational	6	0	0	0	3	2	2	0
	NGO	1	1			3	3	0	
Costs recovery	National	0	8			2	11	4	1
	Subnational	2	4	0	0	2	2	3	0
	NGO	0	2			0	5	1	0
Reporting and review	National	6	2			10	2	5	1
	Subnational	5	1	0	0	3	2	2	0
	NGO	0	2			3	2	1	0
Penalties	National	3	5			11	4	3	
	Subnational	1	5	0	0	3	2	2	0
	NGO	0	2			1	5	0	
Public participation	National	2	5	1		10	4	4	
	Subnational	3	3	0	0	3	2	2	0
	NGO	1	1			6	0	0	
More stringent national rules	National	4	3	1		8	5	5	
	Subnational	1	5	0	0	3	2	2	0
	NGO	0	2			4	2	0	

Bold numbers: strong favor for an answer.

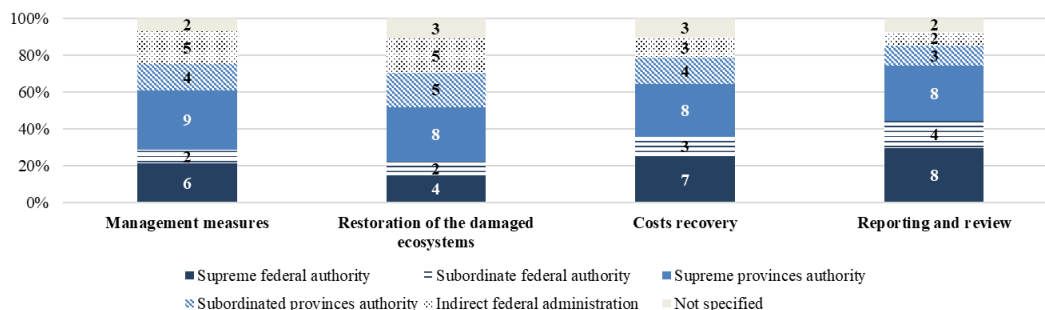


Figure 13: Aspects on management of IAS that are widely spread in AT. Opinion on the competence responsibility regarding aspects from management measures and other relevant aspects on the implementation in AT (multiple answers); n=16.

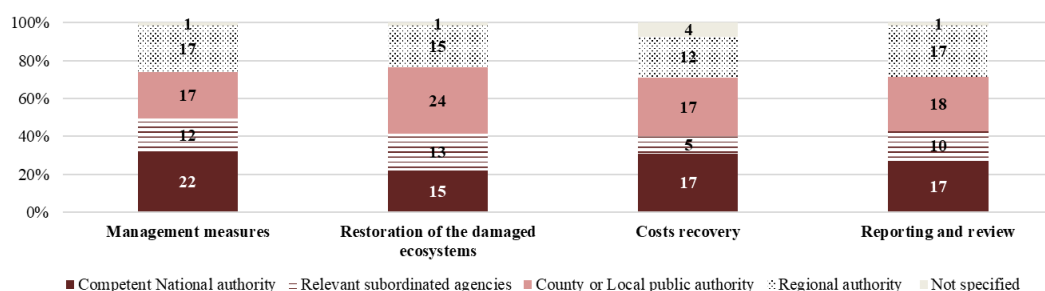


Figure 14: Aspects on management of IAS that are widely spread in RO. Opinion on the competence responsibility regarding aspects from management measures and other relevant aspects on the implementation in RO (multiple answers); n=31.

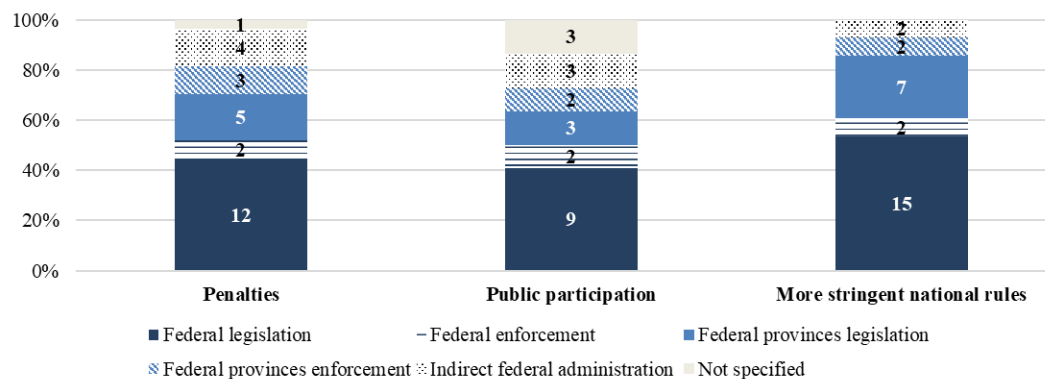


Figure 15: Enacting legal norms in AT. Opinion on the Austrian competences that should enact legal norms (including preparation and evaluation) (multiple answers), n=16.

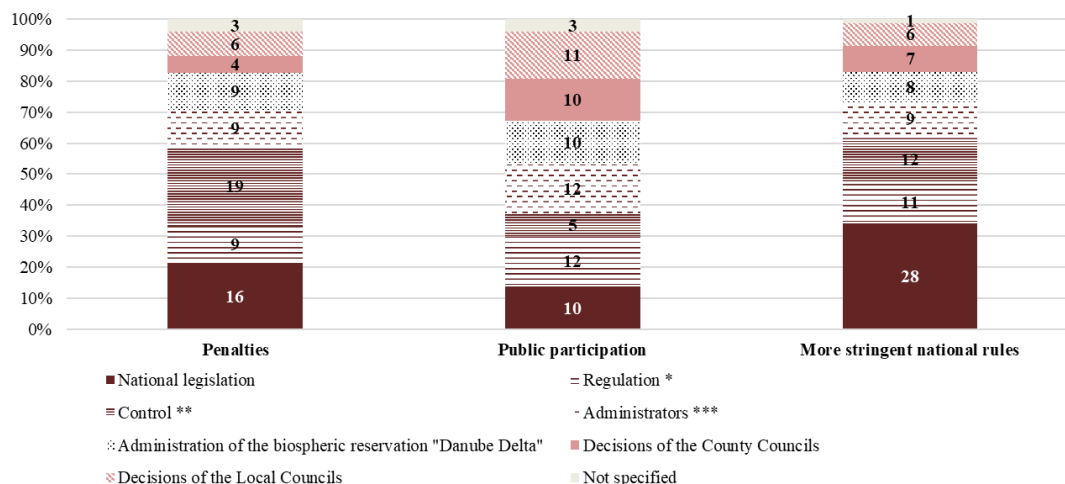


Figure 16: Enacting legal norms in RO. Opinion on the Romanian competences that should enact legal norms (including preparation and evaluation) (multiple answers), n=31. *County National Agency for Environmental Protection; ** County Environmental National Guard; *** RNP, ANAR, administrators of private agriculture areas, forestry areas, etc.

Austria and Romania

Comparing the Austrian and the Romanian results for the management aspects, most Austrian respondents from the subnational level of competence feel responsible for the first four aspects of the management aspects, while many Romanian respondents have contrasting answers. Romanian respondents do not clearly know which level of competence will be involved or not with such tasks. Both countries mainly recommended the subnational competence level to become responsible with the first four management aspects, with two exceptions. It is difficult to spot a pattern in the answers of the respondents regarding the management aspects, mainly because management, especially at subnational level, has such a wide spectrum of possible needed measures, that respondents can mostly do no more than suggestions on how to act or not to act on a certain local situation. Management does not give so much space for generalization. In AT, the competences from the national level should get involved with the reporting and the reviewing, next to those from the subnational level. In this case, Austrian competences ought to work together to send a unified report regarding the actions and management against IAS from each Austrian federal province to the EC. In RO, the competences from the national level were suggested along with the competences of the subnational level regarding the management measures. This suggests that, for an efficient application of

these measures, both levels of competences must work together in implementing the Regulation efficiently in RO.

Regarding the enacting of the legal norms for the last three aspects of management (penalties, public participation, and the more stringent national rules), most Austrian respondents do not find it attractive to become involved with and have mainly suggested the national legislation as the responsible competence in AT. For the penalties and the more stringent national rules, respondents suggested as a second option the legislation of the federal provinces. These results emphasize the complex distribution of powers, where in matters such as penalties and other stricter national rules, both levels of competence are expected to become active. There is a certain level of ambiguity when splitting powers in AT: on the one hand, cooperation, and coordination between the regional and national levels in AT is wanted next to a more centralized legislation, but on the other hand, a certain autonomy for certain aspects at regional level is also wished for. In RO, most respondents from the national competence level feel responsible for these same three aspects, mainly because the legislation in RO is a matter of the Romanian Parliament only and the national competence levels (competent national authorities and their agencies) must apply it. Hence, it is naturally understood that the main competence playing a key role for these three aspects is “the national legislation”. Additionally, control is highly important for penalties, which in RO take place under the County Environmental National Guard at subnational level, which should get involved when more stringent national rules appear, for which the national legislation together with the County and National Agency for Environmental Protection decide if such additional rules are necessary and if additional institutions are needed for involvement. For the public participation, the County National Agency for Environmental Protection, with administrators, and decisions of the Local Councils are mainly suggested. Also, all respondents from NGOs showed a great responsibility towards this aspect and wish to become more active in their work area.

More stringent national rules

Two out of eight Austrian and five out of fourteen Romanian interviewees consider that creating more stringent national rules¹³⁹ will support the implementation. European Regulations need to be transcribed into national legislation. A considerable amount of legal support is needed from a well involved state, where local public authorities and central requirements are very specific and clear for managing a problem easier. Each country has its own measures for its own national legislation. More stringent national rules would improve the process and with some pressure from the European level, these national rules would be encouraged. In RO on national level, the enforcement is still unclear because of the lack of specialized people and taxonomist and therefore problems with monitoring and controlling IAS occur (RA, RH, RM).

“[...] there is pressure at European level, [...] on national level it is still unclear how much will remain a project and how much will be actually enforced.” (RH)

“Maybe the Regulation would require an implementation directive that should be respected by all Member States.” (RM)

In conclusion, more action is needed. These rules might change more in the trading affairs than in nature conservation. The management or the administration of protected areas in RO still have a low interest in and awareness of IAS. A gap between administrators and researchers still exists (AG, RD, RN).

“As a specialist, I am very little, or not at all asked about IAS. I noticed that in their management plan there are no activities that foresee IAS. The species I am working on was detected in the Danube in 2009. It is invasive and progresses every year, but since 2009 too little was done against it. In some protected areas of Romania, they do not even know about it. There is a noticeable gap between the administrators, the ones that should apply nature conservation and researchers. I, as a researcher cannot read my research aloud for them, nor make the IAS management plans for them.” (RD)

More stringent national rules would be very welcomed, especially from an economic point of view. They will be negotiated within the Ministry or other institutions. Some

¹³⁹ IAS Regulation, Art. 23; (EUR-Lex, 2014)

institutions affected by this Regulation, which need to adjust laws, will try to have a more passive approach, and will attempt to pass on the authority to other institutions, except for those with a greater responsibility, but are not so affected by the Regulation. Resources are better in the phytosanitary field, agriculture, forestry, and horticulture, where pest control and some other rules already exist (AD, RC).

“The way this Regulation will be implemented depends heavily on how the budget is managed and divided.” (AD)

Three Austrian interviewees out of eight do not take into consideration that more rigorous national rules could improve the implementation, as they find this unrealistic, are already too busy with many other EU requirements, or think that the situation is already well known (e.g. IAS situation based on plant protection), and stricter rules are not necessary (AB, AC, AH). The other three out of all eight Austrian and six out of all fourteen Romanian interviewees suppose that more rigorous national rules are very unlikely or unforeseeable within the implementation, but due to the many potential IAS, action needs to be taken (AH, RK, RE). More important is to start the Regulation and make the system work. This, however, is not easy to achieve. For e.g. authorities move slowly and decisions come from the central level, which looks like a long way from adoption to implementation. Difficulties appear in the legal perspective, where there are laws but insufficient or inefficient implementing rules (AB, RF, RG).

“[...] we have laws, but no implementing rules for e. g. not respected fines and not enough strict controls. Private owners who do not maintain their lands should be sanctioned and where the state cannot interfere directly with combating methods on private properties. Until no stricter penalties exist and people to apply them, minor change can happen. On a local level, such regulations exist, but mayors do not support them, even if they receive many complaints regarding Ambrosia.” (RF)

In AT, the competence for more rigorous national rules are the federal provinces, for which this Regulation is not yet a priority or is now treated marginally. In RO, these rules do not exist mainly because of the lack of specialists that deal on legislative and administrative level with this issue. These stricter national rules would be possible through some collective measures for land owners, and for those who manage them (AC, RJ, RL).

“In many countries actions are already set, but usually not by the responsible stakeholders, but by some NGOs or other stakeholders, therefore I do not believe that there will be more stringent measures in Austria.” (AC)

“[...] rules are made by specialists, but bringing them into legislation is actually carried on by people working in public administrations, not necessarily by the high-level Ministry, but also in the Environmental Protection Agency. On biodiversity and conservation, usually one person is responsible on all IAS problematics at the Agency and one in the Ministry, so do not think there will be more stringent rules than just the EU Regulation.” (RJ)

Two Romanian interviewees out of fourteen do not know about these more rigorous national rules, and do not believe that they could depend on the policies that come from the central government (RB, RI).

Particularly good aspects of the IAS Regulation

Four out of eight specifically asked Austrian respondents and nine out of fourteen specifically asked Romanian interviewees consider the Regulation particularly good for their work area: They see this Regulation in general to be fine as it is, its impact is positive in their work area, and they consider the Union List as very welcome (AA, AC, RB, RL, RM, RE). Others see the positive aspect in the binding character of the Regulation (AD, RA, RD), which will encourage applicable laws and fines, and force the administrative and management authorities to consider these Regulation obligations as mandatory (RA, RD). The uniform legislation at EU level against IAS and the correlation to other European normative acts, puts this Regulation in a positive light (RC, RN). It is a challenging Regulation, which involves many competences and responsibilities, but through it, new perspectives are gained, and opportunity is given for professional growth (AB).

“The Regulation is a challenge because it involves so many competences and responsibilities. Each challenge is positive or beneficial.” (AB)

This Regulation positively supports biodiversity conservation and raises public awareness on the IAS problem (RG, RJ).

“A positive strength of the Regulation is the support we receive for our work on biodiversity conservation.” (RG)

Particularly bad aspects of the IAS Regulation

Seven out of eight explicitly asked Austrian respondents and five out of fourteen explicitly asked Romanian interviewees consider that the Regulation brings particularly bad aspects to their work area, such as: the little freedom of movement of the implementation, where the issue is halfway under control (AA), the implementation process itself, where a compromise for all 28 MS is difficult, and where AT struggles with legislative and executive power problems, so it needs more adaptability for each country or region, and more time-consuming work (AC, AH, RF, RH, RJ, RK). Another particularly negative aspect is the funding, for which it is considered that the EC fails in financially assuring the success of this implementation (AC, AD).

“Another large deficit of the Regulation is the financing, which is too inadequate, mainly because the money that could be invested meaningful in the long-term and thus later avoid long-term damage.” (AD)

Some interviewees mentioned that the list of Union concern is problematic, because of the uncomplete species selection, hence making it challenging to implement. Another critique is that it is not a comprehensive instrument, because not all successful aspects from certain work areas such as phytosanitary or aquaculture are considered in this Regulation (AD, RJ). Other problematic reasons for the implementation of the IAS Regulation are: the details on import controls after the list will be known, the species that are not on the list or sensitive species that cannot be traded or privately owned, the missing application methods against IAS and the lack of, and/or faulty cooperation and coordination between neighboring countries, but also with non-EU MS (AE, AG, RN).

“What would certainly be useful is to try to make rules for sensitive species that we cannot trade or not even privately own” (AG)

“One can find missing working methods in the Regulation. In the EU regulation on trade with species of plants, the EC establishes a clear work system for the euro-region countries, namely Hungary and Romania, in our case, but an approach should be also discussed with our neighbors, Serbia, who are not yet part of the European community, to see how we will co-operate in the case of the IAS Regulation.” (RN)

Six of all 22 interviewees state that this Regulation could solve the problems with IAS, but even more challenges are foreseeable. The argument of the cost-benefit analysis that

limits the implementation of Regulation for so many widespread species (e.g. *Ambrosia artemisiifolia* or the racoon *Procyon lotor*), the limited Union list, the funding, the conflicts caused by different opinions on invasiveness between authorities and specialists are legitimate concerns (AC, AD, AF, RJ).

*“I often sense a conflict between specialists and authorities, for e.g. *Amorpha fruticosa* from my point of view is invasive. One can already observe it on all railway alignments, along roads, everywhere. This is a problem for Hungary, Germany, Austria as well. Some experts say that this species can be useful, but currently it is very invasive and is not on the list, because the combating costs are too high against the benefits that they would bring. This is confusing. We will either have regulations for invasive species or a selective regulation against fewer IAS. The funds for projects against IAS will mostly decide the success rate of this Regulation.” (RJ)*

Over the years and with continuously gained experience, this Regulation could solve the IAS problem, with the demanding help of working specialists, members of the European Parliament and the European Commissioners. All involved parties should carefully analyse, find further drawbacks in the Regulation, make suggestions, and communicate them to specialists and involved stakeholders. The Regulation is a good working basis for standardizing mechanisms, action protocols, later management of control and it encourages staff training, increases awareness against IAS, develops feasible plan measures against further spreads and other solutions, etc. (AA, AF, AD, RM, RN, RH, RJ).

“Now we are trying to make a phone application that will provide a simple IAS identification, even with the most imprecise information about that species, be able to clarify the identification of the sought species.” (RH)

“Any legal act on national, county or local level supports modifications. I am convinced that those who will implement it, will realise the things that need to be improved and will make further proposals. Improvements arise even through discussions like this interview, people like you, that can make further suggestions.” (RN)

Four of all 22 interviewees consider that this Regulation could not solve the IAS problematic, mainly because of globalization, trade, global change, and habitat destruction, which will probably increase in the future. Other reasons for doubt are: the Union list is too short, and it contains only the minimum number of species as a political

compromise, funds are insufficient, problems will not be solved so quickly, the content of the Regulation is too general, and national committees on national level should adapt and prioritize the implementation (AA, AD, RE, RF).

“At the national level, specialists in the field should be taken into consideration, because there are plenty. Specialists are never consulted on such matters. I would suggest a committee on national level or something similar, in which our scientific data and our experiences are discussed, to be able to prioritize the implementation and see what is suited best. There is a committee now, but not made of specialists. These commissions are composed of people who have no tangencies with this topic and do not consult those who have 5-15 years or more of experience.” (RF)

Remarks, improvements, solutions for the implementation of the IAS Regulation

For thirteen interviewees out of 22, it is unclear or unknown if this Regulation could solve the IAS problematic. Some say that some invasions are too advanced to be able to be addressed, but prevention should stop invasions or new invasions from occurring; another uncertainty about the Regulation are random IAS introductions, that are hard to follow by their introduction paths (AB, AC, AE, AG, AH, RA, RB, RC, RD, RG, RI, RK, RL).

The implementation of the Regulation brings plenty of uncertainty, but a central authority, a clear competence distribution and coordination would significantly help with the implementation. Only time will tell how the national legislation will work best in the interest of IAS issues and the implementation of the Regulation (AB, AC, AD, AF, AH, RE, RH).

“It would be beneficial to have a central authority which coordinates everything. This does not exist in AT now and there are at least two dozen of different responsible authorities. Now it looks like each of them will have all a set of activities in their own impact and responsibility area. So, there is no central coordination which would be highly necessary.” (AC)

“[...] a practical unique control system should be invoked, one body that controls and approves all IAS issues.” (RH)

“The current competence fragmentation makes the implementation more difficult, almost impossible. In my opinion, this issue must go beyond nature protection that tracks only some thematic areas. Implementation presumes a junction point, where information, expertise and the complete overview are available.” (AD)

To increase the efficiency of the implementation, MS must meet some minimum binding setting requirements: develop national regulations or implementation rules, that include several working areas related to certain Ministries, involved in developing national lists and require lists with prohibited trade species. These requirements will improve legislative proposals at national and subnational levels (AB, RF, RK, RN).

“Unfortunately, in our country [RO], on national level, we do not have any sort of regulations that include several working areas related to certain Ministries. In other countries these regulations are covered by Interministerial Committees, such as those of the environment, transport, health, agriculture etc.” (RF)

“I would like to support a national species inventory over the next two to three years and a half, carry a very clear, location specific national list and then make the implemented rules happen. First let us see what we have and how we stand and then apply the rules, in accordance with the situation on site.” (RK)

Yet, by generalizing actions, it is difficult to combat the IAS problem, and a more ideological combating action is needed for an efficient implementation. The Regulation needs to be better understood, practical, and specific in the different work areas so that countries to wish for best possible and quick results (AG, RG, RC).

“If the regulation remains at a very general level, it will probably not have the desired effects, but if it stays simple, specific, easy to implement, it will certainly have an effect. It will be a plus for the environmental compartments and policy. It will be a tool for control, which will make sanctions possible if the Regulation will not be respected.” (RG)

Another big challenge for the implementation of the IAS Regulation are the financial resources for:

- increasing public awareness;
- making information affordable;
- developing appropriate proposals and measures against IAS;
- training staff in custom controls and other work areas, especially when the Union list and other lists change every year;
- science and developing risk assessments, that include ESS;
- improving databases and so on.

All this funding is difficult to estimate and justify, even for countries, like AT, which is involved in this topic already for a long time (since 2002). Interviewees suggested that clearing up the decisions for the implementation, using conflicts of interest between national parks, information from horticulture and forestry might help with these financial difficulties. In such conflicts, solutions, and a decent amount of compromise from diverse opinions and discussions are found. The same goes with developing high penalties; using multipliers, such as Botanical Gardens, the Austrian Horticultural Society, several contexts like CITES, Austrian Biodiversity Strategy, etc. could help with the financial considerations. These aspects remind us of the similar implementation challenges of the two European nature conservation directives, the Birds directive and the FFH directive (AA, AC, AF, AG, RA, RD).

“Develop more accessibility to information: a website or a platform, where stakeholders can receive the needed information about IAS, and the Regulation, interact and receive real time updates. In AT there is such a platform, in RO there was a website (SMDRSI¹⁴⁰) within a project, but it ended after the financing was over.” (RD)

Therefore, some interviewees suggest the following ideas to improve the implementation:

a) For AT (AA, AC):

- The development of a practical, unique body control system for a more unified control and monitoring mechanism;
- The development of a needed Federal Framework Nature Protection Law;
- The Ministry of Environment must be responsible for all the measures that help implement and make the Regulation known;
- NGOs should be responsible for raising awareness.

b) For RO (RB, RF, RG, RH, RN, RL, RJ):

- Forming a semi militarized institution for nature conservation issues like in Spain (The Civil Guard) or in Italy (Forestry Body);

¹⁴⁰ <http://www.specii-invazive.ro/situatie-specii-straine-romania>; SMDRSI - Sistem de Monitorizare și Detectare Rapidă a Speciilor Invazive, 2009-2010

- Binding measures for land owners to avoid intentional IAS introductions, especially in national parks;
- Oblige commercial companies and institutions to have their own responsible IAS specialists;
- Pilot projects about IAS management on land of the state administration as examples for land owners in terms of environmental protection;
- Applying control through subventions;
- Produce informative materials on IAS and management measures;
- Add municipal and/or local inventories of IAS through proposals to the green cadaster;
- Train people from the involved working areas to quickly identify problematic species that affect ecosystems;
- Add compulsory environmental education and activities in schools and universities;
- Keep the Union list less selective, to avoid later a slow approach;
- Clear up which species are considered invasive, to avoid misunderstandings.

“Informing the public is the most important way to prevent and combat this phenomenon.” (RF)

“The Ministry of Environment should be responsible for all measures, for this Regulation to be known and become implemented. NGOs should be responsible of raising awareness on the problem. [...] More authorities could be responsible. I think for e.g. of APIA (Agency for Payments and Intervention in Agriculture) and everything related to agriculture. The control will be done by APIA through the subventions which are given to each land. If there are problems or after a monitoring there are proofs of problems, then no subvention should be granted.” (RL)

“Alien species (AS) are very easily confused with invasive alien species (IAS). In AT there are 20 to max. 40 invasive plant species that are potentially invasive. This is a very small percentage. This should be made very clear in all public statements on this subject, otherwise an additional dangerous argument for xenophobia can provide foreign hostility and thereby the animals and plants could be instrumentalised. This must be definitely avoided.” (AA)

The future consequences of the IAS Regulation implementation on the work areas of the interviewees will involve substantial extra work for a successful enforcement in order to achieve its main goals within the Regulation. This work will depend on:

- the national legislation;
- the national competence distribution;
- networks between work areas;
- national and international cooperation and coordination;
- human resources;
- information;
- research, etc. (AB, AC, AD, AF, RF, RH, RM, RJ)

“[...]by law, commercial companies or institutions must be obligated through normative acts to have their own specialist on IAS, to oblige the specialist to prove the results of his periodical work. I would like to see working models, observation documents, periodic reports, that someone is responsible for an environmental monitoring, and protection of native species.” (RN)

In general, for both countries, the implementation of the IAS Regulation is considered advantageous for the national or supranational measures, for their relations between the supranational and national measures, advantageous for the competences responsible for biodiversity protection and its associated ESS (see Figure 17 and Figure 18). In AT, the advantages of the IAS Regulation implementation on the relation between the national competences are considered to be poor, as the Regulation faces a strong opposition from the Austrian respondents with a neutral, unknown point of view, and have a disadvantageous attitude towards this factor. In comparison, in RO the opposition for this factor is slightly lighter. Opposition is also noticeable towards the relation between national and supranational measures, and the competences for the ESS associated with biodiversity in both countries (see Figure 17 and Figure 18).

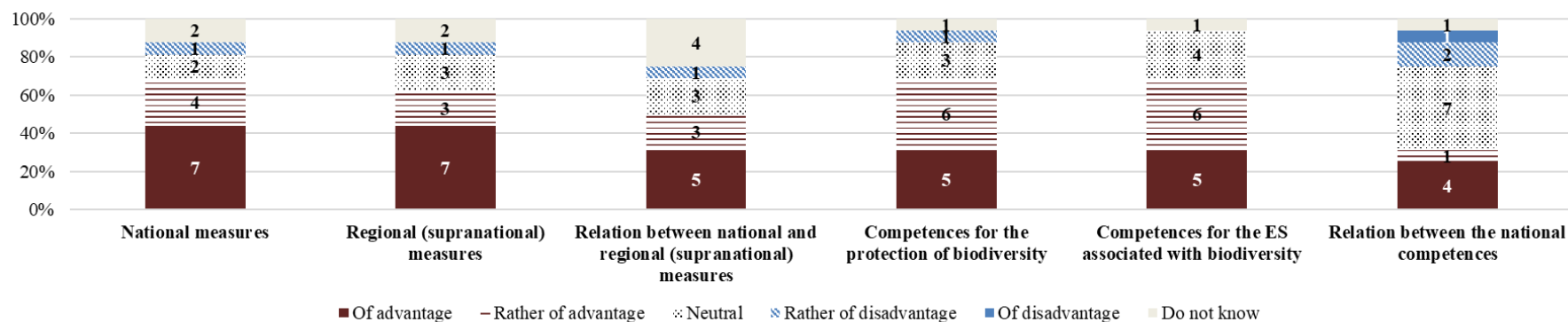


Figure 17: Implementation impacts in AT. Impact on the following factors after the implementation of the IAS Regulation in AT, n=16.

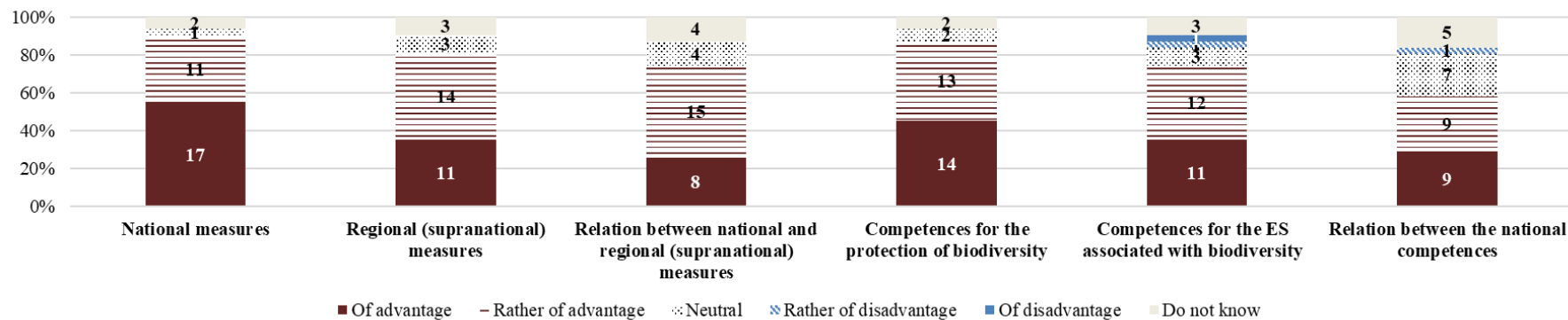


Figure 18: Implementation impacts in RO. Impact on the following factors after the implementation of the IAS Regulation in RO, n=31.

4 Conclusion

It is important to understand that an implementation of a supranational regulation is a time-consuming, complex process, that needs the attention of all involved stakeholders. The literature review, empirical work and the experience of the experts help the implementation to overcome its theoretical limitations and improve its pragmatic approach. But for the empirical data to deliver constructive and practical insights, basic historical and current data on the IAS aspects on global, supranational, national, and subnational levels need to be covered first, so that the right questions can be addressed.

The responsibility of the MS to implement the IAS Regulation does not stand alone, because the EC must also help MS to implement the Regulation as planned, and support each MS in a feasible way, considering every particularity that might arise in the process. The EC should encourage MS to communicate the successes, problems or challenges they face with the IAS Regulation in an honest and realistic manner, at both national and subnational levels. For this to happen, the EC and the MS can find motivation and inspiration for problem solving by comparing implementation strategies from other supranational regulations or directives, or even through aspects of other relevant global MEAs.

This thesis shows that during the implementation MS face similar challenges, but the appropriate solutions for these challenges depend on several factors:

- the national legislation;
- the different competence distribution;
- financial and human resources;
- involvement (compulsory or facultative) of all stakeholder and work areas – national and international cooperation and coordination;
- using lists as concrete tools against IAS introductions, for all three aspects - prevention, EDRE, and management.

All these might differ from MS to MS, but also at subnational levels.

By comparing the two countries in this thesis, it can be concluded that the ideal combination for an effective implementation is a strongly unified legislative framework

at national level, and at subnational level a strongly diverse, adjustable law enforcement as well as an intensively involved administration, in comparison with the current inhomogeneous Austrian legislative framework and the scarce Romanian involvement in law enforcement. Otherwise, as in the case of AT, the fragmented legislative framework will cause difficulties in national decision making and coordination, even if the implementation at subnational level is mostly efficient. As for RO, the legislation remains convenient at the national level, but with no or minimal practical applicability at the subnational level. For the concluded ideal combination to work, an increased interest and involvement of the different stakeholders and voluntary actions are necessary, along with high cooperation and coordination between the stakeholders, the national governments of the MS and the surrounding countries. Combating IAS is important at all levels, global, supranational, national, and/or subnational. Legislation and unified legislative frameworks are more related to the global, supranational, and national levels than the local level; the national and subnational levels are additionally more involved with the implementation aspects of law enforcement than the other levels. Both, legislation, and implementation, are inseparable and decisive.

Most of the Austrian and Romanian respondents have a background in biology or nature conservation. Through the survey and the interviews, they were able to express their opinion, on the IAS Regulation and name specific problems or challenges regarding the implementation and even extend the discussion to the generic problematic of IAS in AT or RO, Europe and worldwide. Respondents with a different background admit that they do not have concrete opinions on the IAS Regulation, but they can add a valuable, general, personal perspective to the implementation of the IAS Regulation, from their experience regarding other implementations of other supranational regulations or from similar personal work experiences.

4.1 Status quo in AT and RO

Most Austrian and Romanian respondents had to deal in their work place with IAS before 2013. The other respondents started later. The IAS problem is still an ongoing, growing problem and solutions are sought through legislative and administrative instruments. The legislation so far encompasses the experience from different strategies and legislative acts from global, supranational, national, and subnational levels. But without a supranational

Regulation, nothing was really settled in AT and RO and very little action was taken against IAS on legislative level. Most Austrian respondents heard about the IAS Regulation earlier as most of the Romanian respondents. Also, Austrian respondents received more up-dates on the IAS Regulation than the Romanians have.

Two main factors that may influence the implementation of the IAS Regulation are:

1. Funds allocation:

In both countries, the decisions from the EC and the financial support from the EC will influence the implementation of the IAS Regulation in an advantageous way. Positive awareness of the IAS Regulation and the IAS problematic will enhance the needed funds for action against IAS at all levels, national and subnational. The success of the implementation of the IAS Regulation in both MS depends a lot on the financial resources.

- AT: At national level the funds allocation is seen as advantageous, but disadvantageous at subnational level for the implementation.
- RO: Both at national and subnational level the funds allocation will advantageously influence the implementation of the IAS Regulation. Only in comparison between the two levels, this advantage is slightly lower at subnational level.

2. Distribution of competences:

- AT: The opinion on the influence that the legislative and enforcement competence distribution has on the implementation of the IAS Regulation in a federal state as AT is respectively split equally between advantageous and disadvantageous.
- RO: Both, the legislative and enforcement competence distribution are advantageous factors for the implementation of the IAS Regulation in this centralized state.

AT and RO faced some challenges regarding IAS before the IAS Regulation was even implemented. These challenges are:

- Low involvement of stakeholders (RO);

- Little knowledge about IAS and low population awareness, mainly due to the lack of specialists (RO);
- No appropriate financing (AT, RO);
- No prevention (AT, RO);
- No management (AT, RO);
- Low control (AT, RO).

Other challenges AT and RO will be facing during the implementation of the IAS Regulation are:

- The inhomogeneous legal national framework, due to the strong fragmentation of competences (AT);
- Insufficient action against IAS, especially at subnational level, and in SPAs (AT, RO);
- The still “young” policy against IAS (AT, RO);
- The high, most frequent economic impact: e.g. fishery, agriculture, forestry (AT, RO);
- The ad hoc measures from existing scarce budgets from affected work areas (AT, RO);
- negative instrumentalization of IAS (media, politicians, business owners, etc.);
- incomplete management measures (AT, RO).

4.2 Conclusions regarding the IAS List of Union Concern

The Union List is the main tool of the IAS Regulation and plays also a key role in the prevention against IAS in the EU. The process of developing a Union list must also overcome some challenges, such as:

- The missing problematic and sensitive species from the Union List, especially at subnational level;
- All the costs for personal and financial resources for the identification of IAS, information from specialists, monitoring, on site inventories, workshops within NGOs, early warning systems, action plans for introduction pathways and reporting.

But at the same time, the Union List, brings improvements in dealing with IAS, such as:

- Tasks and activities against IAS;
- The reliable and legal justification through legal normative acts with financial estimations of expenses;
- More professional advice and support from national authorities and better cooperation and coordination on supranational and national levels;
- Improved and quicker processes for the implementation;
- Will determine the success of the Regulation;
- Determine most efficient mechanisms of intervention against IAS at national, subnational and in SPA;
- Helps trade and border control systems.

For each of the three main interventions of the IAS Regulation (prevention, EDRE, management), this study tried to shed light on how the different distribution of competences influence the implementation and who from the two levels (national and subnational) feels responsible of each aspect of these three main measures against IAS; also, who should be responsible from the Austrian and Romanian respondent's point of view.

4.3 Conclusions for prevention aspects in AT and RO

- AT: Most Austrian survey respondents from the subnational competences said to become active and responsible with the prevention aspects (proposals of species on the Union list, restrictions and permits), with one exception (enforcement of risk assessments), for which almost no one from any competence level felt responsible for.
- RO: Most Romanian survey respondents who are responsible for the proposals and the enforcement of risk assessments, were those from NGOs and the national competences, but for the restrictions and permits, Romanian respondents were not sure who should become active with these two aspects.

The respondents from both countries suggested that the competences from the national level should become responsible with all the prevention aspects. Respondents from AT added the subnational level at the proposals of species to the Union list, which shows that

the involvement of federal provinces is important in the process of the IAS selection for the Union list. Respondents covering competences from the subnational level in Romania wanted to get involved with the permits, which shows the wish of involvement of subnational competences in the control and permit process.

Both AT and RO have an increased interest in regional and national IAS lists. These lists will and can increase the cooperation and coordination between MS, but also between competences at national and subnational levels.

International cooperation and coordination on the implementation of the IAS Regulation:

- AT: More than 50 % of the respondents indicated that international cooperation takes place at federal state level. For the federal provinces this are not a priority.
- RO: The same applies for RO, most international cooperation happens at central level.

International cooperation takes place at meetings, organized discussions, in Brussel, at conferences, or scientific meetings. They help to assess:

- Strategic aspects;
- Prevention aspects;
- Customs aspects;
- Clearing up ambiguities regarding the implementation;
- Exchange information based on current experience from scientists or other specialists;
- Develop common risk assessments with neighboring countries (e.g. AT with D);
- Common scientific projects on IAS: identification, monitoring, speed of spreading, exact location of invasion, caused damages.

National cooperation and coordination:

- AT: the opinion about an existent cooperation at national level in AT is split equally in two positions, for and against it. A more positively first half, that talked about a present conflictual, complex situation between the federal state, federal

provinces and between federal provinces. Although, an existent IAS platform helps the engagement of all stakeholders in meetings, spreading information, reports from discussions in Brussels and provide a voting procedure, all opinions of those involved in the issue of IAS Regulation are gathered and taken to Brussels. Federal provinces must organize themselves in this cooperative process. The other half of the respondents see the national dynamic between competences in a rather negative light and do not want to get involved in a discussion about this topic.

- RO: Such a platform as in AT is not existent, but desired by many interviewees, that knew about this Austrian platform and some of them even mentioned similar coordination tools in other MS, such as in Great Britain, Italy, France, and Spain. The national cooperation is poorly developed, especially between the central competences and the subnational ones. Usually, all decisions are taken at central, national level and the opinion of the subnational competences is not or too little taken into consideration.

These two situations make it difficult for the EC to receive a realistic image of the situation of IAS and the implementation of the IAS Regulation in a MS and be able to offer helpful support, if the national cooperation is poor such as in AT and RO respectively.

4.4 Conclusions of EDRE in AT and RO

- AT: Most of the Austrian survey respondents from subnational competences felt mostly responsible for all three EDRE aspects (surveillance system, official controls, and the rapid eradication measures at an early stage of invasion). Yet, respondents suggested that for the surveillance system and the official controls, competences from national competences should also get involved. Official custom controls are already under federal state competence, but a combination with subnational competences for this EDRE aspects might improve these controls against IAS invasions.
- RO: Most respondents do not know if they will become active with official controls, but they suggest the subnational competences (county and local authorities) for this aspect, along with the other EDRE aspects.

This result shows that competences at subnational level want to involve more with these EDRE aspects, then rather wait for directions from upper competence levels. Yet Austrian respondents find a collaboration between national and subnational competences necessary.

4.5 Conclusions for management aspects in AT and RO

- AT: Management measures shift in general towards the responsibility of competences of the subnational level, but for management aspects such as cost recovery, reporting, and reviewing, penalties, public participation and the more stringent national rules, competences and legislation of the federal state are suggested to join for a better implementation of management aspects against IAS.
- RO: For the management aspects in Romania, mostly respondents from national competences and NGOs feel most responsible, but the results suggest clearly that for restorations of the damaged ecosystems, cost recovery and the reporting and the review, competences from subnational level should involve too. In the case of the more stringent national rules, a national legislation is considered necessary. For the penalties, controlling competences, such as the National Environmental Guard should take the responsibility. For the public participation, all competence groups should get involved (less the competences responsible with the controls).

This result is not that clear, as management is both, enacting legal norms and enforcing them. So, the interplay between the two levels of competences is intensively debated for the management aspects of the IAS Regulation. Especially for management aspects, the influence of the competence distribution is the highest, as in both MS, the competences from national, subnational levels and NGOs must work together and take the best action and settle the best legal, administrative, and financial national rules against IAS within this implementation of the IAS Regulation.

More stringent national rules can support the implementation of the IAS Regulation by:

- Helping the IAS Regulation be transcribed into national legislation (RO);
- Offering more legal support in managing IAS at national level (RO);

- Changing towards better trading affairs and maybe better nature conservation (AT/RO);
- Economic improvements (AT/RO);
- Enhancing negotiations within Ministries and other institutions (AT/RO);
- Possibly helping land owners and administrators (RO).

Regarding challenges, that Austrian and Romanian respondents mentioned, some solutions against IAS were also suggested for which the implementation of this IAS Regulation may provide feasible solutions, such as:

- Will help quicken and intensify the process against IAS (AT);
- Increase the possibility to eradicate the IAS problem (RO);
- Establish clearer contributions for national and subnational authorities, for the police or other control authority (RO);
- Clarifies legal problems for local authorities and citizens (RO);
- Drop costs through more unitary rules (RO);
- IAS Regulation will increase prompt measures and provide funds (AT, RO).

The success of the implementation of this IAS Regulation against IAS depends according the respondents on:

- the national legislation;
- the national competence distribution;
- financial resources;
- networks between work areas;
- national and international cooperation and coordination;
- human resources;
- information;
- research, etc.

Finally, the main goal of this study was to bring attention to the severe problem of IAS, which affects biodiversity, ESS, the economy and human health; to raise awareness; present some challenges that MS face in the process, but also to offer suggestions and solutions based on the experience of experts. The implementation needs further supervision and improvement in the time to come, especially given that the Union list is known to change along the years. Further similar comparative research, extended to more MS, and furthermore to third countries, can improve the implementation process of any legislative supranational act.

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7 Appendix

Annex 1 - Annex 12

Annex 1

The four aspects mainly protected by the IAS Regulation. Exact location and frequency of appearance of the four main protected aspects against IAS through the IAS Regulation with quotes and contexts.

			Biodiversity	Ecosystem services	Human health	Economy
Total frequency			18	14	15	9
IAS Regulation	Context	Quote				
Preamble 1	Main adverse impacts of AS	"A significant subset of AS can become invasive and have serious adverse impact on biodiversity and related ecosystem services , [...]."	1	1	0	0
Preamble 2	Main threats of IAS	"IAS represent one of the main threats to biodiversity and related ecosystem services , [...]"	1	1	0	0
Preamble 3	Different forms of main threats of IAS	"The threat to biodiversity and related ecosystem services that IAS pose takes different forms [...]"	2	2	2	2
	Other adverse impact of IAS	"Furthermore, IAS can also have a significant adverse impact on human health and the economy ."				
	Kinds of IAS that are restricted under the Regulation	"Only live specimens, and parts that can reproduce, represent a threat to biodiversity and related ecosystem services , human health or the economy , and therefore, only those should be subject to the restrictions under this Regulation."				
Preamble 6	Establish preventive rules to minimise and mitigate the adverse impacts of IAS	"To support the achievement of the objectives of the different Directives [...], this Regulation should establish rules to prevent, minimise and mitigate the adverse effects of IAS on biodiversity and related ecosystem services , and on human health and safety [...]"	1	1	1	0
Preamble 13	Risk assessments	"To ensure compliance with the rules under the relevant Agreements of the WTO and the coherent application of this Regulation, common criteria should be established to carry out the risk assessment. Where appropriate, those criteria should be based on existing national and international standards and should encompass different aspects of the characteristics of the species, the [...] biodiversity impact of the species [...]"	1	0	0	0
Preamble 25	Management measures	"Management measures should avoid any adverse impact on the environment as well as on human health ."	0	0	1	0
Preamble 37	Goal of the Regulation	"Since the objectives of this Regulation, namely to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread of IAS within the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures [...]"	1	0	0	0
Art.1	Subject matter	"This Regulation sets out rules to prevent, minimise and mitigate the adverse impact on biodiversity of the introduction and spread of IAS within the Union, both intentional and unintentional."	1	0	0	0
Art.3 (2)	Definitions	"Definition of 'IAS' - an AS whose introduction or spread has been found to threaten or adversely impact upon biodiversity and related ecosystem services ;"	3	3	0	0
Art.3 (5)		"Definition of ' biodiversity ' - the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;"			0	0
Art.3 (6)		"Definition of ' ecosystem services ' -the direct and indirect contributions of ecosystems to human wellbeing;"			0	0
Art.3 (14)		"Definition of 'population control' -any lethal or non-lethal action applied to a population of IAS, while also minimising the impact on non-targeted species and their habitats, with the aim of keeping the number of individuals as low as possible, so that, while not being able to eradicate the species, its invasive capacity and adverse impact on biodiversity , the related ecosystem services , on human health or the economy , are minimised;"			1	1
Art.4 (3) c	The list of IAS of Union concern	"Inclusion in the Union list, 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 ;"	1	1	1	1
Art.5 (1) f	Risk assessments	"Elements of risk assessment: a description of the adverse impact on biodiversity and related ecosystem services , including on native species, protected sites, endangered habitats, as well as on human health , safety, and the economy including an assessment of the potential future impact having regard to available scientific knowledge;"	2	2	2	2
Art.5 (3)		"The detailed description shall include the methodology to be applied in the risk assessments, taking into account relevant national and international standards and the need to prioritise action against IAS associated with, or that have the potential to cause, a significant adverse impact on biodiversity or related ecosystem services , as well as on human health or the economy , such adverse impact being considered as an aggravating factor."				
Art.8 (1)	Permits	"Where the use of products derived from IAS of Union concern is unavoidable to advance human health , Member States may also include scientific production and subsequent medicinal use within their permit system."	0	0	1	0
Art.8 (5)		"Member States shall empower their competent authorities to withdraw the permit at any point in time, temporarily or permanently, if unforeseen events with an adverse impact on biodiversity or related ecosystem services occur."	1	1	0	0
Art.11 (2)	IAS of regional concern and species native to the Union	[...] "based on the impact of certain IAS on biodiversity and related ecosystem services as well as on human health and the economy and provided that it is thoroughly substantiated by a comprehensive analysis of the justification for an enhanced regional cooperation carried out by the requesting Member States, the Commission may require, [...]"	1	1	1	1
Art.17 (2)	Rapid eradication at an early stage of invasion	"When applying eradication measures, Member States shall ensure that the methods used are effective in achieving the complete and permanent removal of the population of the IAS concerned, with due regard to human health and the environment, especially non-targeted species and their habitats, and ensuring that animals are spared any avoidable pain, distress or suffering."	0	0	1	0
Art.18 (1) c	Derogations from the obligation of rapid eradication	[...] "based on robust scientific evidence, [...] not to apply eradication measures [...] if eradication methods are not available or are available but have very serious adverse impact on human health , the environment or other species."	0	0	1	0
Art.19 (1)	Management measures	"Within 18 months of an IAS being included on the Union list, Member States shall have in place effective management measures for those IAS of Union concern which the Member States have found to be widely spread on their territory, so that their impact on biodiversity , the related ecosystem services , and, where applicable, on human health or the economy are minimised."	2	2	2	2
Art.19 (3)		"When applying management measures and selecting methods to be used, Member States shall have due regard to human health and the environment, especially non-targeted species and their habitats, and shall ensure that, when animals are targeted, they are spared any avoidable pain, distress or suffering, without compromising the effectiveness of the management measures."				
Art.19 (4)		"The surveillance system provided for in Article 14 shall be designed and used to monitor the effectiveness of eradication, population control or containment measures in minimising the impact on biodiversity [...]"				

Annex 2

Ordinance of the Romanian Government. The ordinance of the Romanian Government that mentions the national responsible national authority with the implementation of the IAS Regulation and the regulation itself in the Emergency Ordinance nr.57/2007 as an amendment and addition of new provisions.

GUVERNUL ROMÂNIEI



ORDONANȚĂ

pentru completarea Ordonanței de urgență a Guvernului nr. 57/2007 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei și faunei sălbatice

În temeiul art. 108 din Constituția României, republicată, și al art.1 pct. V poziția 4 din Legea nr. 346/2015 privind abilitarea Guvernului de a emite ordonanțe

Guvernul României adoptă prezenta ordonanță:

I. Ordonanța de urgență a Guvernului nr. 57/2007 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei și faunei sălbatice, publicată în Monitorul Oficial, Partea I nr. 442 din 29 iunie 2007, aprobată cu modificări și completări prin Legea nr. 49/2011, cu modificările și completările ulterioare, se completează după cum urmează:

1. La articolul 35, după alineatul (1), se introduc două noi alineate, alineatele (1¹) și (1²), cu următorul cuprins:

“(1¹) Agenția Națională pentru Protecția Mediului reprezintă autoritatea administrativă desemnată pentru aplicarea prevederilor Regulamentului (UE) nr. 511/2014 al Parlamentului European și al Consiliului din 16 aprilie 2014 privind măsurile de conformitate destinate utilizatorilor prevăzute în Protocolul de la Nagoya privind accesul la resursele genetice și împărțirea corectă și echitabilă a beneficiilor care rezultă din utilizarea acestora în Uniune”

“(1²) Autoritatea publică centrală pentru protecția mediului și pădurilor reprezintă autoritatea administrativă desemnată pentru aplicarea prevederilor ale Regulamentului (UE) nr. 1143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive.”

2. La articolul 53, alineatul (3), se introduc două noi litere, literele m) și n), cu următorul cuprins:

“m) nerespectarea prevederilor Regulamentului (UE) nr. 511/2014 al Parlamentului European și al Consiliului din 16 aprilie 2014 privind măsurile de conformitate destinate utilizatorilor prevăzute în Protocolul de la Nagoya privind accesul la resursele genetice și împărțirea corectă și echitabilă a beneficiilor care rezultă din utilizarea acestora în Uniune”

“n) nerespectarea prevederilor Regulamentului (UE) nr. 1143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive.”

PRIM – MINISTRU

Dacian Julien CIOLOȘ

Annex 3

Official Romanian Gazette. The Ordinance of the Romanian Government in the Official Gazette that modifies the Emergency Ordinance nr.57/2007 regarding IAS and the IAS Regulation.



MONITORUL OFICIAL

AL

ROMÂNIEI

Anul 184 (XXVIII) — Nr. 66

PARTEA I
LEGI, DECRETE, HOTĂRĂRI ȘI ALTE ACTE

Vineri, 29 ianuarie 2016

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DECIZII ALE CURȚII CONSTITUȚIONALE

CURTEA CONSTITUȚIONALĂ

DECIZIA Nr. 702

din 27 octombrie 2015

referitoare la excepția de neconstituționalitate a prevederilor art. 4 teza a doua raportate la cele ale art. 21 alin. (6), art. 34 alin. (1) și art. 35 alin. (2) și art. 50 lit. b) din Legea nr. 165/2013 privind măsurile pentru finalizarea procesului de restituire, în natură sau prin echivalent, a imobilelor preluate în mod abuziv în perioada regimului comunist în România

Augustin Zegrean	— președinte
Valer Dorneanu	— judecător
Petre Lăzăroiu	— judecător
Mircea Ștefan Minea	— judecător
Daniel Marius Morar	— judecător
Mona-Maria Pivniceru	— judecător
Puskás Valentin Zoltán	— judecător
Simona-Maya Teodoroiu	— judecător
Tudorel Toader	— judecător
Valentina Bărbățeanu	— magistrat-asistent

Cu participarea reprezentantului Ministerului Public, procuror Liviu Drăgănescu.

1. Pe rol se află soluționarea excepției de neconstituționalitate a prevederilor art. 4, art. 34 alin. (1) și art. 35 alin. (2) din Legea nr. 165/2013 privind măsurile pentru finalizarea procesului de restituire, în natură sau prin echivalent, a imobilelor preluate în mod abuziv în perioada regimului comunist în România, excepție ridicată de Răzvan Dan Gavrilescu în Dosarul nr. 2.497/2/2012* al Curții de Apel București — Secția a VIII-a contencios administrativ și fiscal și care constituie obiectul Dosarului nr. 214D/2015 al Curții Constituționale.

2. La apelul nominal se constată lipsa părților. Procedura de citare este legal îndeplinită.

3. Magistratul-asistent referă asupra faptului că partea Comisia Națională pentru Compensarea Imobilelor a transmis la dosar punctul său de vedere asupra excepției de neconstituționalitate, în sensul netemeinicii acesteia.

4. Cauza fiind în stare de judecată, președintele Curții acordă cuvântul reprezentantului Ministerului Public, care pune concluzii de respingere, ca devenită inadmisibilă, a excepției de neconstituționalitate a prevederilor art. 4 teza a doua raportate la art. 34 alin. (1) din Legea nr. 165/2013 și ca inadmisibilă a prevederilor art. 35 din aceeași lege, invocând, în acest sens, deciziile Curții Constituționale nr. 269 din 7 mai 2014 și nr. 95 din 27 februarie 2014.

CURTEA,

având în vedere actele și lucrările dosarului, constată următoarele:

5. Prin Decizia civilă nr. 2.136 din 20 martie 2014, pronunțată în Dosarul nr. 2.497/2/2012*, **Curtea de Apel București — Secția a VIII-a contencios administrativ și fiscal a sesizat Curtea Constituțională cu excepția de neconstituționalitate a prevederilor art. 4, art. 34 alin. (1) și art. 35 alin. (2) din Legea nr. 165/2013 privind măsurile pentru finalizarea procesului de restituire, în natură sau prin echivalent, a imobilelor preluate în mod abuziv în perioada regimului comunist în România**, excepție ridicată de Răzvan Dan Gavrilescu într-o cauză civilă având ca obiect soluționarea recursului formulat împotriva sentinței prin care a fost respinsă

cererea de obligare a Comisiei Centrale pentru Stabilirea Despăgubirilor la emiterea unei decizii reprezentând titlu de despăgubire pentru un imobil revendicat în condițiile Legii nr. 10/2001 privind regimul juridic al unor imobile preluate în mod abuziv în perioada 6 martie 1945—22 decembrie 1989, dar a cărei restituire în natură nu mai este posibilă și pentru care primarul Municipiului București a propus acordarea de despăgubiri.

6. În motivarea excepției de neconstituționalitate se arată, în esență, că prevederile art. 4 din Legea nr. 165/2013 referitoare la aplicabilitatea legii noi și litigiilor în curs sunt de natură să rupă echilibrul procesual, fiind favorizată una dintre părțile litigiului, respectiv Autoritatea Națională pentru Restituirea Proprietăților, deși refuzul autorității administrative de a soluționa timp îndelungat cererea de restituire ar fi trebuit sancționat. Arată că este încurajată tergiversarea în continuare a soluționării dosarelor de despăgubire, având în vedere noile termene prevăzute de art. 34 și art. 35 din Legea nr. 165/2013. Susține că se nesocotește principiul neretroactivității legii civile, întrucât art. 4 din Legea nr. 165/2013 prevede expres aplicarea legii noi inclusiv raporturilor juridice născute și situațiilor juridice ivite anterior intrării sale în vigoare. Totodată, fiind aplicabilă și litigiilor în curs de soluționare, legea nouă contravine și principiului *tempus regit actum*, potrivit căruia actele și faptele juridice se supun legii aplicabile la data la care s-au născut. Mai arată că, în opinia sa, soluționarea pe cale legislativă a unui proces aflat în fața instanțelor, prin aplicarea unei legi noi într-un proces pendent, reprezintă o imixtiune în activitatea judiciară, incompatibilă cu dreptul la un proces echitabil. Astfel, aplicarea, în cadrul unui litigiu în curs de soluționare, a unor norme legale nou intrate în vigoare care ar conduce la inadmisibilitatea acțiunii sau ar influența rezultatul procesului, conduce la o soluție diferită de cea previzibilă la introducerea acțiunii, lipsind, practic, de sens, litigiul respectiv. De asemenea, respingerea unei acțiuni ca urmare a intervenirii unei legi noi care acordă entităților administrative noi termene pentru soluționarea administrativă a unor cereri formulate în urmă cu 12 ani nu este compatibilă cu dreptul la un proces echitabil, sub aspectul duratei procedurii. Precizează că intervenția inopinată a legiuitorului a creat un obstacol în calea dreptului de acces efectiv la instanță. Susține că se încalcă și dreptul de proprietate asupra bunului constând în creanța contra statului calculată la o altă valoare decât cea care s-ar stabili sub imperiul legii noi. Invocă jurisprudența Curții Europene a Drepturilor Omului potrivit căreia, în principiu, un motiv de natură financiară nu justifică intervenția statului într-un proces în curs. Apreciază că, prin dispozițiile criticate din Legea nr. 165/2013, autoritățile române au depășit marja de apreciere stabilită prin Hotărârea-pilot din 12 octombrie 2010, pronunțată în Cauza *Maria Atanasiu și alții împotriva României*. Mai susține că aplicarea Legii nr. 165/2013 unui proces pendent, cu consecința lipirii de eficiență juridică a dispozițiilor Legii nr. 10/2001 și ale Legii nr. 247/2005, conduce la înlăturarea

caracterului previzibil și accesibil al legii, încălcându-se și principiul egalității în drepturi a cetățenilor, cu referire la cei care au beneficiat deja de aplicarea Legii nr. 10/2001 și cei care, din culpa autorităților constând în nesoluționarea notificărilor, nu au beneficiat încă de măsurile reparatorii prevăzute de lege. În fine, arată că este încălcat accesul liber la justiție, în condițiile în care acesta este permis abia după 6 luni de la expirarea termenelor de 36, respectiv 60 de luni, ce încep să curgă de la 1 ianuarie 2014.

7. Curtea de Apel București — Secția a VIII-a contencios administrativ și fiscal apreciază că excepția de neconstituționalitate este neîntemeiată, întrucât art. 4 din Legea nr. 165/2013 nu încalcă prevederile art. 15 alin. (2) din Constituție, având în vedere că se aplică exclusiv de la data intrării sale în vigoare. Consideră că nu este nesocotit nici art. 16 din Legea fundamentală, de vreme ce, prin reglementările criticate, statul român aplică același principiu tuturor persoanelor aflate în situații identice, prin luarea în considerare a asigurării posibilității de achitare a despăgubirilor în mod real, Curtea Europeană a Drepturilor Omului recunoscând dreptul suveran al legiuitorului de a aprecia întinderea și amploarea măsurilor pe care le stabilește prin lege. În ce privește pretinsa încălcare a art. 44 din Constituție arată că statul român nu contestă existența unui bun în sensul art. 1 din Primul Protocol adițional la Convenția pentru apărarea drepturilor omului și a libertăților fundamentale și nu neagă existența și întinderea despăgubirilor stabilite prin hotărâri judecătorești.

8. Potrivit prevederilor art. 30 alin. (1) din Legea nr. 47/1992, actul de sesizare a fost comunicat președinților celor două Camere ale Parlamentului, Guvernului și Avocatului Poporului, pentru a-și exprima punctele de vedere asupra excepției de neconstituționalitate.

9. **Avocatul Poporului** precizează că, în opinia sa, dispozițiile art. 4 raportate la cele ale art. 34 din Legea nr. 165/2013 sunt neconstituționale în condițiile în care termenele instituite au determinat instanțele de judecată să respingă cererile de chemare în judecată ca prematur introduse. Amintește că, prin Decizia nr. 269 din 7 mai 2014, Curtea Constituțională a statuat că prevederile art. 4 teza a doua din Legea nr. 165/2013 sunt constituționale în măsura în care termenele prevăzute la art. 34 alin. (1) din aceeași lege nu se aplică și cauzelor în materia restituirii imobilelor preluate abuziv, aflate pe rolul instanțelor la data intrării în vigoare a legii. În ce privește prevederile art. 35 alin. (2) din Legea nr. 165/2013 arată că acestea devin aplicabile abia după împlinirea termenelor prevăzute pentru parcurgerea fazei administrative. Ca atare, apreciază că excepția de neconstituționalitate este inadmisibilă.

10. Președinții celor două Camere ale Parlamentului și Guvernul nu au comunicat punctele lor de vedere asupra excepției de neconstituționalitate.

CURTEA,

examinând actul de sesizare, raportul întocmit de judecătorul-raportor, punctul de vedere al Avocatului Poporului, notele scrise depuse la dosar, concluziile procurorului, dispozițiile legale criticate, raportate la prevederile Constituției, precum și Legea nr. 47/1992, reține următoarele:

11. Curtea Constituțională a fost legal sesizată și este competentă, potrivit dispozițiilor art. 146 lit. d) din Constituție, precum și ale art. 1 alin. (2), ale art. 2, 3, 10 și 29 din Legea nr. 47/1992, să soluționeze excepția de neconstituționalitate.

12. Obiectul excepției de neconstituționalitate îl constituie, potrivit actului de sesizare, prevederile art. 4, art. 34 alin. (1) și art. 35 alin. (2) din Legea nr. 165/2013 privind măsurile pentru finalizarea procesului de restituire, în natură sau prin echivalent, a imobilelor preluate în mod abuziv în perioada regimului comunist în România, publicată în Monitorul Oficial al României,

Partea I, nr. 278 din 17 mai 2013. Față de momentul introducerii acțiunii în fața instanței competente (23 martie 2012), așadar anterior intrării în vigoare a Legii nr. 165/2013, rezultă că în cauză este incident art. 4 teza a doua din Legea nr. 165/2013. Totodată, din motivarea excepției de neconstituționalitate, astfel cum a fost formulată, rezultă că autorul excepției critică, alături de textele nominalizate expres din Legea nr. 165/2013, și dispozițiile art. 21 alin. (6) și art. 50 lit. b) din Legea nr. 165/2013, cu modificările și completările ulterioare, referitoare la noua modalitate de evaluare a imobilului ce face obiectul deciziei, prin aplicarea grilei notariale. Ca atare, Curtea va reține ca obiect al excepției de neconstituționalitate dispozițiile art. 4 teza a doua raportate la cele ale art. 21 alin. (6), art. 34 alin. (1) și art. 35 alin. (2) și art. 50 lit. b) din Legea nr. 165/2013, cu modificările și completările ulterioare, potrivit cărora:

— Art. 4 teza a doua: „*Dispozițiile prezentei legi se aplică (...) cauzelor în materia restituirii imobilelor preluate abuziv, aflate pe rolul instanțelor (...) la data intrării în vigoare a prezentei legi.*”;

— Art. 21 alin. (6): „*(6) Evaluarea imobilului ce face obiectul deciziei se face prin aplicarea grilei notariale valabile la data intrării în vigoare a prezentei legi de către Secretariatul Comisiei Naționale și se exprimă în puncte. Un punct are valoarea de un leu.*”;

— Art. 34 alin. (1): „*Dosarele înregistrate la Secretariatul Comisiei Centrale pentru Stabilirea Despăgubirilor vor fi soluționate în termen de 60 de luni de la data intrării în vigoare a prezentei legi, cu excepția dosarelor de fond funciar, care vor fi soluționate în termen de 36 de luni.*”;

— Art. 35 alin. (2): „*În cazul în care entitatea investită de lege nu emite decizia în termenele prevăzute la art. 33 și 34, persoana care se consideră îndreptățită se poate adresa instanței judecătorești prevăzute la alin. (1) în termen de 6 luni de la expirarea termenelor prevăzute de lege pentru soluționarea cererilor.*”;

— Art. 50 lit. b): „*La data intrării în vigoare a prezentei legi (...) b) orice dispoziție referitoare la evaluarea imobilelor potrivit standardelor internaționale de evaluare și la măsura reparatorie a compensării cu alte bunuri sau servicii oferite în echivalent, prevăzute în Legea nr. 10/2001, republicată, cu modificările și completările ulterioare, se abrogă.*”;

13. În opinia autorului excepției, prevederile legale criticate contravin dispozițiilor din Constituție cuprinse în art. 15 alin. (2) care instituie principiul neretroactivității legii civile, art. 16 alin. (1) privind egalitatea în drepturi, art. 20 referitor la tratatele internaționale privind drepturile omului, art. 21 alin. (1) și (3) care consacră dreptul de acces liber la justiție și dreptul la un proces echitabil, art. 44 alin. (1) și (2) referitor la garantarea și ocrotirea dreptului de proprietate și a proprietății private, art. 53 care prevede condițiile în care poate fi restrâns exercitiul unor drepturi sau al unor libertăți, art. 78 privitor la intrarea în vigoare a legii și art. 124 referitor la înfăptuirea justiției. De asemenea sunt invocate dispozițiile art. 6 paragraful 1 din Convenția pentru apărarea drepturilor omului și a libertăților fundamentale privitor la dreptul la un proces echitabil și cele ale art. 1 — *Protecția proprietății* din Primul Protocol adițional la aceeași convenție.

14. Examinând excepția de neconstituționalitate, Curtea reține că a fost invocată într-o cauză având ca obiect soluționarea recursului formulat împotriva sentinței prin care a fost respinsă cererea de obligare a Comisiei Centrale pentru Stabilirea Despăgubirilor la analiza dosarului de despăgubiri al reclamantului, la desemnarea unui evaluator autorizat pentru întocmirea raportului de evaluare în vederea stabilirii măsurilor reparatorii prin echivalent și la emiterea unei decizii reprezentând titlu de despăgubire pentru un imobil — teren și construcție —, revendicat în condițiile Legii nr. 10/2001, dar a cărei restituire în natură nu mai este posibilă și pentru care

Primarul Municipiului București a propus acordarea de despăgubiri, potrivit titlului VII din Legea nr. 247/2005 privind reforma în domeniile proprietății și justiției, precum și unele măsuri adiacente, publicată în Monitorul Oficial al României, Partea I, nr. 653 din 22 iulie 2005. Acțiunea a fost introdusă anterior intrării în vigoare a Legii nr. 165/2013, iar Curtea Constituțională a fost sesizată cu soluționarea excepției de neconstituționalitate prin decizia prin care Curtea de Apel București a respins recursul introdus de autorul excepției, cu motivarea că prevederile Legii nr. 165/2013 au devenit aplicabile inclusiv situației acestuia, impunând respectarea unei alte proceduri administrative de soluționare, care face ca măsurile de remediere solicitate de recurentul-reclamant să nu mai poată fi validate.

15. În ceea ce privește excepția de neconstituționalitate a prevederilor art. 4 teza a doua raportate la cele ale art. 34 alin. (1) din Legea nr. 165/2013, Curtea observă că, prin Decizia nr. 269 din 7 mai 2014, publicată în Monitorul Oficial al României, Partea I, nr. 513 din 9 iulie 2014, a admis excepția de neconstituționalitate și a constatat că dispozițiile art. 4 teza a doua din Legea nr. 165/2013 sunt constituționale în măsura în care termenele prevăzute la art. 34 alin. (1) din aceeași lege nu se aplică și cauzelor în materia restituirii imobilelor preluate abuziv aflate pe rolul instanțelor la data intrării în vigoare a legii. Pentru a decide astfel, Curtea a reținut, în esență, că, în situația în care art. 34 alin. (1) din Legea nr. 165/2013 se interpretează în sensul că ar fi aplicabil și cauzelor pendinte la data intrării în vigoare a Legii nr. 165/2013, este nesocotit principiul egalității armelor, ca garanție a dreptului la un proces echitabil, întrucât determină modificarea cursului procesului chiar în timpul judecării sale, creând doar pentru una dintre părțile aflate în proces o situație mai favorabilă.

16. În prezenta cauză, autorul excepției formulează critici de neconstituționalitate care vizează dispozițiile art. 4 teza a doua raportate la art. 34 alin. (1) din Legea nr. 165/2013 în interpretarea a cărei neconstituționalitate a fost constatată prin decizia menționată. Ținând cont de faptul că aceasta a fost pronunțată și publicată ulterior sesizării Curții Constituționale cu soluționarea prezentei excepții (20 martie 2013) și având în vedere dispozițiile art. 29 alin. (3) din Legea nr. 47/1992, conform cărora nu pot face obiectul excepției prevederile constatate ca fiind neconstituționale printr-o decizie anterioară a Curții Constituționale, rezultă că excepția de neconstituționalitate a acestor dispoziții a devenit inadmisibilă.

17. Față de această soluție, Curtea subliniază că prezenta decizie poate constitui motiv de revizuire, în condițiile Codului de procedură civilă, având în vedere momentul ridicării excepției de neconstituționalitate, anterior publicării în Monitorul Oficial al României a deciziei de admitere amintite (a se vedea în acest sens, exemplificativ, Decizia nr. 22 din 21 ianuarie 2015, publicată în Monitorul Oficial al României, Partea I, nr. 162 din 9 martie 2015).

18. În ce privește criticile aduse art. 34 alin. (1) din Legea nr. 165/2013 din perspectiva pretensei încălcări a independenței justiției, valoare consacrată prin dispozițiile art. 124 alin. (3) din Constituție, Curtea a apreciat, prin Decizia nr. 269 din 7 mai 2014, mai sus citată, că nu o poate reține, întrucât prevederile supuse controlului de constituționalitate nu impiedică asupra posibilității exercitării actului de justiție în condiții de deplină independență. Curtea a observat că textul în sine nu impune nicio constrângere asupra instanței în sensul pronunțării unei anumite soluții, ci doar este susceptibil de o anumită interpretare care conduce la respingerea acțiunii ca prematur introdusă, fără a se intra pe fondul acesteia, interpretare neconstituțională, eliminată, implicit, prin aceeași decizie mai sus menționată (paragraful 33).

19. Totodată, Curtea nu a putut reține nici critica referitoare la pretensoa retroactivitate a prevederilor art. 34 alin. (1) din Legea nr. 165/2013, întrucât legea nouă este, de principiu, aplicabilă de îndată tuturor situațiilor ce se vor constitui, se vor modifica sau se vor stinge după intrarea ei în vigoare, precum și tuturor efectelor produse de situațiile juridice formate după abrogarea legii vechi. Prin urmare, sub rezerva interpretării date de Curtea Constituțională prin Decizia nr. 269 din 7 mai 2014, dispozițiile de lege criticate nu se aplică retroactiv, ci reglementează modul de acțiune în timpul următor intrării ei în vigoare (paragraful 40).

20. Și cu privire la prevederile art. 21 alin. (6) și art. 50 lit. b) din Legea nr. 165/2013, referitoare la modalitatea de evaluare a imobilului prin aplicarea grilei notariale și exprimarea acesteia în puncte, precum și la abrogarea oricăror dispoziții privind evaluarea imobilelor potrivit standardelor internaționale de evaluare, Curtea Constituțională s-a mai pronunțat, prin raportare la aceleași dispoziții constituționale invocate și în prezenta cauză și prin prisma unor motivări similare ale excepției de neconstituționalitate. Astfel, prin mai multe decizii, dintre care pot fi amintite Decizia nr. 180 din 1 aprilie 2014, publicată în Monitorul Oficial al României, Partea I, nr. 460 din 24 iunie 2014, sau Decizia nr. 715 din 19 decembrie 2014, publicată în Monitorul Oficial al României, Partea I, nr. 116 din 13 februarie 2015, Curtea a respins ca neîntemeiate criticile de neconstituționalitate raportate la prevederile art. 15 alin. (2), art. 16 și art. 44 alin. (1) și (2) din Legea fundamentală, statuând că este firesc ca modalitatea de calcul al despăgubirilor să se supună regulilor în vigoare la data acordării lor prin decizie a autorității abilitate, potrivit principiului *tempus regit actum*. Sub acest aspect, instanța constituțională a mai observat că, dacă, prin jocul unor prevederi legale, anumite persoane pot ajunge în situații apreciate subiectiv, prin prisma propriilor lor interese, ca defavorabile, acest fapt nu reprezintă o discriminare care să afecteze constituționalitatea textelor respective. Totodată, Curtea a arătat în jurisprudența sa că respectarea principiului egalității în drepturi presupune luarea în considerare a tratamentului pe care legea îl prevede față de cei cărora li se aplică, în decursul perioadei în care reglementările sale sunt în vigoare, iar nu în raport cu efectele produse prin reglementările legale anterioare (a se vedea, în acest sens, Decizia nr. 20 din 2 februarie 2000, publicată în Monitorul Oficial al României, Partea I, nr. 72 din 18 februarie 2000, sau Decizia nr. 1.541 din 25 noiembrie 2010, publicată în Monitorul Oficial al României, Partea I, nr. 30 din 13 ianuarie 2011).

21. În legătură cu procedura specială de acordare a despăgubirilor pentru imobilele preluate în mod abuziv, în jurisprudența sa, Curtea Constituțională a observat că modul de reparare a injustițiilor și abuzurilor din legislația trecută ține de opțiunea exclusivă a legiuitorului, iar prevederile de lege criticate sunt în acord cu cele ale art. 44 alin. (1) teza a doua din Constituție, potrivit cărora conținutul și limitele dreptului de proprietate sunt stabilite de lege (a se vedea, în acest sens, și Decizia nr. 202 din 18 aprilie 2013, publicată în Monitorul Oficial al României, Partea I, nr. 365 din 19 iunie 2013). Așa fiind, cu privire la modalitatea de evaluare a imobilului prin aplicarea grilei notariale valabile la data intrării în vigoare a Legii nr. 165/2013, astfel cum prevede art. 21 alin. (6) din legea menționată, Curtea a mai statuat că aceasta constituie modalitatea prin care legiuitorul a înțeles să transpună în legislația națională exigențele impuse de Curtea Europeană a Drepturilor Omului, așa cum rezultă din expunerea de motive a Legii nr. 165/2013. Tot astfel, Curtea a reținut, prin Decizia nr. 618 din 4 noiembrie 2014, publicată în Monitorul Oficial al României, Partea I, nr. 75 din 28 ianuarie 2015, că scopul legiuitorului a constatat în introducerea, prin noul act normativ, a unui sistem unitar și previzibil de evaluare a imobilelor, prin aplicarea grilei notariale de la momentul intrării în vigoare a noii legi. Curtea a admis, cu

acel prilej, că, prin intermediul acestui nou sistem de calcul, este posibil ca valoarea despăgubirilor acordate, sub formă de puncte, să fie inferioară celei rezultate prin aplicarea legislației anterioare în materie referitoare la stabilirea valorii de piață a imobilului de la data notificării, prin aplicarea standardelor internaționale de evaluare. Însă, așa cum s-a arătat prin Decizia nr. 269 din 7 mai 2014, legiuitorul dispune de o largă marjă de apreciere în determinarea celor mai potrivite modalități prin care sunt acordate despăgubirile convenite în urma abuzurilor din regimul comunist, având obligația ca măsurile adoptate să respecte principiul proporționalității, așadar, să fie adecvate, rezonabile și să asigure un just echilibru între interesul individual și cel general, al societății.

22. În fine, în cauză se invocă și prevederile art. 78 din Constituție, potrivit cărora legea se publică în Monitorul Oficial al României și intră în vigoare la 3 zile de la data publicării sau la o dată ulterioară prevăzută în textul ei. Autorul excepției nu precizează, însă, în ce constă contrarietatea dintre acestea și textele de lege ce formează obiect al excepției, iar din modul de formulare al criticilor nu se poate desprinde o legătură rezonabilă cu conținutul normativ al dispozițiilor legale criticate, astfel că norma constituțională menționată nu poate fi considerată ca fiind incidentă în cauză.

23. În ce privește dispozițiile art. 35 alin. (2) din Legea nr. 165/2013, potrivit cărora în cazul în care entitatea învestită de lege nu emite decizia în termenele prevăzute la art. 33 și 34, persoana care se consideră îndreptățită se poate adresa instanței judecătorești în termen de 6 luni de la expirarea acestor termene, autorul excepției susține că se îngreșește accesul liber la justiție, în condițiile în care acesta este permis abia după 6 luni de la expirarea termenelor de 36, respectiv 60 de luni, ce încep să curgă de la 1 ianuarie 2014. Față de această critică, Curtea observă că interpretarea în asemenea manieră a textului de lege criticat este eronată, termenul de 6 luni menționat în cuprinsul art. 35 alin. (2) din Legea nr. 165/2013 constituind

termenul în care poate fi exercitată calea de atac, termen care începe să curgă de la momentul expirării termenelor pe care legea le acordă entităților investite cu soluționarea dosarelor. Cu alte cuvinte, acest interval de timp nu se adaugă, în favoarea entității, la cel deja scurs potrivit art. 33 sau art. 34 din lege, acordat prin lege acesteia pentru soluționarea cererilor, ci este termenul acordat persoanei îndreptățite pentru a se adresa instanței în cazul nesoluționării în termenele stabilite. Așadar, persoana interesată are posibilitatea de a se adresa instanței competente nu după trecerea unui interval de 6 luni, așa cum susține autorul prezentei excepții, care s-ar adăuga la cel deja scurs potrivit art. 33 și 34, ci din chiar prima zi de la expirarea termenelor prevăzute la articolele menționate, dreptul său putând fi exercitat oricând în interiorul acestui termen de 6 luni stabilit la art. 35 alin. (2) din Legea nr. 165/2013.

24. În cauza de față, însă, excepția de neconstituționalitate a prevederilor art. 35 alin. (2) din Legea nr. 165/2013 este inadmisibilă. Pronunțându-se în situații similare celei de față, Curtea a observat că acestea se referă la căi de atac în justiție împotriva lipsei unei decizii de compensare în puncte, după expirarea termenelor prevăzute de lege. Având în vedere, însă, cele statuate prin Decizia nr. 269 din 7 mai 2014, precitată, Curtea a reținut că, în raport cu obiectul cauzei deduse soluționării instanței de judecată, prevederile art. 35 alin. (2) din Legea nr. 165/2013 nu sunt incidente în cadrul soluționării fondului litigiului, de vreme ce în cauză termenul prevăzut de art. 34 alin. (1) nu se va aplica (a se vedea în acest sens, de exemplu, Decizia nr. 405 din 3 iulie 2014, publicată în Monitorul Oficial al României, Partea I, nr. 581 din 4 august 2014, sau Decizia nr. 127 din 10 martie 2015, publicată în Monitorul Oficial al României, Partea I, nr. 329 din 14 mai 2015). Ca atare, art. 35 alin. (2) din Legea nr. 165/2013 nu poate fi incident în cauză, motiv pentru care excepția de neconstituționalitate având acest obiect va fi respinsă ca inadmisibilă.

25. Pentru considerentele expuse mai sus, în temeiul art. 146 lit. d) și al art. 147 alin. (4) din Constituție, precum și al art. 1—3, al art. 11 alin. (1) lit. A.d) și al art. 29 din Legea nr. 47/1992, cu unanimitate de voturi,

CURTEA CONSTITUȚIONALĂ

În numele legii

DECIDE:

I. Respinge, ca devenită inadmisibilă, excepția de neconstituționalitate a prevederilor art. 4 teza a doua raportate la cele ale art. 34 alin. (1) din Legea nr. 165/2013 privind măsurile pentru finalizarea procesului de restituire, în natură sau prin echivalent, a imobilelor preluate în mod abuziv în perioada regimului comunist în România, excepție ridicată de Răzvan Dan Gavrilăscu în Dosarul nr. 2.497/2012* al Curții de Apel București — Secția a VIII-a contencios administrativ și fiscal.

II. Respinge, ca inadmisibilă, excepția de neconstituționalitate a prevederilor art. 4 teza a doua raportate la cele ale art. 35 alin. (2) din Legea nr. 165/2013, excepție ridicată de același autor în același dosar al aceleiași instanțe.

III. Respinge, ca neîntemeiată, excepția de neconstituționalitate ridicată de același autor în același dosar al aceleiași instanțe și constată că dispozițiile art. 4 teza a doua raportate la cele ale art. 21 alin. (6) și art. 50 lit. b) din Legea nr. 165/2013 sunt constituționale în raport cu criticile formulate.

Definitivă și general obligatorie.

Decizia se comunică Curții de Apel București — Secția a VIII-a contencios administrativ și fiscal și se publică în Monitorul Oficial al României, Partea I.

Pronunțată în ședința din data de 27 octombrie 2015.

PREȘEDINTELE CURȚII CONSTITUȚIONALE
AUGUSTIN ZEGREAN

Magistrat-asistent,
Valentina Bărbățeanu

ORDONANȚE ALE GUVERNULUI ROMÂNIEI**GUVERNUL ROMÂNIEI****ORDONANȚĂ
pentru completarea Ordonanței de urgență a Guvernului nr. 34/2000
privind produsele agroalimentare ecologice**

În temeiul art. 108 din Constituția României, republicată, și al art. 1 pct. V.2 din Legea nr. 346/2015 privind abilitarea Guvernului de emite ordonanțe,

Guvernul României adoptă prezenta ordonanță.

Art. I. — Ordonanța de urgență a Guvernului nr. 34/2000 privind produsele agroalimentare ecologice, publicată în Monitorul Oficial al României, Partea I, nr. 172 din 21 aprilie 2000, aprobată prin Legea nr. 38/2001, cu modificările și completările ulterioare, se completează după cum urmează:

1. La articolul 2 alineatul (4), după litera k) se introduce o nouă literă, litera l), cu următorul cuprins:

„l) efectuează controlul la operatorii de produse agroalimentare ecologice pe trasabilitatea și conformitatea produselor, cu respectarea prevederilor legale în vigoare, în baza sesizărilor/notificărilor transmise către Ministerul Agriculturii și Dezvoltării Rurale sau în baza sesizărilor din oficiu, după caz.”

2. La articolul 8, după alineatul (3) se introduc trei noi alineate, alineatele (31)—(33), cu următorul cuprins:

„(31) Aprobarea organismelor de inspecție și certificare se realizează contra unei taxe care se face venit la bugetul de stat. Taxa se stabilește pentru fiecare domeniu pentru care organismele de inspecție și certificare cer aprobarea, iar cuantumul acesteia se aprobă prin ordin comun al ministrului agriculturii și dezvoltării rurale și al ministrului finanțelor publice.

(32) În exercitarea atribuțiilor prevăzute la art. 2 alin. (4) lit. l), personalul cu atribuții de inspecție din cadrul Ministerului Agriculturii și Dezvoltării Rurale prelevează probe de sol, plante și din produsele agroalimentare ecologice ale operatorilor înscrși în sistemul de agricultură ecologică, în baza sesizărilor/notificărilor transmise către Ministerul Agriculturii și Dezvoltării Rurale sau în baza sesizărilor din oficiu, după caz.

(33) Pentru analiza probelor prevăzute la alin. (32), Ministerul Agriculturii și Dezvoltării Rurale desemnează laboratoare de referință, cu respectarea prevederilor legale în vigoare.”

Art. II. — Certificatele de aprobare ale organismelor de inspecție și certificare emise de către Ministerul Agriculturii și Dezvoltării Rurale până la data intrării în vigoare a prezentei ordonanțe rămân valabile până la data expirării acestora.

Art. III. — Ordonanța de urgență a Guvernului nr. 34/2000 privind produsele agroalimentare ecologice, publicată în Monitorul Oficial al României, Partea I, nr. 172 din 21 aprilie 2000, aprobată prin Legea nr. 38/2001, cu modificările și completările ulterioare, precum și cu completările aduse prin prezenta ordonanță, se va republica, după aprobarea acesteia prin lege, dându-se textelor o nouă numerotare.

PRIM-MINISTRU
DACIAN JULIEN CIOLOȘ

Contrasemnează:

Ministrul agriculturii și dezvoltării rurale,

Achim Irimescu

Ministrul finanțelor publice,

Anca Dana Dragu

Ministrul mediului, apelor și pădurilor,

Cristiana Pașca Palmer

Ministrul sănătății,

Patriciu-Andrei Achimaș-Cadariu

Ministrul afacerilor externe,

Lazăr Comănescu

GUVERNUL ROMÂNIEI

ORDONANȚĂ

**pentru completarea Ordonanței de urgență a Guvernului nr. 57/2007
privind regimul ariilor naturale protejate, conservarea habitatelor naturale,
a florei și faunei sălbatice**

Având în vedere necesitatea și urgența compatibilizării depline a legislației naționale cu cea a Uniunii Europene în domeniul protecției naturii și ținând cont că pentru aplicarea Regulamentului (UE) nr. 511/2014 al Parlamentului European și al Consiliului din 16 aprilie 2014 privind măsurile de conformitate destinate utilizatorilor prevăzute în Protocolul de la Nagoya privind accesul la resursele genetice și împărțirea corectă și echitabilă a beneficiilor care rezultă din utilizarea acestora în Uniune și a Regulamentului (UE) nr. 1.143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive trebuie creat cadrul instituțional și sancțiunile pentru încălcarea prevederilor conținute în acesta,

în temeiul art. 108 din Constituția României, republicată, și al art. 1 pct. V.4 din Legea nr. 346/2015 privind abilitarea Guvernului de a emite ordonanțe,

Guvernul României adoptă prezenta ordonanță.

Art. I. — Ordonanța de urgență a Guvernului nr. 57/2007 privind regimul ariilor naturale protejate, conservarea habitatelor naturale, a florei și faunei sălbatice, publicată în Monitorul Oficial al României, Partea I, nr. 442 din 29 iunie 2007, aprobată cu modificări și completări prin Legea nr. 49/2011, cu modificările și completările ulterioare, se completează după cum urmează:

1. La articolul 35, după alineatul (1) se introduc două noi alineate, alineatele (11) și (12), cu următorul cuprins:

„(11) Agenția Națională pentru Protecția Mediului reprezintă autoritatea administrativă desemnată pentru aplicarea prevederilor Regulamentului (UE) nr. 511/2014 al Parlamentului European și al Consiliului din 16 aprilie 2014 privind măsurile de conformitate destinate utilizatorilor prevăzute în Protocolul de la Nagoya privind accesul la resursele genetice și împărțirea corectă și echitabilă a beneficiilor care rezultă din utilizarea acestora în Uniune.

(12) Autoritatea publică centrală pentru protecția mediului și pădurilor reprezintă autoritatea administrativă desemnată pentru aplicarea prevederilor Regulamentului (UE) nr. 1.143/2014 al

Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive.”

2. La articolul 53 alineatul (3), după litera l) se introduc două noi litere, literele m) și n), cu următorul cuprins:

„m) nerespectarea prevederilor art. 4 și 7 din Regulamentul (UE) nr. 511/2014 al Parlamentului European și al Consiliului din 16 aprilie 2014 privind măsurile de conformitate destinate utilizatorilor prevăzute în Protocolul de la Nagoya privind accesul la resursele genetice și împărțirea corectă și echitabilă a beneficiilor care rezultă din utilizarea acestora în Uniune;

n) nerespectarea prevederilor art. 7 din Regulamentul (UE) nr. 1.143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive.”

Art. II. — Prevederile art. I pct. 2 intră în vigoare la 30 de zile de la data publicării prezentei ordonanțe în Monitorul Oficial al României, Partea I.

PRIM-MINISTRU
DACIAN JULIEN CIOLOȘ

Contrasemnează:

Ministrul mediului, apelor și pădurilor,

Cristiana Pașca Palmer

Viceprim-ministru,

ministrul dezvoltării regionale și administrației publice,

Vasile Dîncu

Ministrul agriculturii și dezvoltării rurale,

Achim Irimescu

Ministrul finanțelor publice,

Anca Dana Dragu

p. Ministrul educației naționale și cercetării științifice,

Gabriel Liviu Ispas,

secretar de stat

GUVERNUL ROMÂNIEI

ORDONANȚĂ
pentru modificarea și completarea Legii nr. 38/2003 privind transportul în regim de taxi
și în regim de închiriere

În temeiul art. 108 din Constituția României, republicată, și al art. 1 pct. VII.4 din Legea nr. 346/2015 privind abilitarea Guvernului de a emite ordonanțe,

Guvernul României adoptă prezenta ordonanță.

Art. I. — Legea nr. 38/2003 privind transportul în regim de taxi și în regim de închiriere, publicată în Monitorul Oficial al României, Partea I, nr. 45 din 28 ianuarie 2003, cu modificările și completările ulterioare, se modifică și se completează după cum urmează:

1. La articolul 11, după litera ad) se introduce o nouă literă, litera ae), cu următorul cuprins:

„ae) *manager de transport în regim de taxi și închiriere* — persoana fizică angajată a unui transportator autorizat care este persoană juridică sau asociație familială și care conduce permanent și efectiv activitățile de transport în regim de taxi și în regim de închiriere ale acestuia.”

2. După articolul 7 se introduce un nou articol, articolul 71, cu următorul cuprins:

„Art. 71 — (1) În vederea exercitării funcției de manager de transport în regim de taxi și în regim de închiriere în cadrul transportatorului autorizat care este persoană juridică sau asociație familială, persoana fizică trebuie să îndeplinească următoarele condiții:

a) să dețină un certificat de competență profesională a managerului de transport în regim de taxi și închiriere valabil, eliberat de către Autoritatea Rutieră Română — ARR în baza normelor aprobate prin hotărâre a Guvernului;

b) să respecte condițiile de onorabilitate prevăzute la art. 9 alin. (1) lit. d) pct. 1;

c) să fie absolvent de liceu, cu sau fără diplomă de bacalaureat;

d) să aibă reședința curentă în România, în sensul prevederilor art. 26 alin. (2) din Regulamentul (UE) nr. 165/2014 al Parlamentului European și al Consiliului din 4 februarie 2014 privind tahografele în transportul rutier și de modificare a Regulamentului (CE) nr. 561/2006 al Parlamentului European și al Consiliului privind armonizarea anumitor dispoziții ale legislației sociale în domeniul transporturilor rutiere, publicat în Jurnalul Oficial al Uniunii Europene, seria L, nr. 60 din 28 februarie 2014.

(2) Certificatul de competență profesională a managerului de transport în regim de taxi și închiriere are o valabilitate de 10 ani și se obține în urma participării la un curs și promovării unui examen conform normelor aprobate prin hotărâre a Guvernului.

(3) Deținătorii certificatelor de competență profesională care nu și-au exercitat funcția pentru o perioadă mai lungă de 5 ani sunt obligați să urmeze un nou curs de pregătire, în vederea reluării activității.

(4) Un manager de transport în regim de taxi și închiriere poate conduce activitatea unui singur transportator autorizat.

(5) Transportatorul autorizat care este persoană juridică sau asociație familială are obligația de a numi un nou manager de transport în regim de taxi și închiriere în termen de 30 de zile, în situația în care managerul anterior nu mai îndeplinește în totalitate condițiile necesare exercitării funcției sau este în imposibilitatea de a-și mai exercita funcția.”

3. La articolul 9 alineatul (1), punctul 1 al literei c) și punctele 1 și 2 ale literei d) se modifică și vor avea următorul cuprins:

„1. copie de pe certificatul de competență profesională pentru managerul de transport în regim de taxi și închiriere, eliberat conform normelor aprobate prin hotărâre a Guvernului, pentru transportatorul persoană juridică sau asociație familială;

1. certificatele de cazier judiciar ale conducătorilor auto și, după caz, ale managerului de transport în regim de taxi și închiriere, din care să rezulte că aceștia nu au fost condamnați pentru: (...).

2. avizele medicale și psihologice ale conducătorilor auto și, după caz, avizele medicale și psihologice ale managerului de transport în regim de taxi și închiriere, obținute conform normelor aprobate prin ordin al ministrului transporturilor.”

4. La articolul 26 alineatul (1), după litera d) se introduce o nouă literă, litera e), cu următorul cuprins:

„e) să nu aibă mențiuni în certificatul de cazier judiciar privitoare la faptele prevăzute la art. 9 alin. (1) lit. d) pct. 1.”

5. La articolul 27 alineatul (3), litera c) va avea următorul cuprins:

„c) certificat de cazier judiciar în care să nu fie înscrise mențiuni privitoare la faptele prevăzute la art. 9 alin. (1) lit. d) pct. 1.”

Art. II. — În tot cuprinsul Legii nr. 38/2003 privind transportul în regim de taxi și în regim de închiriere, cu modificările și completările ulterioare, sintagma „persoană desemnată” se înlocuiește cu sintagma „manager de transport în regim de taxi și închiriere”, iar sintagma „atestat profesional” se înlocuiește cu sintagma „certificat de atestare a pregătirii profesionale”.

Art. III. — În termen de 90 de zile de la publicarea prezentei ordonanțe, Ministerul Transporturilor elaborează și supune spre aprobare Guvernului un proiect de hotărâre a Guvernului pentru aprobarea normelor privind pregătirea și atestarea profesională a managerilor de transport în regim de taxi și închiriere.

Art. IV. — Legea nr. 38/2003 privind transportul în regim de taxi și în regim de închiriere, publicată în Monitorul Oficial al României, Partea I, nr. 45 din 28 ianuarie 2003, cu modificările și completările ulterioare, precum și cu modificările și completările aduse prin prezenta ordonanță, se va republica în Monitorul Oficial al României, Partea I, după aprobarea acesteia prin lege, dându-se textelor o nouă numerotare.

PRIM-MINISTRU
DACIAN JULIEN CIOLOȘ

Contrasemnează:
Ministrul transporturilor,
Dan Marian Costescu
Viceprim-ministru,
ministrul dezvoltării regionale și administrației publice,
Vasile Dîncu

București, 27 ianuarie 2016.
Nr. 8.

GUVERNUL ROMÂNIEI

ORDONANȚĂ **pentru modificarea și completarea Legii nr. 449/2003 privind vânzarea produselor** **și garanțiile asociate acestora**

În temeiul art. 108 din Constituția României, republicată, și al art. 1 pct. 1.2 din Legea nr. 346/2015 privind abilitarea Guvernului de a emite ordonanțe,

Guvernul României adoptă prezenta ordonanță.

Art. I. — Legea nr. 449/2003 privind vânzarea produselor și garanțiile asociate acestora, republicată în Monitorul Oficial al României, Partea I, nr. 347 din 6 mai 2008, cu modificările și completările ulterioare, se modifică și se completează după cum urmează:

1. La articolul 2, literele a) și e) se modifică și vor avea următorul cuprins:

„a) *consumator* — persoana astfel definită la art. 2 pct. 2 din Ordonanța Guvernului nr. 21/1992 privind protecția consumatorilor, republicată, cu modificările și completările ulterioare;

.....
e) *garanția comercială* — orice angajament asumat de vânzător față de consumator, fără solicitarea unor costuri suplimentare, de restituire a prețului plătit de consumator, de reparare sau de înlocuire a produsului cumpărat, în cazul în care acesta nu corespunde condițiilor enunțate în declarațiile referitoare la garanție sau în publicitatea aferentă;”.

2. La articolul 2, după litera e) se introduce o nouă literă, literă e¹), cu următorul cuprins:

„e¹) *garanția legală de conformitate* — protecția juridică a consumatorului rezultată prin efectul legii în raport cu lipsa de conformitate, reprezentând obligația legală a vânzătorului față de consumator ca, fără solicitarea unor costuri suplimentare, să aducă produsul la conformitate, incluzând restituirea prețului

plătit de consumator, repararea sau înlocuirea produsului, dacă acesta nu corespunde condițiilor enunțate în declarațiile referitoare la garanție sau în publicitatea aferentă;”.

3. La articolul 2, după litera h) se introduce o nouă literă, litera i), cu următorul cuprins:

„i) *produs de folosință îndelungată* — produs complex, constituit din piese și subansambluri, proiectat și construit pentru a putea fi utilizat pe durată medie de utilizare și asupra căruia se pot efectua reparații sau activități de întreținere.”

4. Titlul capitolului III se modifică și va avea următorul cuprins:

„CAPITOLUL III
Garanția legală de conformitate”

5. La articolul 11, alineatul (4) se modifică și va avea următorul cuprins:

„(4) Orice reparare sau înlocuire a produselor va fi făcută în cadrul unei perioade de timp, stabilită de comun acord, în scris, între vânzător și consumator, luându-se în considerare natura produselor și scopul pentru care acesta a solicitat produsele. Perioada de timp stabilită nu poate depăși 15 zile calendaristice de la data la care cumpărătorul, după caz, a adus la cunoștința vânzătorului lipsa de conformitate a produsului sau a predat produsul vânzătorului ori persoanei desemnate de acesta pe baza unui document de predare-preluare.”

6. La articolul 11, după alineatul (5) se introduce un nou alineat, alineatul (6), cu următorul cuprins:

„(6) Vânzătorul are aceleași obligații pentru produsul înlocuit ca și pentru produsul vândut inițial.”

7. Articolul 16 se modifică și va avea următorul cuprins:

„Art. 16. — Răspunderea vânzătorului privind garanția legală de conformitate, potrivit prevederilor art. 9—14, este angajată dacă lipsa de conformitate apare într-un termen de 2 ani, calculat de la livrarea produsului.”

8. Articolul 19 se modifică și va avea următorul cuprins:

„Art. 19. — Garanția comercială este obligatorie din punct de vedere juridic pentru ofertant, în condițiile specificate în declarațiile referitoare la garanție și în publicitatea aferentă.”

9. Articolul 20 se modifică și are următorul cuprins:

„Art. 20. — (1) Certificatul de garanție, emis în baza garanției comerciale, trebuie să cuprindă mențiuni cu privire la drepturile conferite prin lege consumatorului și să ateste în mod clar că aceste drepturi nu sunt afectate prin garanția oferită.

(2) Certificatul de garanție, emis pe baza garanției comerciale, trebuie să precizeze elementele de identificare a produsului, termenul de garanție, durata medie de utilizare, modalitățile de asigurare a garanției — întreținere, reparare, înlocuire și termenul de realizare a acestora, inclusiv denumirea și adresa vânzătorului și ale unității specializate de service.

(3) Certificatul de garanție trebuie redactat în termeni simpli și ușor de înțeles.”

10. Articolul 21 se modifică și va avea următorul cuprins:

„Art. 21. — (1) La cererea consumatorului certificatul de garanție va fi oferit în scris sau pe orice alt suport durabil, disponibil și accesibil acestuia.

(2) În cazul în care certificatul de garanție nu respectă prevederile alin. (1) și ale art. 20, valabilitatea acesteia nu este afectată, consumatorul având dreptul de a solicita vânzătorului îndeplinirea condițiilor incluse în declarațiile referitoare la garanție.

(3) Produsele de folosință îndelungată trebuie să fie însoțite de certificatul de garanție emis pe baza garanției comerciale și, dacă reglementările în vigoare prevăd, de declarația de conformitate, precum și de cartea tehnică ori de instrucțiunile de

folosire, instalare, exploatare, întreținere, eliberate de producător.

(4) În cazul în care nu se oferă garanție comercială, consumatorului i se vor aduce la cunoștință de către vânzător, printr-un document scris, drepturile conferite de cap. V — «Termene».”

11. La articolul 22, după alineatul (2) se introduc patru noi alineate, alineatele (3)—(6), cu următorul cuprins:

„(3) Timpul de nefuncționare din cauza lipsei de conformitate apărute în cadrul termenului de garanție prelungește termenul de garanție legală de conformitate și cel al garanției comerciale și curge, după caz, din momentul la care a fost adusă la cunoștință vânzătorului lipsa de conformitate a produsului sau din momentul prezentării produsului la vânzător/unitatea de service până la aducerea produsului în stare de utilizare normală și, respectiv, al notificării în scris în vederea ridicării produsului sau predării efective a produsului către consumator.

(4) Produsele de folosință îndelungată care înlocuiesc produsele defecte în cadrul termenului de garanție vor beneficia de un nou termen de garanție care curge de la data preschimbării produsului.

(5) Produsele de folosință îndelungată defectate în termenul de garanție legală de conformitate, atunci când nu pot fi reparate sau când durata cumulată de nefuncționare din cauza deficiențelor apărute în termenul de garanție legală de conformitate depășește 10% din durata acestui termen, la cererea consumatorului, vor fi înlocuite de vânzător sau acesta va restitui consumatorului contravaloarea produsului respectiv.

(6) Termenul de garanție curge de la data intrării bunului respectiv în posesia consumatorului, inclusiv pentru bunurile noi de folosință îndelungată, obținute prin tragere la sorți la tombole, câștigate la concursuri și similare sau acordate cu reducere de preț ori gratuit de către operatorii economici.”

Art. II. — Orice referire la sintagma „garanție” prevăzută de actele normative din domeniul protecției consumatorului se consideră efectuată la sintagma „garanție comercială”, respectiv „garanție legală de conformitate”, după caz.

Art. III. — Prezenta ordonanță intră în vigoare la 30 de zile de la data publicării în Monitorul Oficial al României, Partea I.

PRIM-MINISTRU
DACIAN JULIEN CIOLOȘ

Contrasemnează:

Viceprim-ministru,

ministru economiei, comerțului și relațiilor cu mediul de afaceri,

Costin Grigore Borc

Președintele Autorității Naționale
pentru Protecția Consumatorilor,

Marcel Bogdan Pandelică

Ministru afacerilor externe,

Lazăr Comănescu

ACTE AUTORITĂȚII NAȚIONALE DE REGLEMENTARE ÎN DOMENIUL ENERGIEI

AUTORITATEA NAȚIONALĂ DE REGLEMENTARE ÎN DOMENIUL ENERGIEI

ORDIN

privind modificarea și completarea Metodologiei de stabilire a cotelor anuale obligatorii de energie electrică produsă din surse regenerabile de energie care beneficiază de sistemul de promovare prin certificate verzi și a celor de achiziție de certificate verzi, aprobată prin Ordinul președintelui Autorității Naționale de Reglementare în Domeniul Energiei nr. 101/2015

Având în vedere prevederile art. 8 alin. (1) din Legea nr. 220/2008 pentru stabilirea sistemului de promovare a producerii energiei din surse regenerabile de energie, republicată, cu modificările și completările ulterioare, ale art. 36 alin. (2), precum și ale art. 45 alin. (3) din Legea energiei electrice și a gazelor naturale nr. 123/2012, cu modificările și completările ulterioare,

în temeiul prevederilor art. 5 alin. (1) lit. c) și alin. (5) și ale art. 9 alin. (1) lit. x) din Ordonanța de urgență a Guvernului nr. 33/2007 privind organizarea și funcționarea Autorității Naționale de Reglementare în Domeniul Energiei, aprobată cu modificări și completări prin Legea nr. 160/2012,

președintele Autorității Naționale de Reglementare în Domeniul Energiei emite următorul ordin:

Art. I. — Metodologia de stabilire a cotelor anuale obligatorii de energie electrică produsă din surse regenerabile de energie care beneficiază de sistemul de promovare prin certificate verzi și a celor de achiziție de certificate verzi, aprobată prin Ordinul președintelui Autorității Naționale de Reglementare în Domeniul Energiei nr. 101/2015, publicat în Monitorul Oficial al României, Partea I, nr. 560 din 28 iulie 2015, se modifică și se completează după cum urmează:

1. La articolul 3 alineatul (2), după litera n) se introduc trei noi litere, literele n¹)—n³), cu următorul cuprins:

„n¹) *energie electrică facturată* — cantitatea de energie electrică cuprinsă în facturile emise în trimestrul n din anul de analiză t;

n²) *energie electrică furnizată* — cantitatea de energie electrică cuprinsă în facturile emise pentru anul de analiză t și care nu a fost utilizată la îndeplinirea obligației de achiziție de CV pentru anul anterior, la care se adaugă atât cantitatea de energie electrică consumată în anul de analiză t, nefacturată, estimată și înregistrată în contabilitate, cât și cantitatea de energie electrică consumată de furnizorii de energie electrică și/sau de producătorii de energie electrică pentru alimentarea locurilor proprii de consum, altele decât consumul propriu tehnologic, în anul de analiză t și care nu a fost utilizată la îndeplinirea obligației de achiziție de CV pentru anul anterior;

n³) *energie electrică livrată* — cantitatea de energie electrică indicată de grupurile de măsurare a energiei electrice furnizate și confirmată de operatorul de rețea;”.

2. La articolul 3, după alineatul (2) se introduce un nou alineat, alineatul (3), cu următorul cuprins:

„(3) În înțelesul prezentei metodologii, operatorul de distribuție și operatorul de transport și sistem se asimilează furnizorului de energie electrică pentru alimentarea prin autofurnizare a locurilor proprii de consum, altele decât cele aferente acoperirii consumului propriu tehnologic al rețelelor electrice de distribuție/transport.”

3. La articolul 10, alineatul (2) se modifică și va avea următorul cuprins:

„(2) Consumul final estimat a fi exceptat de energie electrică pentru anul t prevăzut la alin. (1) se determină având în vedere acordurile de exceptare emise în anii anteriori, inclusiv modificări ale acestora, precum și cele noi avute în vedere a fi emise în cursul anului t, având la bază următoarele:

a) începând cu 1 ianuarie a anului t se ia în calcul jumătate din consumul final exceptat de energie electrică estimat pentru anul t;

b) începând cu 1 iulie a anului t se ia în calcul și cealaltă jumătate din consumul final exceptat de energie electrică estimat pentru anul t.”

4. Articolul 12 se modifică și va avea următorul cuprins:

„Art. 12. — (1) Se compară cantitatea de E-SRE estimată a se produce în anul t, calculată conform art. 7 alin. (1) cu cantitatea de E-SRE care beneficiază de sistemul de promovare prin CV, în condițiile Legii (ESRE¹_{t, CAP}).

(2) ESRE¹_{t, CAP} se calculează prin aplicarea cotei de E-SRE susținută pentru anul t la consumul final brut de energie electrică estimat pentru anul t (CFBEE_t) stabilit pe baza consumului final de energie electrică estimat pentru anul t conform prevederilor art. 9.

(3) Dacă E-SRE estimată este mai mică decât E-SRE care beneficiază de sistemul de promovare prin CV, în condițiile Legii, (ESRE¹_{t, CAP}) sau egală cu aceasta, cota estimată de achiziție de CV pentru anul t, c¹_{CV, estimat, t}, este egală cu cea calculată conform art. 10 alin. (1).

(4) Dacă E-SRE estimată este mai mare decât E-SRE care beneficiază de sistemul de promovare prin CV, în condițiile Legii, (ESRE¹_{t, CAP}), se va ajusta cota estimată de achiziție de CV pentru anul t, după cum urmează:

a) se calculează raportul R_t dintre E-SRE care beneficiază de sistemul de promovare prin CV, în condițiile Legii, (ESRE¹_{t, CAP}) și E-SRE estimată a se produce în anul t:

$$R_t = \frac{ESRE^1_{t, CAP}}{ESRE_t};$$

b) raportul determinat la lit. a) se va aplica numărului de CV estimate a se emite în anul t (NCV¹_{emise, t}), calculat conform art. 8:

$$NCV^1_{emise, t} = R_t \times NCV_{emise, t}$$

c) se calculează cota de CV estimată de achiziție de CV pentru anul t, în funcție de noul număr estimat de CV a fi emise:

$$c^1_{CV, estimat, t} = \frac{NCV^1_{emise, t}}{CFEE_t - CFEE_{soc. estimat, t}} \quad [CV/MWh]^{**}.$$

5. La articolul 13, alineatul (2) se modifică și va avea următorul cuprins:

„(2) Cota de achiziție de CV estimată în anul t-1 pentru anul t și publicată pe pagina de internet a ANRE conform alin. (1) va fi modificată în cursul anului t, dacă se constată o abatere mai mare de 10% față de cota menționată și va produce efecte începând cu trimestrul următor celui în care a fost modificată.”

6. La articolul 15, alineatul (1) se modifică și va avea următorul cuprins:

„Art. 15. — (1) Numărul de CV pe care operatorul economic cu obligație de achiziție i trebuie să le dețină, pentru a putea demonstra îndeplinirea cotei anuale obligatorii estimate de CV aferentă trimestrului de analiză n ($NCV_{i, nec, trim. n}$) se determină astfel:

$$NCV_{i, nec, trim. n} = 0,9 \times c_{CV, estimat, t}^1 \times (CFEE_{i, trim. n} - CFEE_{i, exceptat, trim. n})$$

unde: $CFEE_{i, trim. n}$ = energia electrică facturată clienților finali/utilizată pentru consumul final de energie electrică de către operatorul economic i cu obligație de achiziție de CV în trimestrul de analiză n,

$CFEE_{i, exceptat, trim. n}$ = consumul final exceptat facturat în trimestrul de analiză n pentru anul t al furnizorului i; și

$c_{CV, estimat, t}^1$ = cota obligatorie estimată de achiziție de CV stabilită pentru anul de analiză t, conform art. 12 alin. (2) sau alin. (3) lit. c).”

7. La articolul 16, alineatul (1) litera b) și alineatul (2) se abrogă.**8. La articolul 20, alineatele (1), (2) și (3) se modifică și vor avea următorul cuprins:**

„Art. 20. — (1) Stabilirea gradului de realizare a cotei anuale obligatorii estimate de achiziție de CV aferentă trimestrului de analiză n de către operatorii economici cu obligație de achiziție de CV se realizează pe baza informațiilor transmise de către aceștia, respectiv de către OPCV la ANRE, pe suport hârtie sau electronic în format pdf și excel, în conformitate cu machetele din anexele nr. 1.1 și 2.

(2) Informațiile conținute în macheta din anexa nr. 1.1 se transmit trimestrial de către operatorii economici cu obligație de achiziție de CV, până cel târziu pe data de 15 a lunii următoare trimestrului de analiză n și se referă la energia electrică facturată în trimestrul de analiză n (inclusiv energia electrică exceptată și facturată) și la energia electrică consumată la locurile proprii de consum de către furnizorii de energie electrică și producătorii de energie electrică, alta decât energia electrică utilizată pentru CPT-ul rețelei electrice/centralei electrice, în trimestrul de analiză n.

(3) CV achiziționate de operatorii economici cu obligație de achiziție de CV și/sau CV netransferate de către OPCV din contul de vânzător în cel de cumpărător, în perioada cuprinsă între sfârșitul lunii următoare trimestrului de analiză n și data deciziei de stabilire a gradului de îndeplinire a cotei anuale obligatorii estimate de achiziție de CV aferentă trimestrului de analiză n, pentru care se face dovada plății acestora, sunt luate în considerare la îndeplinirea cotei obligatorii de achiziție de CV pentru trimestrul n.”

9. Articolul 22 se modifică și va avea următorul cuprins:

„Art. 22. — Până pe data de 10 februarie a anului t+1 următor celui de analiză t, ANRE determină, pe baza realizărilor, cantitatea de E-SRE produsă și livrată în rețeaua electrică și/sau la consumatori în anul de analiză t ($ESRE_t$) și care a beneficiat de sistemul de promovare prin CV.”

10. Articolul 23 se modifică și va avea următorul cuprins:

„Art. 23. — Numărul de CV emise pentru anul de analiză, ($NCV_{emise, t}$), este egal cu numărul de CV emise pentru tranzacționare în anul t de către OTS producătorilor de E-SRE acreditați, inclusiv cele recuperate în anul t, ($NCV_{emise, j, t}$), pe tip de tehnologie j”.

11. Articolul 24 se modifică și va avea următorul cuprins:

„Art. 24. — (1) La determinarea consumului final de energie electrică din anul de analiză t, pentru care se stabilește obligația de achiziție de CV, vor fi luate în considerare valorile realizate în anul de analiză t, respectiv:

a) energia electrică achiziționată și furnizată de furnizorul de energie electrică, pentru consumul final al acestuia și/sau la consumatori finali;

b) energia electrică utilizată pentru consum final propriu, altul decât consumul propriu tehnologic, de către un producător de energie electrică;

c) energia electrică furnizată de un producător de energie electrică consumatorilor racordați prin linii directe de centrala electrică aparținând respectivului producător”.

(2) La nivelul anului de analiză t, se consideră că energia electrică livrată în anul t este egală cu energia electrică furnizată în anul t.”

12. Articolul 26 se modifică și va avea următorul cuprins:

„Art. 26. — (1) Pentru stabilirea încadrării energiei electrice produse din surse regenerabile în anul t în nivelul maxim de energie electrică produsă din surse regenerabile care beneficiază de sistemul de promovare, ANRE compară cantitatea de E-SRE produsă și livrată în rețeaua electrică și/sau la consumatori în anul de analiză t ($ESRE_t$), calculată conform art. 22 cu cantitatea de E-SRE care beneficiază de sistemul de promovare, în condițiile Legii, ($ESRE_{t, CAP}^2$).

(2) $ESRE_{t, CAP}^2$ se calculează prin aplicarea cotei de E-SRE susținută pentru anul t la consumul final brut de energie electrică realizat pentru anul t ($CFBEE_t$), conform datelor publicate de Institutul Național de Statistică.

(3) Dacă ($E-SRE_t$) este mai mică sau egală cu E-SRE care beneficiază de sistemul de promovare, în condițiile Legii, ($ESRE_{t, CAP}^2$), cota obligatorie de achiziție CV pentru anul t, $c_{CV, t}^1$ este egală cu cea calculată conform art. 25.

(4) Dacă ($E-SRE_t$) este mai mare decât E-SRE care beneficiază de sistemul de promovare, în condițiile Legii, ($ESRE_{t, CAP}^2$), cota obligatorie de achiziție CV pentru anul t, $c_{CV, t}^1$, se calculează după cum urmează:

a) se calculează raportul R_t dintre $ESRE_{t, CAP}^2$ și $E-SRE_t$ produsă în anul de analiză t:

$$R_t = \frac{ESRE_{t, CAP}^2}{ESRE_t};$$

b) raportul determinat la lit. a) se va aplica numărului de CV luate în considerare pentru calculul cotei de achiziție CV pentru anul de analiză t (NCV_t), calculat conform art. 23:

$$NCV_t^1 = R_t \times NCV_t$$

c) se calculează cota obligatorie de achiziție de CV pentru anul de analiză t, în funcție de numărul de CV rezultat la lit. b), în vederea încadrării în cota obligatorie de E-SRE:

$$c_{CV, t}^1 = \frac{NCV_t^1}{CFEE_t - CFEE_{exceptat, t}} \quad [CV/MWh] \text{ ”.}$$

13. La articolul 28, literele c) și d) se modifică și vor avea următorul cuprins:

„c) în cazul în care eroarea conduce la modificarea cotei obligatorii de achiziție de CV pentru anul de analiză t, în sensul creșterii acesteia, și este identificată până cel târziu la data de 31 martie a anului t+1, eroarea va fi corectată printr-un ordin de modificare a cotei, cu prelungirea perioadei în care operatorii economici cu obligație de achiziție de CV pot achiziționa CV pentru îndeplinirea cotei obligatorii de achiziție de CV pentru anul t, în funcție de data intrării în vigoare a ordinului de modificare, dar nu mai mult de termenul legal prevăzut pentru stabilirea gradului de realizare a cotei obligatorii de achiziție de CV pentru anul de analiză t;

d) orice eroare identificată în calculul cotei obligatorii de achiziție de CV pentru anul de analiză t după data de 31 martie a anului $t+1$ poate fi corectată la stabilirea cotei obligatorii de achiziție de CV pentru anul $t+1$ sau anii următori, după caz, numai în măsura în care aceasta nu afectează nivelul cotei obligatorii de achiziție de CV pentru anul $t+1$ și pentru anii următori”.

14. La articolul 30, alineatele (1) și (2) se modifică și vor avea următorul cuprins:

„Art. 30. — (1) Numărul total de CV de pe piața de CV care trebuie să se afle în contul operatorilor economici cu obligație de achiziție de CV pentru a putea demonstra îndeplinirea cotei obligatorii de achiziție de CV pentru anul de analiză t ($NCV_{nec,t}$) se determină ca produsul dintre:

a) cota obligatorie de achiziție de CV stabilită pentru anul de analiză t conform art. 26 alin. (3) sau (4); și

b) energia electrică furnizată consumatorilor finali în anul de analiză (consumul final de energie electrică rezultat, conform art. 24 diminuat cu consumul final exceptat de energie electrică):

$$NCV_{nec,t} = C_{CV,t}^1 \times (CFEE_t - CFEE_{exceptat,t})$$

(2) Numărul de CV pe care operatorul economic cu obligație de achiziție de CV i trebuie să le dețină, aferent anului de analiză ($NCV_{i,nec,t}$) se determină astfel:

$$NCV_{i,nec,t} = C_{CV,t}^1 \times (CFEE_{i,t} - CFEE_{i,exceptat,t}),$$

unde: $C_{CV,t}^1$ = cota obligatorie de achiziție de CV stabilită pentru anul de analiză t și

$CFEE_{i,t}$ = energia electrică furnizată consumatorilor finali de către operatorul economic i în anul de analiză t , exprimată în MWh.

$CFEE_{i,exceptat,t}$ = consumul final exceptat de energie electrică pentru operatorul economic i în anul de analiză t , exprimată în MWh”.

15. La articolul 31, alineatul (1) se modifică și va avea următorul cuprins:

„Art. 31. — (1) La stabilirea îndeplinirii cotei obligatorii de achiziție de CV pentru anul de analiză t de către operatorul economic i se iau în calcul următoarele elemente:

a) numărul de CV din contul operatorului economic i care pot fi utilizate pentru îndeplinirea cotei obligatorii de achiziție de CV;

b) numărul de CV rezervate, în cazul în care producătorul E-SRE are și obligație de achiziție CV.”

16. La articolul 31, alineatul (2) se abrogă.

17. Articolul 36 se modifică și va avea următorul cuprins:

„Art. 36. — (1) Operatorii economici cu obligație de achiziție de CV transmit până la data de 31 ianuarie a anului $t+1$, următor anului de analiză t , informațiile necesare pentru stabilirea cotei obligatorii de achiziție de CV pentru anul de analiză t , pe suport hârtie sau în format electronic pdf și excel, în formatul specificat în macheta prevăzută în anexa nr. 4.1, care se referă:

a) în cazul furnizorilor de energie electrică, la energia electrică achiziționată și furnizată pentru consumul final al acestora și/sau la consumatori finali;

b) în cazul producătorilor de energie electrică, la energia electrică utilizată pentru consum final propriu, altul decât consumul propriu tehnologic al centralei de producere energie electrică și la energia electrică furnizată consumatorilor racordați prin linii directe de centrala electrică aparținând respectivului producător.

(2) Operatorii economici cu obligație de achiziție de CV pot face corecții la datele transmise conform machetei prevăzute în anexa nr. 4.1 în cel mult 20 de zile calendaristice de la împlinirea termenului prevăzut la alin. (1).

(3) În cazul în care comunicările de corectare a cantității de energie electrică raportată conform alin. (1) se transmit după termenul prevăzut la alin. (2), acestea pot fi luate în considerare de către ANRE numai dacă acestea nu afectează cota

obligatorie de achiziție de CV calculată conform art. 26 alin. (2) sau (3), după caz, și sunt transmise până la data stabilirii gradului de realizare a cotei obligatorii de achiziție de CV pentru anul de analiză.

(4) În cazul în care comunicările de corectare a energiei electrice raportate conform alin. (1) se transmit după termenul prevăzut la alin. (2) și nu pot fi soluționate conform prevederilor alin. (3), acestea pot fi considerate la stabilirea cotei obligatorii de achiziție de CV pentru anul $t+1$ sau anii următori, după caz, numai în măsura în care acestea nu afectează nivelul cotei obligatorii de achiziție de CV pentru anul $t+1$ și pentru anii următori.

(5) Consumatorii industriali electrointensivi prevăzuți la art. 2 alin. (1) lit. c) transmit la ANRE acordul de exceptare/revocarea exceptării, după caz, în maximum 3 zile lucrătoare de la data primirii acestuia.

(6) OTS transmite lunar la ANRE un raport privind numărul lunar de CV emise pentru tranzacționare în anul de analiză t pentru fiecare producător E-SRE, inclusiv E-SRE aferentă acestui număr de CV, pe suport hârtie și în format electronic (excel), în conformitate cu prevederile Regulamentului de emisie a certificatelor verzi, aprobat prin Ordinul președintelui Autorității Naționale de Reglementare în Domeniul Energiei nr. 4/2015.

(7) OPCV transmite anual la ANRE, pe suport hârtie sau în format electronic pdf și excel, până cel târziu la data de 31 martie a anului $t+1$ pentru anul de analiză t , situația contului de CV pentru fiecare participant la piața de certificate verzi, conform registrului de CV, conform machetelor prevăzute în anexele nr. 5.1 și 5.2.

(8) CV achiziționate de operatorii economici cu obligație de achiziție de CV și/sau CV netransferate de către OPCV din contul de vânzător în cel de cumpărător, în perioada cuprinsă între 31 martie a anului $t+1$ și data deciziei de stabilire a gradului de îndeplinire a cotei anuale obligatorii pentru anul de analiză t , pentru care se face dovada plății acestora, sunt luate în considerare la îndeplinirea cotei obligatorii de achiziție de CV pentru anul t .

(9) În termen de 15 zile calendaristice de la data publicării pe pagina de internet a ANRE a deciziei de stabilire a gradului de îndeplinire a cotei anuale obligatorii pentru anul de analiză t , OPCV actualizează datele din Registrul certificatelor verzi având în vedere CV considerate de ANRE în cadrul deciziei menționate până la data de 15 aprilie a anului $t+1$ inclusiv, în conformitate cu prevederile alin. (8) și retransmite la ANRE situația contului fiecărui participant la piața de certificate verzi pentru anul de analiză.”

18. La articolul 37, alineatul (1) se modifică și va avea următorul cuprins:

„Art. 37. — (1) Datele transmise de operatorii economici cu obligație de achiziție de CV și OTS conform art. 36 alin. (1)–(3) și (6) constituie baza de calcul pentru determinarea cotei anuale obligatorii de achiziție de CV pentru anul de analiză t , iar datele transmise de OPCV și operatorii economici cu obligație de achiziție de CV conform art. 36 alin. (7) și (8) constituie baza de calcul pentru stabilirea gradului de îndeplinire a cotei obligatorii de achiziție de CV pentru anul de analiză t .”

19. Anexa nr. 1.1 se modifică și se înlocuiește cu anexa nr. 1 la prezentul ordin.

20. Anexa nr. 1.2 se abrogă.

21. Anexa nr. 4.1 se modifică și se înlocuiește cu anexa nr. 2 la prezentul ordin.

22. Anexa nr. 4.2 se abrogă.

23. În cuprinsul metodologiei sintagma „Ministerul Economiei, Comerțului și Turismului” se înlocuiește cu sintagma „ministerul de resort”.

Art. II. — Prin derogare de la prevederile art. 36 alin. (1) din Metodologia de stabilire a cotelor anuale obligatorii de energie electrică produsă din surse regenerabile de energie care beneficiază de sistemul de promovare prin certificate verzi și a celor de achiziție de certificate verzi, aprobată prin Ordinul președintelui Autorității Naționale de Reglementare în Domeniul Energiei nr. 101/2015, operatorii economici cu obligație de achiziție de CV transmit, până la data de 12 februarie 2016

inclusiv, informațiile necesare pentru stabilirea cotei obligatorii de achiziție de CV pentru anul de analiză 2015.

Art. III. — Operatorii economici din sectorul energiei electrice duc la îndeplinire prevederile prezentului ordin.

Art. IV. — Entitățile organizatorice din cadrul Autorității Naționale de Reglementare în Domeniul Energiei urmăresc respectarea prevederilor prezentului ordin.

Art. V. — Prezentul ordin se publică în Monitorul Oficial al României, Partea I.

Președintele Autorității Naționale de Reglementare
în Domeniul Energiei,
Niculae Havrileț

București, 27 ianuarie 2016.
Nr. 2.

ANEXA Nr. 1
(Anexa nr. 1.1 la metodologie)

Trimestrul de analiză n:
Operatorul economic cu obligație de achiziție de CV:

Energia electrică facturată consumatorilor finali și/sau utilizată pentru consumul final propriu în trimestrul de analiză n

Luna	Furnizor de energie electrică					Producător de energie electrică			
	Energie electrică utilizată pentru consumul final propriu în trimestrul de analiză n	Energia electrică neexceptată facturată consumatorilor finali în trimestrul de analiză n	Energie electrică facturată operatorilor de distribuție concesionari/OTS pentru consumul final al acestora: OD1: OD2: OTS:	Energie electrică exceptată facturată în trimestrul de analiză n	Total energie electrică facturată și utilizată pentru consumul final propriu în trimestrul de analiză n	Energie electrică neexceptată facturată consumatorilor racordați prin linii directe de centrala electrică în trimestrul de analiză n	Energie electrică utilizată pentru consumatori finali proprii, alții decât CPT-ul centralei în trimestrul de analiză n	Energie electrică exceptată facturată consumatorilor racordați prin linii directe de centrala electrică în trimestrul de analiză n	Total energie electrică facturată și utilizată pentru consumul final propriu în trimestrul de analiză n
	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]
1	2	3	4	5	6 = 2 + 3 - 4 + 5	7	8	9	10 = 7 + 8 + 9
Luna 1									
Luna 2									
Luna 3									
Total trimestrul n									

NOTE:

— Macheta se transmite până cel târziu la data de 15 a lunii următoare trimestrului de analiză „n”.

— Datele conținute în coloana 3 a tabelului cuprind și datele din coloana 4 a tabelului.

— Operatorul de distribuție și operatorul de transport care alimentează prin autofurnizare locurile proprii de consum, altele decât cele aferente acoperirii consumului propriu tehnologic al rețelelor electrice de distribuție/transport, completează doar coloana 2 a tabelului. În situația în care operatorul de distribuție și operatorul de transport alimentează locurile proprii de consum prin intermediul unui furnizor de energie electrică, atunci pentru consumul respectiv raportarea se face de către furnizorul de energie electrică, prin completarea coloanelor 3 și 4 din tabel.

Anul de analiză t:

Operatorul economic cu obligație de achiziție de CV:

**Energia electrică furnizată consumatorilor finali și/sau utilizată pentru consumul final propriu
în anul de analiză t**

Luna	Furnizor de energie electrică					Producător de energie electrică			
	Energie electrică utilizată pentru consumul final propriu în anul de analiză t	Energia electrică neexceptată furnizată consumatorilor finali în anul de analiză t	Energie electrică furnizată operatorilor de distribuție concesionari/OTS pentru consumul final al acestora: OD1: OD2: OTS:	Energie electrică exceptată furnizată în anul de analiză t	Total energie electrică furnizată și utilizată pentru consumul final propriu în anul de analiză t	Energie electrică neexceptată furnizată consumatorilor racordați prin linii directe de centrala electrică în anul de analiză t	Energie electrică utilizată pentru consumatori finali proprii, alții decât CPT-ul centralei în anul de analiză t	Energie electrică exceptată furnizată consumatorilor racordați prin linii directe de centrala electrică în anul de analiză t	Total energie electrică furnizată și utilizată pentru consumul final propriu în anul de analiză t
	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]	[MWh]
1	2	3	4	5	6 = 2 + 3 – 4 + 5	7	8	9	10 = 7 + 8 + 9
Luna 1									
Luna 2									
Luna 3									
Luna 4									
Luna 5									
Luna 6									
Luna 7									
Luna 8									
Luna 9									
Luna 10									
Luna 11									
Luna 12									
Total an t									

NOTE:

— Macheta se transmite până cel târziu la data de 31 ianuarie a anului în curs t+1.

— Datele conținute în coloana 3 a tabelului cuprind și datele din coloana 4 a tabelului.

— Operatorul de distribuție și operatorul de transport care alimentează prin autofurnizare locurile proprii de consum, altele decât cele aferente acoperirii consumului propriu tehnologic al rețelelor electrice de distribuție/transport, completează doar coloana 2 a tabelului. În situația în care operatorul de distribuție și operatorul de transport alimentează locurile proprii de consum prin intermediul unui furnizor de energie electrică, atunci pentru consumul respectiv raportarea se face de către furnizorul de energie electrică, prin completarea coloanelor 3 și 4 din tabel.

RECTIFICĂRI

În anexa la Ordinul președintelui Agenției Naționale a Funcționarilor Publici nr. 2.201/2015 pentru aprobarea modelului de proces-verbal de constatare a contravențiilor și de aplicare a sancțiunilor, publicat în Monitorul Oficial al României, Partea I, nr. 641 din 24 august 2015, se face următoarea rectificare:

— la „Caracteristici de tipărire”, teza a doua „Caracteristici tehnice”, în loc de: „— *hârtie format A;*” se va citi: „— *hârtie format A4;*”.

EDITOR: GUVERNUL ROMÂNIEI



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bloc P33, parter, sectorul 5, tel. 021.401.00.70, fax 021.401.00.71 și 021.401.00.72

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Annex 4

Request to the Prefecture of Timiș County.

Instituția Prefectului Județul Timiș
Bdv. Revoluției din 1989 17 A
10.06.2015



Către Instituția Prefectului Județul Timiș

În atenția Domnului Eugen Dogariu, Prefectul județului Timiș.

Subsemnata, Alexandra Iasmina LAZA B.Sc., vă solicită sprijinul în realizarea lucrării de masterat cu titlul **„Influența diferitelor competențe din Austria și România cu privire la implementarea regulamentului de protecție supranațional împotriva speciilor alogene invazive”** din cadrul Universității Viena.

Această lucrare este realizată sub coordonarea Mag. rer. nat. Mag. iur. Dr. iur. **Volker MAUERHOFER**, MA Ecological Economics din cadrul Masteratului **A 066 879 Conservarea Naturii și Managementul Biodiversității** divizie a **Conservation Biology, Vegetation Ecology and Landscape Ecology, Universitatea Viena**.

Lucrarea are la bază **Regulamentul (UE) NR. 1143/2014** al parlamentului european și al consiliului din **22 octombrie 2014** privind **prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive**.

Contribuția dumneavoastră va asigura acuratețea studiului lucrării și constă în completarea unui chestionar online care cuprinde întrebări pe tema studiului și (dacă este posibil) acordarea unui interviu pentru a aprofunda aceste răspunsuri.

O contribuție la fel de importantă o au și celelalte autorități competente, motiv pentru care avem rugămintea, cu ajutorul dumneavoastră, de a transmite mai departe acest chestionar către toate instituțiile deconcentrate din subordinea Prefecturii.

Prin aceasta cerere de solicitare vă asigur că sunt acreditată de Universitatea Viena pentru a prelua și prelucra datele obținute.

Informațiile obținute vor putea ajuta la implementarea cu succes a acestui regulament european în România și în special în județul Timiș, acesta fiind un județ de graniță care are și responsabilitatea de a prevenii și evalua riscurile aduse de speciile alogene invazive din exteriorul țării.

Informațiile și concluziile obținute vă vor fi prezentate o dată cu finalizarea lucrării și pot fi urmate pentru implementarea cu succes a acestui regulament european.

Vă mulțumesc anticipat!

Alexandra Iasmina LAZA

Alexandra Iasmina Laza

(+40)-727-701178

iasmina.laza@gmail.com

Dr. iur. Volker MAUERHOFER

Annex 5

Official answer Nr.7948/S2 of the Prefecture of the Timiș County.

ROMÂNIA



**MINISTERUL AFACERILOR INTERNE
INSTITUȚIA PREFECTULUI - JUDEȚUL TIMIȘ**

Nr. 7948 / S2

Data: 15.06.2015

DOAMNEI ALEXANDRA IASMINA LAZA

E-mail: iasmina.laza@gmail.com

Stimată doamnă,

Ca urmare a solicitării dumneavoastră, referitoare la realizarea lucrării de masterat, vă informăm că am redirectionat-o către Agenția pentru Protecția Mediului Timiș, cu rugămintea de a analiza cele prezentate și de a vă acorda sprijinul.

Cu stimă,

**PREFECT,
EUGEN DOGARIU**



**ȘEF SERVICIU,
DENISA MITROI**

Annex 6

Differences between the Austrian and the Romanian survey questions.

Question	Country	Differences in answer option
Survey question 1 (Q1)	AT	1-Independent, 2-Employed, 3-State authority, 4-Provincial department, 5-Federal authority, 6-Federal state department, 7-Company, 8-Further education, 9-Science, 10-NGO, 11-Legally intended representation of interests, 12-Other
	RO	1-Employed, 2-Legal entity, 3-National authority, 4-Public county administration, 5-Public local administration, 6-Public national institution, 7-Public county institution, 8-Public local institution, 9-Company, 10-Further education, 11-Institution of higher education, 12-Science, 13-NGO, 14-Other
Q5	AT	1-Legislation (including preparation, assessment, etc.) 2-Enforcement 3-Both 4-None of the two
	RO	1-Legislation (including preparation, assessment, etc.), 2-Regulation, 3-Control, 4-Administration, 5-None
Q6, Q18c	AT	See Table 8 and Table 9
	RO	
Q10b, Q11b, Q14b, Q16b	AT	1-Supreme federal authority, 2-Subordinate federal authority, 3-Supreme provincial authority, 4-Subordinated provincial authority, 5-Indirect federal administration, 6-Not specified 7-Other bodies
	RO	1-Competent National authority, 2-Regional authority (if applicable), 3-County or Local public authority, 4-Relevant subordinated agencies, 5-Not specified, 6-Other bodies
Q12b, Q13b	AT	A.Thought of environmental precaution, B.Ad-hoc arising practice issues, C.Indirect additional costs, D.Indirect additional time investment, E.Elimination of future costs, F.Elimination of future time investment, G.Questions of competence, H.Coordination between federation and the federal provinces, I.Coordination between the federal provinces, J.Review of the listed species, K.Review of measures regarding the listed species, L.Political will of the federation, M.Political will of a federal provinces, N.Political will of the federal provinces
	RO	A.Thought of environmental precaution, B.Ad-hoc arising practice issues, C.Indirect additional costs, D.Indirect additional time investment, E.Elimination of future costs, F.Elimination of future time investment, G.Questions of competence, H.Coordination between the national state and the administrative territorial units, I.Coordination between the administrative territorial units, J.Review of the listed species, K.Political will of the national state, L.Political will of the county, M.Local political will
Q17b	AT	1-Federal legislation, 2-Federal enforcement, 3-Federal provinces legislation, 4-Federal provinces enforcement, 5-Indirect federal administration, 6-Not specified 7-Other bodies
	RO	1-National legislation, 2-Regulation (National County Agency for Environmental Protection), 3-Control (County Environmental National Guard), 4-Decisions of the County Councils, 5-Decisions of the Local Councils, 6-Administrators, 7-Administration of the biospheric reservation "Danube Delta", 8-Not specified, 9-Other competences
Q19a, Q19b	AT	A.Decisions from the European Commission B.Financial support from the European Commission C.Distribution of competences in the legislative process D.Distribution of competences in the enforcement process E.Federal responsibility for the funds allocation F.Federal provinces responsibility for allocation of funds G.Other
	RO	A.Decisions from the European Commission B.Financial support from the European Commission C.Distribution of competences in the legislative process D.Distribution of competences in the enforcement process E.National responsibility for the funds allocation F.Responsibility of the administrative territorial units for allocation of financial resources G.Other

Annex 7

Complete Austrian online survey.



Kurze Informationen über diese Umfrage.

**Laufende Masterarbeit an der Universität Wien zum Thema der invasiven gebietsfremden Arten,
im Rahmen vom:**

Masterstudium A 066 879 Naturschutz und Biodiversitätsmanagement

Division of Conservation Biology, Vegetation Ecology and Landscape Ecology

(<http://cvl.univie.ac.at/department/>).

**Titel der Diplomarbeit: „ Einfluss der unterschiedlichen Kompetenzverteilung in Österreich und
Rumänien auf die Umsetzung supranationaler Schutzvorgaben gegen invasive gebietsfremde
Arten“**

**Basierend auf der EU Verordnung: Verordnung (EU) Nr. 1143/2014 des Europäischen Parlaments
vom 22. Oktober 2014 über die Prävention und das Management der Einbringung und
Ausbreitung invasiver gebietsfremder Arten.**

(<http://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32014R1143&from=EN>)

Durchgeführt von Alexandra Iasmina LAZA, B.Sc.

**Betreut durch Mag. rer. nat. Mag. iur.Dr. iur. Volker MAUERHOFER, MA Ecological Economics
(Leeds)**

Für Rückfragen: volker.mauerhofer@univie.ac.at oder iasmina.laza@gmail.com

Ziele der Arbeit:

- Konkrete Praxisanalyse der künftigen Umsetzung der Verordnung;
- Ähnlichkeiten und Unterschiede der Umsetzung anhand der unterschiedlichen Kompetenzverteilung zweier Staaten aufarbeiten;
- Hinweise für die laufende Umsetzung in den zwei Staaten ausarbeiten;
- Hinweise zur europaweiten Umsetzung anhand der Beispielvergleichs der zwei Staaten ausarbeiten.

Methoden:

- Online Fragebogen, zusätzlich dazu bei Interesse vertiefendes Interview;
- Zeitrahmen für Erhebung: bis Ende August 2015.

**Daten werden nur zur Kontaktaufnahme bezüglich der Masterarbeit verwendet und Antworten
werden so verarbeitet, daß die Anonymität der antwortenden Person gewahrt bleibt.**

Ich freue mich auf Ihre Teilnahme und möchte mich für Ihre Zeit bedanken!



A. Fragen zur Person

Diese Daten werden vertraulich behandelt.

Daten werden nur zur Kontaktaufnahme bezüglich der Masterarbeit verwendet und Antworten werden so verarbeitet, dass Anonymität der antwortenden Person gewahrt bleibt.

Name	
Land	
E-Mail-Adresse	
Telefonnummer (fakultativ für Rückfragen)	

1. Angaben zu Ihrem Arbeitsplatz (Mehrfachauswahl möglich):

- | | | |
|--|---|--|
| ☐ Selbständig | ☐ Bundesbehörde | ☐ Wissenschaft |
| ☐ Unselbständig | ☐ Bundesdienststelle | ☐ NGO |
| ☐ Landesbehörde | ☐ Unternehmen | ☐ Gesetzlich vorgesehene
Interessensvertretung |
| ☐ Landesdienststelle | ☐ Fortbildung | |
| ☐ Sonstiges (bitte angeben): Max. 100 Zeichen | | |

2. Über wieviele Jahre Berufserfahrung verfügen Sie insgesamt maximal?

- ☐ Unter 5 ☐ Bis 10 ☐ Bis 15 ☐ Bis 20 ☐ Bis 25 ☐ Mehr als 25 ☐ Keine Angabe

3. Welchen höchsten Bildungsabschluss haben Sie?

- ☐ Dr. ☐ PhD ☐ Master ☐ Diplom ☐ Bakk. ☐ Matura ☐ Keine Angabe

- ☐ Sonstiges (bitte angeben): Max. 100 Zeichen

4. In welchem Bereich haben Sie gegebenenfalls ein Studium abgeschlossen? (Mehrfache Angaben möglich)

- | | | |
|---|---|--|
| ☐ Naturschutz | ☐ Pflanzenschutz | ☐ Politikwissenschaften |
| ☐ Biologie | ☐ Sozialwissenschaften | ☐ Wirtschaft |
| ☐ Forstwirtschaft | ☐ Rechtswissenschaften | ☐ keine Angabe |
| ☐ Andere (bitte angeben): Max. 100 Zeichen | | |

5. Sind Sie involviert in:

- ☐ Gesetzgebung (inklusive Vorbereitung, Begutachtung etc.) ☐ Vollzug ☐ Beides ☐ Keines von beiden

6. Machen Sie bitte Angaben zu Ihrem Arbeitsgebiet (Mehrfachauswahl möglich):

- | | | |
|--|--|---|
| ☐ Äußere Angelegenheiten | ☐ Veterinärangelegenheiten | ☐ Bodenschutz |
| ☐ Waren- und Viehverkehr mit dem Ausland | ☐ Ernährungswesen, Nahrungsmittel, Saat- und Pflanzgut, Futter-, Dünge- und Pflanzenschutzmitteln | ☐ Flurverfassung, Wald- und Weideservitute und Agrarbehörden |
| ☐ Zoll | ☐ Straßenpolizei | ☐ Güter- und Seilwege |
| ☐ Gewerbe und Industrie | ☐ Binnenschifffahrt | ☐ Landesforste |
| ☐ Verkehr (Eisenbahnen, Luftfahrt, sowie Schifffahrt) | ☐ Strom- und Schifffahrtspolizei | ☐ Pflanzenschutz |
| ☐ Bundesstraßen | ☐ Umweltverträglichkeitsprüfung (Bund/Land) | ☐ Gentechnikvorsorge |
| ☐ Umweltverträglichkeitsprüfung (Bund) | ☐ Tierschutz | ☐ Jagd |
| ☐ Forst | ☐ Bodenreform | ☐ Fischerei |
| ☐ Wasserrecht | ☐ Schutz der Pflanzen gegen Krankheiten und Schädlinge | ☐ Tierzucht |
| ☐ Regulierung und Instandhaltung der Gewässer | ☐ Naturschutz | ☐ Bienenzucht |
| ☐ Wasserstraßenbau und -instandhaltung | ☐ Umweltinformation | ☐ Bauangelegenheiten |
| ☐ Gesundheitswesen | ☐ Umwelthaftung | ☐ Landesstraßen |
| ☐ Immissionsgrenzwerte | ☐ Strategische Umweltprüfung (SUP) | ☐ Landesraumordnung |
| ☐ Sonstiges (bitte angeben): Max. 100 Zeichen | | |

7. Wann haben Sie sich mit dem Thema „gebietsfremde invasive Arten“ in Ihrer Arbeit erstmals beschäftigt?

- ☐ Vor 2013 ☐ 2013 ☐ 2014 ☐ 2015 ☐ Niemals



B. Fragen zur Verordnung

Antworten werden so verarbeitet, dass auf beantwortende Person nicht rückgeschlossen werden kann.

8. Wann haben Sie das erste Mal von der Verordnung (EU) Nr. 1143/2014 des europäischen Parlaments und des Rates vom 22. Oktober 2014 über die Prävention und das Management der Einbringung und Ausbreitung invasiver gebietsfremder Arten (abgekürzt IAS-VO) oder deren Entwürfen gehört?

☐ Vor 2013 ☐ 2013 ☐ 2014 ☐ 2015

9. Wie oft mindestens bekommen Sie up-dates zur IAS-VO?

☐ Wöchentlich ☐ Monatlich ☐ Alle 2 Monate ☐ Alle 3 Monate ☐ Seltener ☐ Keine up-dates

10. Risikobewertungen

10. a. Werden Sie in Ihrem Arbeitsgebiet im Rahmen der Risikobewertung in folgenden Bereichen tätig sein?

	Ja	Eher Ja	Eher Nein	Nein	Weiß nicht
Erstellen von Kriterien für Risikobewertung gemeinsam mit Kommission	☐	☐	☐	☐	☐
Erstellung von Vorschlägen für Aufnahme von Arten in Unions-Liste	☐	☐	☐	☐	☐
Versenden von solchen Vorschlägen	☐	☐	☐	☐	☐
Durchführung der Risikobewertung	☐	☐	☐	☐	☐

10. b. Wer sollte Ihrer Meinung nach im Rahmen der Risikobewertung für folgende Bereiche zuständig sein? (Mehrfachauswahl pro Zeile möglich)

	Oberste Bundesbehörde	Nachgeordnete Bundesbehörde	Oberste Landesbehörde	Nachgeordnete Landesbehörde	*Mittelbare Bundesverwaltung	Keine Angabe
Erstellen von Kriterien für Risikobewertung gemeinsam mit Kommission	☐	☐	☐	☐	☐	☐
Erstellung von Vorschlägen für Aufnahme von Arten in Unions-Liste	☐	☐	☐	☐	☐	☐
Versenden von solchen Vorschlägen	☐	☐	☐	☐	☐	☐
Durchführung der Risikobewertung	☐	☐	☐	☐	☐	☐

Sonstige Stellen: z.B. beliebige Organe, Dienststellen, Uni's (bitte angeben) max.100 Zeichen

* Unter **mittelbarer Bundesverwaltung** versteht man in Österreich kurzgefasst, dass Landesbehörden verschiedene Bundesgesetze vollziehen.

11. Zuständigkeit für in die Unionsliste aufgenommene Arten

11. a. Glauben Sie, dass Sie im Rahmen von Beschränkungen, Genehmigungen, Zulassungen und Dringlichkeitsmaßnahmen tätig sein werden?

	Ja	Eher Ja	Eher Nein	Nein	Weiß nicht
Beschränkungen	☐	☐	☐	☐	☐
Genehmigungen	☐	☐	☐	☐	☐
Zulassungen	☐	☐	☐	☐	☐
Dringlichkeitsmaßnahmen	☐	☐	☐	☐	☐

11. b. Wer sollte Ihrer Meinung nach für die Beschränkungen, Genehmigungen, Zulassungen und Dringlichkeitsmaßnahmen innerstaatlich zuständig sein? (Mehrfachauswahl pro Zeile möglich)

	Oberste Bundesbehörde	Nachgeordnete Bundesbehörde	Oberste Landesbehörde	Nachgeordnete Landesbehörde	Mittelbare Bundesverwaltung	Keine Angabe
Beschränkungen	☐	☐	☐	☐	☐	☐
Genehmigungen	☐	☐	☐	☐	☐	☐
Zulassungen	☐	☐	☐	☐	☐	☐
Dringlichkeitsmaßnahmen	☐	☐	☐	☐	☐	☐

Sonstige Stellen: z.B. beliehene Organe, Dienststellen, Uni's (bitte angeben) Max. 100 Zeichen

12. IAS-Listen von REGIONALER Bedeutung

12. a. Soll Österreich sich Ihrer Meinung nach an einer Liste für IAS von REGIONALER Bedeutung beteiligen?

☐ Ja ☐ Eher Ja ☐ Eher Nein ☐ Nein ☐ Keine Angabe

12. b. Inwieweit wirken sich Ihrer Meinung nach die nachstehenden Faktoren auf die WAHRSCHEINLICHKEIT einer REGIONALEN Liste aus?

	Erhöhung	Eher Erhöhung	Keine Änderung	Eher Rückgang	Rückgang	Weiß nicht
Umweltvorsorge-Gedanke	☐	☐	☐	☐	☐	☐
Ad-hoc auftauchende Praxisprobleme	☐	☐	☐	☐	☐	☐
Unmittelbare, zusätzliche Kosten	☐	☐	☐	☐	☐	☐
Unmittelbarer, zusätzlicher Zeitaufwand	☐	☐	☐	☐	☐	☐
Wegfall von Kosten in Zukunft	☐	☐	☐	☐	☐	☐
Wegfall von Zeitaufwand in Zukunft	☐	☐	☐	☐	☐	☐
Zuständigkeitsfragen	☐	☐	☐	☐	☐	☐
Abstimmung zwischen Bund und Bundesländern	☐	☐	☐	☐	☐	☐
Abstimmung zwischen den Bundesländern	☐	☐	☐	☐	☐	☐
Klärung der darin zu listenden Arten	☐	☐	☐	☐	☐	☐
Klärung der zu treffenden Maßnahmen für gelistete Arten	☐	☐	☐	☐	☐	☐
Politischer Wille des Bundes	☐	☐	☐	☐	☐	☐
Politischer Wille eines Landes	☐	☐	☐	☐	☐	☐
Politischer Wille der Länder	☐	☐	☐	☐	☐	☐

Sonstiges (bitte angeben): Max. 100 Zeichen

13. IAS-Listen von NATIONALER Bedeutung

13. a. Soll Österreich Ihrer Meinung nach eine NATIONALE Liste für invasive gebietsfremde Arten erstellen?

☐ Ja ☐ Eher Ja ☐ Eher Nein ☐ Nein ☐ Weiß nicht

13. b. Inwieweit wirken sich Ihrer Meinung nach die nachstehenden Faktoren auf die WAHRSCHEINLICHKEIT einer NATIONALEN Liste aus?

	Erhöhung	Eher Erhöhung	Keine Änderung	Eher Rückgang	Rückgang	Weiß nicht
Umweltvorsorge-Gedanke	☐	☐	☐	☐	☐	☐
Ad-hoc auftauchende Praxisprobleme	☐	☐	☐	☐	☐	☐
Unmittelbare, zusätzliche, Kosten	☐	☐	☐	☐	☐	☐
Unmittelbarer, zusätzlicher Zeitaufwand	☐	☐	☐	☐	☐	☐
Wegfall von Kosten in Zukunft	☐	☐	☐	☐	☐	☐
Wegfall von Zeitaufwand in Zukunft	☐	☐	☐	☐	☐	☐
Zuständigkeitsfragen	☐	☐	☐	☐	☐	☐
Abstimmung zwischen Bund und Bundesländern	☐	☐	☐	☐	☐	☐
Abstimmung zwischen den Bundesländern	☐	☐	☐	☐	☐	☐
Klärung der zu listenden Arten	☐	☐	☐	☐	☐	☐
Klärung der zu treffenden Maßnahmen für gelistete Arten	☐	☐	☐	☐	☐	☐
Politischer Wille des Bundes	☐	☐	☐	☐	☐	☐
Politischer Wille eines Landes	☐	☐	☐	☐	☐	☐
Politischer Wille der Länder	☐	☐	☐	☐	☐	☐

Sonstiges (bitte angeben): Max. 100 Zeichen

14. Prävention, Früherkennung und sofortige Beseitigung von IAS

14. a. Glauben Sie, dass Sie im Rahmen von Maßnahmen der Prävention, Früherkennung und sofortigen Beseitigung tätig sein werden?

	Ja	Eher Ja	Eher Nein	Nein	Weiß nicht
Aktionspläne	☐	☐	☐	☐	☐
Überwachungssystem	☐	☐	☐	☐	☐
Amtliche Kontrollen	☐	☐	☐	☐	☐
Früherkennungen	☐	☐	☐	☐	☐
Sofortige Beseitigung in frühen Phase der Invasion	☐	☐	☐	☐	☐
Ausnahmen von der sofortigen Beseitigung	☐	☐	☐	☐	☐

14. b. Wer sollte Ihrer Meinung nach für Maßnahmen im Rahmen der Prävention, Früherkennung und sofortigen Beseitigung zuständig sein? (Mehrfachauswahl pro Zeile möglich)

	Oberste Bundesbehörde	Nachgeordnete Bundesbehörde	Oberste Landesbehörde	Nachgeordnete Landesbehörde	Mittelbare Bundesverwaltung	Keine Angabe
Aktionspläne	☐	☐	☐	☐	☐	☐
Überwachungssystem	☐	☐	☐	☐	☐	☐
Amtliche Kontrollen	☐	☐	☐	☐	☐	☐
Früherkennungen	☐	☐	☐	☐	☐	☐
Sofortige Beseitigung in frühen Phase der Invasion	☐	☐	☐	☐	☐	☐
Ausnahmen von der sofortigen Beseitigung	☐	☐	☐	☐	☐	☐

Sonstige Stellen: z.B. beliebige Organe, Dienststellen, Uni's (bitte angeben): Max. 100 Zeichen

15. Mit Personen aus welchen der nachfolgenden Staaten werden Sie ihrer Meinung nach Zusammenarbeit und Koordination im Rahmen der IAS-VO betreiben?

☐ EU-Mitgliedstaaten
 ☐ Drittstaaten
 ☐ Beiden
 ☐ Keinen von beiden
 ☐ Weiß nicht

16. Managementmaßnahmen, Wiederherstellung, Kostenerstattung, Berichtserstattung & Überprüfung

16. a. Glauben Sie, dass Sie im Rahmen von Managementmaßnahmen, Wiederherstellung geschädigter Ökosysteme, Kostenerstattung sowie Berichterstattung und Überprüfung im Rahmen der IAS-VO tätig sein werden?

	Ja	Eher Ja	Eher Nein	Nein	Weiß nicht
Managementmaßnahmen	☐	☐	☐	☐	☐
Wiederherstellung geschädigter Ökosysteme	☐	☐	☐	☐	☐
Kostenerstattung	☐	☐	☐	☐	☐
Berichterstattung und Überprüfung	☐	☐	☐	☐	☐

16. b. Wer sollte ihrer Meinung nach für die Managementmaßnahmen, die Wiederherstellung geschädigter Ökosysteme, die Kostenerstattung sowie Berichterstattung und Überprüfung im Rahmen der IAS-VO zuständig sein? (Mehrfachauswahl pro Zeile möglich)

	Oberste Bundesbehörde	Nachgeordnete Bundesbehörde	Oberste Landesbehörde	Nachgeordnete Landesbehörde	Mittelbare Bundesverwaltung	Keine Angabe
Managementmaßnahmen	☐	☐	☐	☐	☐	☐
Wiederherstellung geschädigter Ökosysteme	☐	☐	☐	☐	☐	☐
Kostenerstattung	☐	☐	☐	☐	☐	☐
Berichterstattung und Überprüfung	☐	☐	☐	☐	☐	☐

Sonstige Stellen: z.B. beliebige Organe, Dienststellen, Uni's (bitte angeben): Max. 100 Zeichen

17. Strengere nationale Vorschriften/ Öffentlichkeitsbeteiligung/ Sanktionen

17. a. Glauben Sie, dass Sie hinsichtlich von Rechtsnormen (einschließlich Vorbereitung, Begutachtung, Erlassung, Vollzug) für die nachstehenden Bereiche im Rahmen der IAS-VO tätig sein werden?

	Ja	Eher Ja	Eher Nein	Nein	Weiß nicht
Strengere nationale Vorschriften	☐	☐	☐	☐	☐
Öffentlichkeitsbeteiligung	☐	☐	☐	☐	☐
Sanktionen	☐	☐	☐	☐	☐

17. b. Wer sollte ihrer Meinung nach für die Erlassung von Rechtsnormen (einschließlich Vorbereitung und Begutachtung) für die nachstehenden Bereiche zuständig sein? (Mehrfachauswahl pro Zeile möglich)

	Bundesgesetzgebung	Bundesvollzug	Landesgesetzgebung	Landesvollzug	Mittelbare Bundesverwaltung	Keine Angabe
Strengere nationale Vorschriften	☐	☐	☐	☐	☐	☐
Öffentlichkeitsbeteiligung	☐	☐	☐	☐	☐	☐
Sanktionen	☐	☐	☐	☐	☐	☐

Sonstige Stellen: z.B. beliebige Organe (bitte angeben) Max. 100 Zeichen

18. a. Wie wichtig schätzen Sie diese IAS-VO ein für Ihr Arbeitsgebiet?

☐ Sehr wichtig ☐ Eher wichtig ☐ Gleichgültig ☐ Eher unwichtig ☐ Unwichtig

18. b. Schätzen Sie bitte ein, wo der Schwerpunkt ihrer Arbeit mit der IAS-VO liegen wird (nur eine Angabe möglich).

Eher beim Schutz der Biodiversität										Eher bei der Erhaltung der damit verbundenen Ökosystemleistungen
1	2	3	4	5	6	7	8	9	10	
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	

18. c. Welche EIGENEN und FREMDEN Arbeitsgebiete werden Ihrer Meinung nach von der Umsetzung der IAS-VO betroffen sein? (Mehrfachauswahl möglich):

- | | | |
|--|--|---|
| ☐ Äußere Angelegenheiten | ☐ Veterinärangelegenheiten | ☐ Bodenschutz |
| ☐ Waren- und Viehverkehr mit dem Ausland | ☐ Ernährungswesen, Nahrungsmittel, Saat- und Pflanzgut, Futter-, Dünge- und Pflanzenschutzmitteln | ☐ Flurverfassung, Wald- und Weideservitute und Agrarbehörden |
| ☐ Zoll | ☐ Straßenpolizei | ☐ Güter- und Seilwege |
| ☐ Gewerbe und Industrie | ☐ Binnenschifffahrt | ☐ Landesforste |
| ☐ Verkehr (Eisenbahnen, Luftfahrt, sowie der Schifffahrt) | ☐ Strom- und Schifffahrtspolizei | ☐ Pflanzenschutz |
| ☐ Bundesstraßen | ☐ Umweltverträglichkeitsprüfung (Bund/Land) | ☐ Gentechnikvorsorge |
| ☐ Umwelt-verträglichkeitsprüfung (Bund) | ☐ Tierschutz | ☐ Jagd |
| ☐ Forst | ☐ Bodenreform | ☐ Fischerei |
| ☐ Wasserrecht | ☐ Schutz der Pflanzen gegen Krankheiten und Schädlinge | ☐ Tierzucht |
| ☐ Regulierung und Instandhaltung der Gewässer | ☐ Naturschutz | ☐ Bienenzucht |
| ☐ Wasserstraßenbau und -instandhaltung | ☐ Umweltinformation | ☐ Bauangelegenheiten |
| ☐ Gesundheitswesen | ☐ Umwelthaftung | ☐ Landesstraßen |
| ☐ Immissionsgrenzwerte | ☐ Strategische Umweltprüfung (SUP) | ☐ Landesraumordnung |

☐ Sonstiges (bitte angeben): Max. 100 Zeichen

19. a. Inwieweit wirken sich Ihrer Meinung die nachstehenden FAKTOREN AUF die UMSETZUNG der IAS-VO aus?

	Von Vorteil	Eher von Vorteil	Gleich	Eher von Nachteil	Von Nachteil	Weiß nicht
Entscheidungen von Seiten der Europäischen Kommission	☐	☐	☐	☐	☐	☐
Finanzielle Unterstützungen von Seiten der Europäischen Kommission	☐	☐	☐	☐	☐	☐
Verteilung der Zuständigkeit für Gesetzgebung	☐	☐	☐	☐	☐	☐
Verteilung der Zuständigkeit für Vollzug	☐	☐	☐	☐	☐	☐
Zuständigkeit des Bundes für Vergabe finanzieller Mittel	☐	☐	☐	☐	☐	☐
Zuständigkeit der Bundesländer für Vergabe finanzieller Mittel	☐	☐	☐	☐	☐	☐

Andere (bitte angeben): Max. 100 Zeichen

19. b. Inwieweit wirkt sich Ihrer Meinung nach die UMSETZUNG der IAS-VO AUF die nachstehenden FAKTOREN aus?

	Von Vorteil	Eher von Vorteil	Gleich	Eher von Nachteil	Von Nachteil	Weiß nicht
Nationale Maßnahmen	☐	☐	☐	☐	☐	☐
Regionale (supranationale) Maßnahmen	☐	☐	☐	☐	☐	☐
Verhältnis zwischen einer nationalen und einer regionalen (supranationalen) Maßnahme	☐	☐	☐	☐	☐	☐
Zuständigkeiten für den Schutz der Biodiversität	☐	☐	☐	☐	☐	☐
Zuständigkeiten für den Schutz der mit Biodiversität verbundenen Ökosystemleistungen	☐	☐	☐	☐	☐	☐
Verhältnis zwischen nationalen Zuständigkeiten	☐	☐	☐	☐	☐	☐

Andere (bitte angeben): Max. 100 Zeichen

20. Allgemeine Anmerkungen, die Sie noch machen möchten: Max. 100 Zeichen hier möglich und zusätzliche Anmerkungen bitte per E-mail iasmina.laza@gmail.com und cc an volker.mauerhofer@univie.ac.at

21. Falls Sie noch weitere Angaben zu diesem Thema machen möchten, sind Sie zusätzlich an einem Detailinterview interessiert? Falls ja, prüfen Sie bitte, dass Ihre Kontaktdaten am Anfang dieses Online-Fragebogens richtig angegeben sind, damit wir einen Termin vereinbaren können. Ich bedanke mich für Ihre Zeit!

☐ Ja, ich bin an einem Detailinterview interessiert ☐ Nein, ich bin an einem Detailinterview nicht interessiert

22. Möchten Sie über das Ergebnis der MSc-Arbeit per email informiert zu werden?

☐ Ja ☐ Nein

Annex 8

Complete Romanian online survey.

Scurtă informare cu privire la acest chestionar.

Teză de masterat în curs de desfășurare în cadrul Universității Viena, pe tema speciilor alogene invazive, în cadrul Masteratului

A 066 879 Conservarea Naturii și Managementul Biodiversității

Division of Conservation Biology, Vegetation, Ecology and Landscape Ecology

<http://cvl.univie.ac.at/department/>

Autor: Alexandra Iasmina LAZA, B.Sc.

Coordonator: Mag. rer. nat. Mag. iur. Dr. iur. Volker MAUERHOFER, MA Ecological Economics (Leeds)

Titlul lucrării:

" Influența diferitelor competențe din Austria și România cu privire la implementarea regulamentului de protecție supranațional împotriva speciilor alogene invazive"

Pe baza regulamentului UE:

Regulamentul (UE) NR. 1143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014 privind prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive.

<http://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32014R1143&from=EN>

Pentru mai multe detalii, adresați-vă la:

volker.mauerhofer@univie.ac.at sau iasmina.laza@gmail.com

Obiective:

- Analiză practică și concretă a viitoarei puneri în aplicare a Regulamentului;
- Evaluarea asemănarilor și deosebirilor dintre distribuția diferită a competențelor celor două țări în aplicarea acestui Regulament european;
- Prelucrarea informațiilor cu privire la desfășurarea implementării regulamentului din cele două țări;
- Elaborarea unor instrucțiuni posibile prin exemplul celor două țări, la nivel european pentru o punere în aplicare eficientă a regulamentului. Posibile instrucțiuni obținute prin intermediul comparației celor două sisteme diferite de organizare.

Metode:

- Chestionare online și interviu aprofundat. Interviu este opțional, pentru persoanele cu interes deosebit față de tema lucrării.

- Perioada de colectare a datelor: până la sfârșitul lunii august 2015;

Dacă sunteți interesat de un interviu, așteptăm cu recunoștință participarea dvs.

Vă rugăm să ne comunicați datele personale de contactat prin e-mail sau prin telefon la numărul: +40727701178 Iasmina Laza

Datele vor fi utilizate strict în legătură cu această lucrare de masterat, pentru a trimite chestionarul și în unele cazuri pentru a stabili data și locul interviului. Răspunsurile vor fi procesate în așa fel, încât identitatea persoanei să fie protejată.

A. Informații Personale

Aceste date vor fi tratate confidențial.

Datele vor fi utilizate doar pentru a lua legătura cu persoanele respondente cu privire la răspunsurile din cadrul acestei lucrări de masterat, iar răspunsurile vor fi procesate în așa fel încât anonimatul persoanei respondente să fie protejat.

Nume

Țara

Adresă de E-mail

Număr de telefon
(opțional)

1. Informații despre locul de muncă (selecție multiplă posibilă)

- | | | |
|--|---|--|
| ☐ Persoană fizică autorizată | ☐ Instituție publică de stat | ☐ Instituție de învățământ superior |
| ☐ Persoană juridică | ☐ Instituție publică județeană | ☐ Știință |
| ☐ Autoritate națională | ☐ Instituție publică locală | ☐ ONG |
| ☐ Administrație publică județeană | ☐ Societate comercială | |
| ☐ Administrație publică locală | ☐ Educație | |
| ☐ Altele (vă rugăm să specificați) Max. 100 caractere | | |

2. Câți ani de experiență aveți în domeniu?

- ☐ Sub 5 ☐ Până la 10 ☐ Până la 20 ☐ Până la 25 ☐ Peste 25 ☐ Nespecificat

3. Gradul academic:

- ☐ Dr. ☐ PhD ☐ Master ☐ Licențiat (Bachelor) ☐ Bacalaureat ☐ Nu specific
- ☐ Altele (vă rugăm să specificați) Max. 100 caractere

4. Ce domeniu de studiu/ studii ați absolvit? (mai multe variante posibile)

- | | | |
|--|--|--|
| ☐ Protecția mediului | ☐ Protecția plantelor | ☐ Științe politice |
| ☐ Biologie | ☐ Științe sociale | ☐ Științe economice |
| ☐ Silvicultură | ☐ Drept | ☐ Nespecificat |
| ☐ Altele (vă rugăm să specificați) Max. 100 caractere | | |

5. Sunteți implicat în: (mai multe variante posibile)

- ☐ Legislație (inclusiv pregătire, evaluare, etc.) ☐ Reglementare ☐ Control ☐ Administrare
- ☐ Nici una

6. Vă rugăm să oferiți informații cu privire la domeniul dvs. de activitate: (mai multe variante posibile)

- | | | |
|---|--|--|
| ☐ Activități agricole | ☐ Alte activități referitoare la sănătatea umană | ☐ Lucrări de construcții a altor proiecte ingineresti |
| ☐ Activități ale direcțiilor, birourilor administrative centralizate | ☐ Alte transporturi terestre de călători, pe bază de graphic | ☐ Managementul fondului forestier și cinegetic |
| ☐ Activități ale grădinilor botanice si zoologice si ale rezervațiilor | ☐ Apicultură | ☐ Pescuit și piscicultură |
| ☐ Activități ale organizațiilor politice | ☐ Aspecte de construcție | ☐ Planificare strategică în protecția mediului |
| ☐ Activitățile cu impact asupra mediului | ☐ Bunăstarea/ Protecția animalelor | ☐ Protecția ariilor naturale protejate |
| ☐ Activități de administrare/custodie a ariilor naturale protejate | ☐ Captarea, tratarea si distribuția Apei | ☐ Protecția plantelor |
| ☐ Activități de apărare națională | ☐ Cercetare-dezvoltare in alte științe naturale si inginerie | ☐ Protecția plantelor împotriva bolilor si a dăunătorilor |
| ☐ Activități de afaceri externe | ☐ Comerț si intermediari | ☐ Reforma agrară/ funciară |
| ☐ Activități de amenajarea teritoriului (peisagistică, arhitectură) | ☐ Comisari silvici | ☐ Servicii de administrație publică generală |
| ☐ Activități de ordine publică și de protecție civilă | ☐ Conservarea biodiversității | ☐ Silvicultură |
| ☐ Activități și servicii de decontaminare | ☐ Construcții (autostrăzi, drumuri, aerodroame si baze sportive, construcții hidrotehnice) | ☐ Telecomunicații, Curierat si servicii de Poștă |
| ☐ Activități fitosanitare | ☐ Controlul circulației vehiculelor din sistemul de apărare, ordine publică și siguranța națională de către poliția rutieră | ☐ Transporturi aeriene după graphic |
| ☐ Activități în ferme mixte (cultură vegetală combinată cu creșterea animalelor) | ☐ Creșterea animalelor | ☐ Transporturi aeriene ocazionale |
| ☐ Activități Juridice | ☐ Cultivarea plantelor pentru înmulțire | ☐ Transporturi maritime si de coastă |
| ☐ Activități vamale | ☐ Depozitări | ☐ Transporturi pe calea ferată |
| ☐ Activități veterinare | ☐ Dezvoltare durabilă | ☐ Transporturi pe căi navigabile interioare |
| ☐ Activități zootehnice | ☐ Gospodărirea apelor | ☐ Transporturi rutiere de mărfuri |
| ☐ Administrarea drumurilor naționale | ☐ Industria alimentară | ☐ Tratarea Apelor Uzate |
| ☐ Administrarea drumurilor nedestinate circulației publice (agricole, forestiere, montane) | ☐ Infrastructură de mediu | ☐ Vânătoarea și ocrotirea vânatului |
| ☐ Administrație Generală | ☐ Invățământul superior | |
| ☐ Alte activități de servicii informaționale de mediu | | |
| ☐ Altele (vă rugăm să specificați) Max. 100 caractere | | |

7. Când v-ați întâlnit în domeniul dvs. de activitate pentru prima oară cu tema "speciilor alogene invazive"?

☐ Înainte de 2013 ☐ 2013 ☐ 2014 ☐ 2015 ☐ Niciodată

B. Întrebări cu privire la regulament

Răspunsurile vor fi procesate în așa fel, încât identitatea persoanei să fie protejată.

8. Când ați auzit prima dată de Regulamentul (UE) nr. 1143/2014 al Parlamentului European și al Consiliului din 22 octombrie 2014, cu privire la prevenirea și gestionarea introducerii și răspândirii speciilor alogene invazive (abreviat REG-SAI) sau despre proiectarea acestui regulament?

☐ Înainte de 2013 ☐ 2013 ☐ 2014 ☐ 2015

9. Cât de des primiți actualizări cu privire la acest REG-SAI?

☐ Săptămânal ☐ Lunar ☐ Bimestrial ☐ Trimestrial ☐ Mai rar ☐ Deloc

10. Evaluările riscurilor în legătură cu întreaga gamă, actuală și potențială de specii alogene invazive

10. a. În cadrul evaluării riscurilor speciilor alogene invazive credeți că veți fi activ în următoarele domenii?

	Da	Probabil că da	Probabil că nu	Nu	Nu știu
Crearea de criterii de evaluare a riscurilor împreună cu Comisia Europeană	☐	☐	☐	☐	☐
Formularea propunerilor pentru adăugarea unor specii în lista Uniunii	☐	☐	☐	☐	☐
Trimiterea propunerilor	☐	☐	☐	☐	☐
Punerea în aplicare a evaluării riscurilor	☐	☐	☐	☐	☐

10. b. Cine credeți că ar trebui să fie responsabil, în cadrul evaluării riscurilor din următoarele domenii?
(mai multe variante posibile pentru fiecare domeniu)

	Autoritatea națională competentă	Autoritatea regională (după caz)	Autoritatea publică județeană sau locală	Agenții relevante în subordinea statului Român	Nespecificat
Crearea de criterii de evaluare a riscurilor împreună cu Comisia Europeană	☐	☐	☐	☐	☐
Formularea propunerilor pentru adăugarea unor specii în lista Uniunii	☐	☐	☐	☐	☐
Trimiterea propunerilor	☐	☐	☐	☐	☐
Punerea în aplicare a evaluării riscurilor	☐	☐	☐	☐	☐

Altele de ex. organe încredințate, custozii, universități (vă rugăm să specificați) Max. 100 caractere

11. Responsabilitatea pentru înregistrarea speciilor alogene invazive (abreviat SAI) în Lista Uniunii

11. a. În cadrul restricțiilor, autorizațiilor, autorizărilor și al măsurilor de urgență impuse prin acte de reglementare, credeți că veți fi activ în:

	Da	Probabil că da	Probabil că nu	Nu	Nu știu
Restricții	☐	☐	☐	☐	☐
Autorizații	☐	☐	☐	☐	☐
Autorizări	☐	☐	☐	☐	☐
Măsuri de urgență	☐	☐	☐	☐	☐

11. b. Cine credeți, după părerea dvs. că ar trebui să fie responsabil de restricții, autorizații, autorizări și de măsurile de urgență? (mai multe variante posibile pentru fiecare domeniu)

	Autoritatea națională competentă	Autoritatea regională (după caz)	Autoritatea publică județeană sau locală	Agenții relevante în subordinea statului Român	Nespecificat
Restricții	☐	☐	☐	☐	☐
Autorizații	☐	☐	☐	☐	☐
Autorizări	☐	☐	☐	☐	☐
Măsuri de urgență	☐	☐	☐	☐	☐

Altele de ex. organe încredințate, custozii, universități (vă rugăm să specificați) Max. 100 caractere

12. Listele SAI de importanță REGIONALĂ

12. a. Credeți că România ar trebui să se implice în realizarea unei liste cu SAI de importanță REGIONALĂ?

☐ Da ☐ Probabil că da ☐ Probabil că nu ☐ Nu ☐ Nu specific

12. b. În ce măsura credeți că următorii factori sunt afectați de PROBABILITATEA existenței unei liste de interes REGIONAL?

	Ridicat	Probabil ridicat	Nici o schimbare	Probabil scăzută	Scăzută	Nu știu
Grija față de mediu	☐	☐	☐	☐	☐	☐
Probleme spontane de practică	☐	☐	☐	☐	☐	☐
Costuri suplimentare directe	☐	☐	☐	☐	☐	☐
Pierdere directă de timp	☐	☐	☐	☐	☐	☐
Eliminarea costurilor în viitor	☐	☐	☐	☐	☐	☐
Eliminarea pierderii de timp în viitor	☐	☐	☐	☐	☐	☐
Probleme de responsabilitate	☐	☐	☐	☐	☐	☐
Coordonare între nivelul național și cel al Unităților administrativ-teritoriale (U.A.T.)	☐	☐	☐	☐	☐	☐
Coordonare între U.A.T.	☐	☐	☐	☐	☐	☐
Clarificare cu privire la speciile care trebuie introduse în listă	☐	☐	☐	☐	☐	☐
Voința politică națională	☐	☐	☐	☐	☐	☐
Voința politică județeană	☐	☐	☐	☐	☐	☐
Voința politică locală	☐	☐	☐	☐	☐	☐

Altele (vă rugăm să menționați) Max. 100 caractere

13. Listele SAI de importanță NAȚIONALĂ

13. a. Credeți că România ar trebui să se implice în realizarea unei liste cu SAI de importanță NAȚIONALĂ?

☐ Da ☐ Probabil că da ☐ Probabil că nu ☐ Nu ☐ Nu specific

13. b. În ce măsura credeți că următorii factori sunt afectați de **PROBABILITATEA** existenței unei liste de interes NAȚIONAL?

	Ridicat	Probabil ridicat	Nici o schimbare	Probabil scăzută	Scăzută	Nu știu
Grija față de mediu	☐	☐	☐	☐	☐	☐
Probleme spontane de practică	☐	☐	☐	☐	☐	☐
Costuri suplimentare directe	☐	☐	☐	☐	☐	☐
Pierderea directă de timp	☐	☐	☐	☐	☐	☐
Eliminarea costurilor în viitor	☐	☐	☐	☐	☐	☐
Eliminarea pierderii de timp în viitor	☐	☐	☐	☐	☐	☐
Probleme de responsabilitate	☐	☐	☐	☐	☐	☐
Coordonare între nivelul național și cel al Unităților administrativ-teritoriale (U.A.T.)	☐	☐	☐	☐	☐	☐
Coordonare între U.A.T.	☐	☐	☐	☐	☐	☐
Clarificare cu privire la speciile care trebuie introduse în listă	☐	☐	☐	☐	☐	☐
Voința politică națională	☐	☐	☐	☐	☐	☐
Voința politică județeană	☐	☐	☐	☐	☐	☐
Voința politică locală	☐	☐	☐	☐	☐	☐

Altele (vă rugăm să menționați) Max. 100 caractere

14. Prevenire, depistare timpurie și eradicare rapidă a SAI

14. a. În cadrul prevenirii, depistării timpurii și eradicării rapide credeți că veți fi activ în:

	Da	Probabil că da	Probabil că nu	Nu	Nu știu
Planuri de acțiune	☐	☐	☐	☐	☐
Sistemul de supraveghere	☐	☐	☐	☐	☐
Controale oficiale	☐	☐	☐	☐	☐
Notificări privind depistarea timpurie	☐	☐	☐	☐	☐
Eradicare rapidă într-un stadiu timpuriu al invaziei	☐	☐	☐	☐	☐
Derogări de la obligația de eradicare rapidă	☐	☐	☐	☐	☐

14. b. Cine credeți, după părerea dvs. că ar trebui să fie responsabil de prevenire, depistarea timpurie și eradicarea rapidă? (mai multe variante posibile pentru fiecare domeniu)

	Autoritatea națională competentă	Autoritatea regională (după caz)	Autoritatea publică județeană sau locală	Agenții relevante în subordinea statului Român	Nespecificat
Planuri de acțiune	☐	☐	☐	☐	☐
Sistemul de supraveghere	☐	☐	☐	☐	☐
Controale oficiale	☐	☐	☐	☐	☐
Notificări privind depistarea timpurie	☐	☐	☐	☐	☐
Eradicare rapidă într-un stadiu timpuriu al invaziei	☐	☐	☐	☐	☐
Derogări de la obligația de eradicare rapidă	☐	☐	☐	☐	☐

Altele de ex. organe încredințate, custozii, universități (vă rugăm să specificați) Max. 100 caractere

15. În ceea ce privește cooperarea și coordonarea în cadrul REG-SAI, cu ce state credeți că veți colabora?

- ☐ Statele membre ale UE
 ☐ State terțe (Non UE)
 ☐ Cu ambele categorii
 ☐ Cu niciuna dintre cele două categorii

☐ Nu știu

16. Măsuri de gestionare, restaurarea ecosistemelor deteriorate, recuperarea costurilor, raportare și reexaminare

16. a. În cadrul măsurilor de gestionare, restaurării ecosistemelor deteriorate, recuperării costurilor, raportării și reexaminării credeți că veți fi activ în domeniul dvs. de lucru?

	Da	Probabil că da	Probabil că nu	Nu	Nu știu
Măsuri de gestionare	☐	☐	☐	☐	☐
Restaurarea ecosistemelor deteriorate	☐	☐	☐	☐	☐
Recuperarea costurilor	☐	☐	☐	☐	☐
Raportare și reexaminare	☐	☐	☐	☐	☐

16. b. După părerea dvs. cine credeți, că ar trebui să fie responsabil de măsurile de gestionare, restaurarea ecosistemelor deteriorate, recuperarea costurilor, raportare și reexaminare? (mai multe variante posibile pentru fiecare domeniu)

	Autoritatea națională competentă	Autoritatea regională (după caz)	Autoritatea publică județeană sau locală	Agenția relevantă în subordinea statului Român	Nespecificat
Măsuri de gestionare	☐	☐	☐	☐	☐
Restaurarea ecosistemelor deteriorate	☐	☐	☐	☐	☐
Recuperarea costurilor	☐	☐	☐	☐	☐
Raportare și reexaminare	☐	☐	☐	☐	☐

Altele de ex. organe încredințate, custozii, universități (vă rugăm să specificați) Max. 100 caractere

17. Norme naționale mai stricte, participarea publicului, sancțiuni

17. a. Credeți că în ceea ce privește normele legale (inclusiv pregătirea, evaluarea, adoptarea și executarea) veți fi activ în cadrul REG-SAI pentru următoarele domenii?

	Da	Probabil că da	Probabil că nu	Nu	Nu știu
Norme naționale mai stricte	☐	☐	☐	☐	☐
Participarea publicului	☐	☐	☐	☐	☐
Sancțiuni	☐	☐	☐	☐	☐

[illegible]

☐ Foarte important ☐ Mai puțin important ☐ Neutru ☐ Probabil neimportant ☐ Cu siguranță neimportant

[illegible]

18. c. Care din următoarele domenii de lucru, inclusiv al dvs. credeți că vor fi afectate/ vizate/ implicate de implementarea REG-IAS? (mai multe variante posibile)

- | | | |
|---|--|--|
| ☐ Activități agricole | ☐ Alte activități referitoare la sănătatea umană | ☐ Lucrări de construcții a altor proiecte ingineresti |
| ☐ Activități ale direcțiilor, birourilor administrative centralizate | ☐ Alte transporturi terestre de călători, pe bază de graphic | ☐ Managementul fondului forestier și cinegetic |
| ☐ Activități ale grădinilor botanice si zoologice si ale rezervațiilor | ☐ Apicultură | ☐ Pescuit și piscicultură |
| ☐ Activități ale organizațiilor politice | ☐ Aspecte de construcție | ☐ Planificare strategică în protecția mediului |
| ☐ Activitățile cu impact asupra mediului | ☐ Bunăstarea/ Protecția animalelor | ☐ Protecția ariilor naturale protejate |
| ☐ Activități de administrare/custodie a ariilor naturale protejate | ☐ Captarea, tratarea si distribuția Apei | ☐ Protecția plantelor |
| ☐ Activități de apărare națională | ☐ Cercetare-dezvoltare in alte științe naturale si inginerie | ☐ Protecția plantelor împotriva bolilor si a dăunătorilor |
| ☐ Activități de afaceri externe | ☐ Comerț si intermediari | ☐ Reforma agrară/ funciară |
| ☐ Activități de amenajarea teritoriului (peisagistică, arhitectură) | ☐ Comisari silvici | ☐ Servicii de administrație publică generală |
| ☐ Activități de ordine publică și de protecție civilă | ☐ Conservarea biodiversității | ☐ Silvicultură |
| ☐ Activități și servicii de decontaminare | ☐ Conservarea biosecurității | ☐ Telecomunicatii, Curierat si servicii de Poștă |
| ☐ Activități fitosanitare | ☐ Construcții (autostrăzi, drumuri, aerodroame si baze sportive, construcții hidrotehnice) | ☐ Transporturi aeriene după graphic |
| ☐ Activități în ferme mixte (cultură vegetală combinată cu creșterea animalelor) | ☐ Controlul circulației vehiculelor din sistemul de apărare, ordine publică și siguranța națională de către poliția rutieră | ☐ Transporturi aeriene ocazionale |
| ☐ Activități Juridice | ☐ Creșterea animalelor | ☐ Transporturi maritime si de coastă |
| ☐ Activități vamale | ☐ Cultivarea plantelor pentru înmulțire | ☐ Transporturi pe calea ferată |
| ☐ Activități veterinare | ☐ Depozități | ☐ Transporturi pe căi navigabile interioare |
| ☐ Activități zootehnice | ☐ Dezvoltare durabilă | ☐ Transporturi rutiere de mărfuri |
| ☐ Administrarea drumurilor naționale | ☐ Gospodărirea apelor | ☐ Tratarea Apelor Uzate |
| ☐ Administrarea drumurilor nedestinate circulației publice (agricole, forestiere, montane) | ☐ Industria alimentară | ☐ Vânătoarea și ocrotirea vânatului |
| ☐ Administrație Generală | ☐ Infrastructură de mediu | |
| ☐ Alte activități de servicii informaționale de mediu | ☐ Invățământul superior | |
| ☐ Altele (vă rugăm să specificați) Max. 100 caractere | | |

19. a. În ce măsură credeți că FACTORII următori influențează implementarea REG-SAI?

	Avantajos	Probabil avantajos	Egală	Probabil dezavantajos	Dezavantajos	Nu știu
Deciziile din partea Comisiei Europene	☐	☐	☐	☐	☐	☐
Sprijinul financiar din partea Comisiei Europene	☐	☐	☐	☐	☐	☐
Distribuția responsabilității pentru legislație	☐	☐	☐	☐	☐	☐
Distribuția responsabilității pentru executare	☐	☐	☐	☐	☐	☐
Responsabilitatea statului pentru alocarea resurselor financiare	☐	☐	☐	☐	☐	☐
Responsabilitatea Unităților Administrative Teritoriale pentru alocarea resurselor financiare	☐	☐	☐	☐	☐	☐

Altele (vă rugăm să menționați) Max. 100 caractere

19. b. În ce măsură credeți că IMPLEMENTAREA REG-SAI influențează factorii următori?

	Avantajos	Probabil avantajos	Egală	Probabil dezavantajos	Dezavantajos	Nu știu
Măsurile naționale	☐	☐	☐	☐	☐	☐
Măsurile regionale (supranaționale)	☐	☐	☐	☐	☐	☐
Relația dintre o măsură națională și o măsură supranațională	☐	☐	☐	☐	☐	☐
Responsabilitățile pentru protecția biodiversității	☐	☐	☐	☐	☐	☐
Responsabilitățile pentru serviciile ecosistemice aferente protecției biodiversității	☐	☐	☐	☐	☐	☐
Relația dintre competențele naționale	☐	☐	☐	☐	☐	☐

Altele (vă rugăm să menționați) Max. 100 caractere

20. Observații generale pe care doriți să le mai faceți cu privire la chestionar sau la tema REG-SAI:
Max. 100 caractere. Pentru eventualele comentarii suplimentare vă rugăm să ne contactați la adresa de e-mail iasmina.laza@gmail.com și CC: volker.mauerhofer@univie.ac.at

21. Dacă doriți să contribuiți cu informații suplimentare cu privire la acest subiect, v-aș fi de asemenea recunoscătoare să îmi acordați un scurt interviu.

Vă mulțumesc mult pentru timpul acordat!

☐ Da, sunt interesat de un interviu ☐ Nu, nu sunt interesat de un interviu

22. Doriți să fiți informat cu privire la rezultatul acestei lucrări de masterat prin e-mail?

☐ Da ☐ Nu

Vă mulțumesc pentru completarea acestui chestionar!

Annex 9

Guiding Interview questions design inspired by the research questions. In addition to this guiding interview questions, literature review, online survey and discussion of the results complement the research questions.

Main theoretical themes of the thesis	Research question	Focused research question	Interview question (IQ) *, **
Status quo	What are global/supranational predecessors of the IAS-Regulation (IAS-Reg) and what is the status quo which the implementation of the IAS-Reg faces in the two Member States (MS)? (Top-down).	Where does the IAS issue appear in geographically relevant MEAs?	IQ2. What is your opinion on the present situation WITHOUT the EU law regarding the IAS in your field of activity? IQ6. What effects do you already see now, before the enacting of the lists (especially the Union list) on your field of activity?
		What impact does the IAS Regulation have on the two MS with the different political systems? What is the current situation of the IAS problem in the two MS and what are the first observations for the IAS Regulation in terms of regional interests?	
Current action of the two countries	Which approaches are currently applied against IAS? Does something overlap with the IAS-Reg already?	What is the attitude in environmental, legal, social and economic terms towards the IAS Regulation in the two MS separately?	IQ4. Do you see a possibility in creating more rigorous national rules to support the implementation of the IAS Regulation? IQ9. Do you think you will cooperate with other MS and/or third states regarding the implementation of the IAS Regulation? If YES, with whom and how? 1. International cooperation 2.How does the inner state cooperation work?
		How are competences relevant for the distributed implementation in the two MS? What similarities and dissimilarities can be found between the two countries according to the two sets of interviews and questionnaires?	
Improvements from comparisons of the two countries	What recommendations can be developed from a comparison of the two different political systems and from the experiences of the experts on the problem of IAS in the two MS?	What legal and political solutions can be mutually developed to contribute to the practical implementation of the IAS Regulation in the two MS?	IQ10. What general consequences do you think the IAS-Reg will have on your field of activity in the future?
		How can gathering of scientific data organised in lists (National list vs. Union list) lead to the improvement of the IAS Regulation implementation?	IQ3. Once the Union list will be known, what do you suppose your main function will be within your field of activity regarding the implementation of the law?
		What experiences, information and ideas can be used for contributing to the implementation of the IAS Regulation across the EU?	IQ5. To what extent can the current IAS Regulation solve the IAS problem? (If answer is ‘the list’ then please mention the general structure of the IASregulation) IQ7. Do you find some aspects of the IAS-Reg particularly good or particularly bad regarding your field of activity? IQ8. Do you have any general suggestion to the IAS-Reg regarding your or other fields of activity? IQ11. Would you like to add something specific or express a personal opinion on the topic?
* This classification of the IQ can vary, dependent on the answers of the respondents and the context of the qualitative analysis; the role of the IQ is to deepen the research question, but the complete results are covered altogether by literature review, surveys and interviews;			
** IQ1. Please mention the precise function you hold within your field of activity; was used as an initiating question to get some additional personal information on the activity of the respondent.			

Annex 10

Interview guide questions in all three languages: English, German, and Romanian.

Name of the expert/ Expertennamen/ Numele expertului:

Date/ Datum/ Data:

Record number/ Nummer der Aufnahme/ Numărul înregistrării:

Interview guide/ Leitfaden für die Interview-Fragen/

Ghid pentru interviu

1. Please mention the precise activities you hold within your work area.
Erwähnen Sie bitte kurz, welche konkrete Tätigkeiten Sie in Ihrem Arbeitsgebiet erfüllen.
Vă rog să menționați pe scurt ce activități specifice efectuați în domeniul dvs. de lucru.
2. What is your opinion on the present situation without the EU Regulation regarding the IAS in your work area?
Wie sehen Sie die derzeitige Situation ohne die EU-Verordnung in Bezug auf die IAS in Ihrem Arbeitsgebiet?
Cum vedeți din punct de vedere al domeniului dvs. situația actuală cu privire la SAI, fără regulamentul acesta european?
3. Once the Union list will be known, what do you suppose your main activities will be within your work area regarding the implementation of the Regulation?
Was glauben Sie werden nach Erlass der Unionsliste Ihre Haupttätigkeiten in Ihrem Arbeitsgebiet sein in Bezug auf die Umsetzung der Verordnung?
Care credeți că vor fi activitățile dvs. principale după stabilirea listei Uniunii în domeniul dvs. cu privire la implementarea regulamentului?
4. Do you see a possibility in creating more rigorous national rules to support the implementation of the Regulation?
Für wie wahrscheinlich halten Sie strengere nationale Vorschriften im Rahmen der Umsetzung der Verordnung?
Cât de probabil vi s-ar părea introducerea unor norme naționale mai stricte în cadrul implementării acestui Regulament?
5. To what extent can the current Regulation solve the IAS problem? (If answer is 'the list' please mention the general structure of the Regulation)

Inwiefern kann die Verordnung in der derzeitigen Form das Problem der IAS tatsächlich lösen? (Falls mit Liste geantwortet -> generelle Struktur der Verordnung erwähnen)

În ce măsură poate rezolva regulamentul în forma sa actuală problema SAI? (În cazul în care se răspunde cu lista -> menționează structura generală a regulamentului)

6. What effects do you already see now before the enacting of the lists (especially the Union list) in your work area?

Welche Auswirkungen sehen Sie bereits jetzt, noch vor Erlassung von Listen (insbesondere der Unionsliste), für Ihr Arbeitsgebiet?

Ce impact/efect vedeți deja, înainte de adoptarea listelor (în special lista Uniunii) pentru domeniul dvs.?

7. Do you find some particularly good or particularly bad aspects of the Regulation regarding your work area?

Finden Sie etwas besonders gut oder besonders schlecht an der Verordnung in Bezug auf Ihr Arbeitsgebiet?

Găsiți ceva deosebit de bun sau deosebit de rău cu privire la acest regulament în cadrul domeniului dvs.?

8. Do you have any general suggestion to the Regulation regarding your or other work areas?

Haben Sie irgendwelche generellen Vorschläge zur VO in Bezug auf Ihren oder ein anderes Arbeitsgebiet?

Aveți sugestii generale pentru regulament din punct de vedere al domeniului dvs. sau al unui alt domeniu de activitate?

9. Do you think you will cooperate with other EU states and/or third states regarding the implementation of the Regulation?

If yes, with whom and how?

- Optional: How would state cooperation within the state work?

Glauben Sie, dass Sie mit anderen EU-Mitgliedstaaten und/oder Drittstaaten kooperieren werden bezüglich der Umsetzung der Verordnung?

- Falls Ja, mit welchen und wie?

-Eventuell auch: Wie schaut es mit der innerstaatlichen Kooperation aus?

Credeți că veți coopera cu alte state membre UE și/sau țări terțe, în ceea ce privește punerea în aplicare a regulamentului?

- Dacă da, cu care și cum?

-Cum stă situația în cooperarea națională (între autorități - punct de vedere al părților responsabile, interesate)?

10. What general consequences do you think the Regulation will have on your field of activity in the future?

Welche allgemeinen Auswirkungen der Verordnung sehen Sie für Ihren Arbeitsbereich für die Zukunft?

Ce impact general al regulamentului vedeți pentru domeniul dvs. în viitor?

11. Would you like to add another specific opinion to the topic?

Möchten Sie noch etwas Bestimmtes zu dem Thema sagen aus Ihrer Sicht?

Doriți să mai adăugați ceva la această temă?

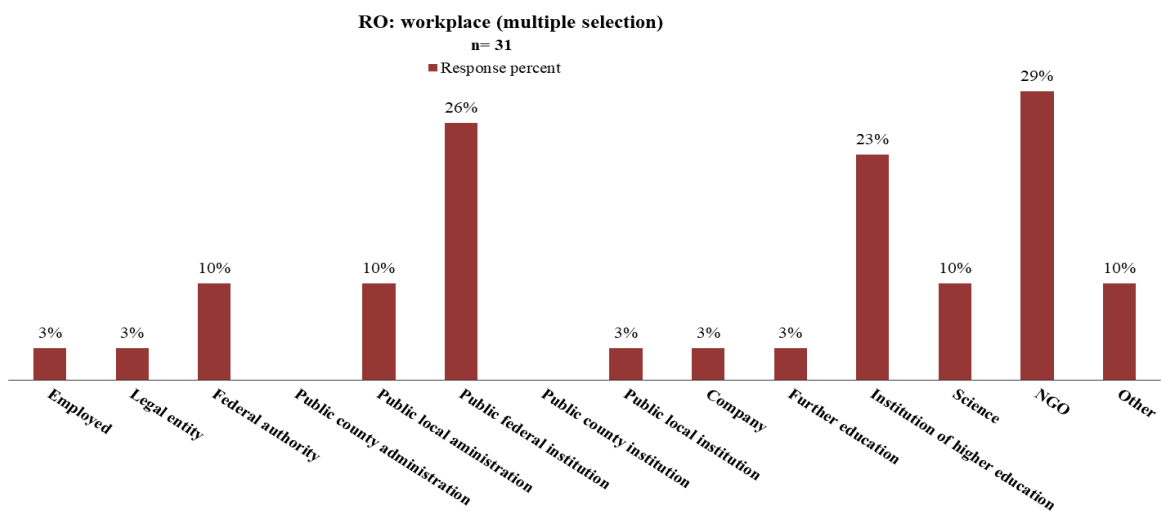
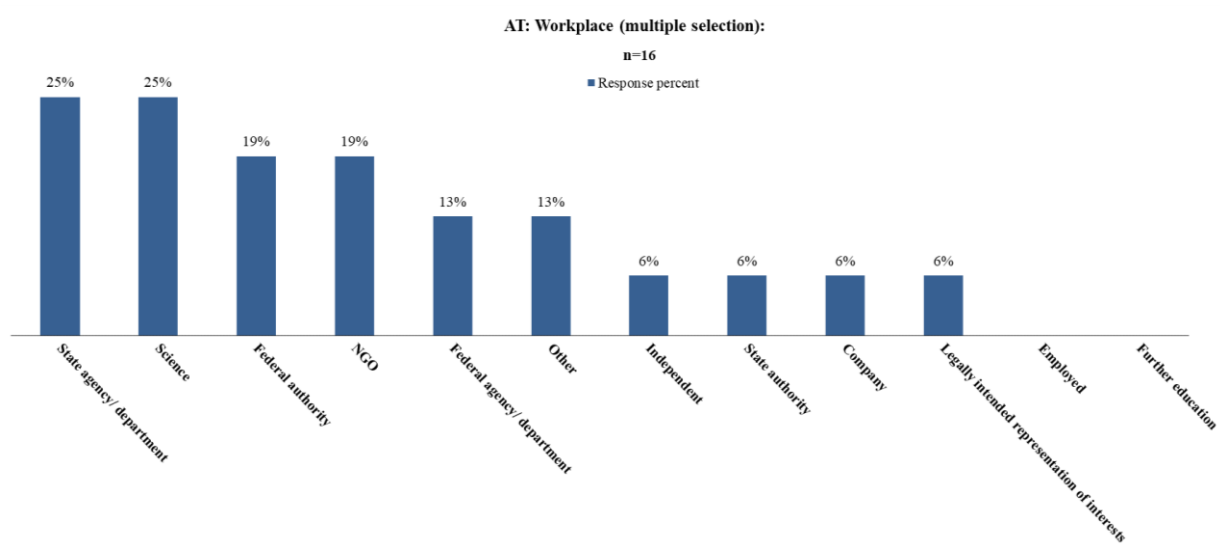
Given answers will be processed in such a way that the anonymity of the interviewee remains granted.

Antworten werden so verarbeitet, dass Anonymität der antwortenden Person gewahrt bleibt.

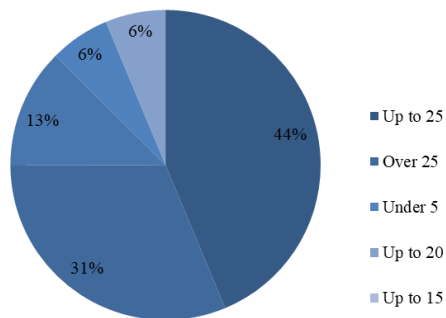
Răspunsurile vor fi prelucrate astfel, încât identitatea respondenților să poată fi protejată.

Annex 11

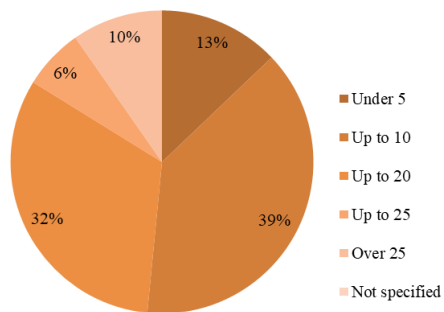
Respondents information. Information about the Austrian and Romanian respondents from the online survey.

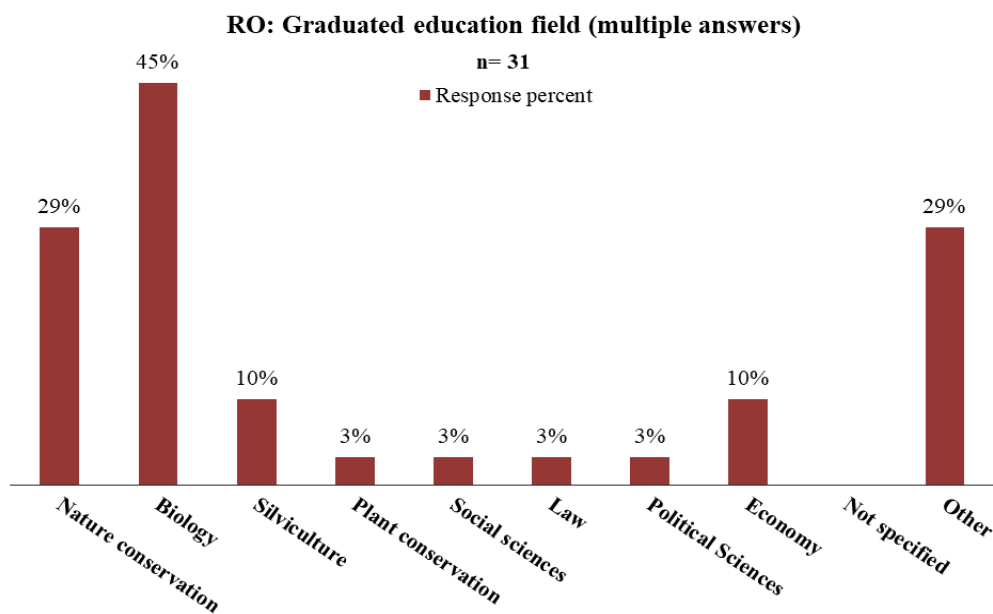
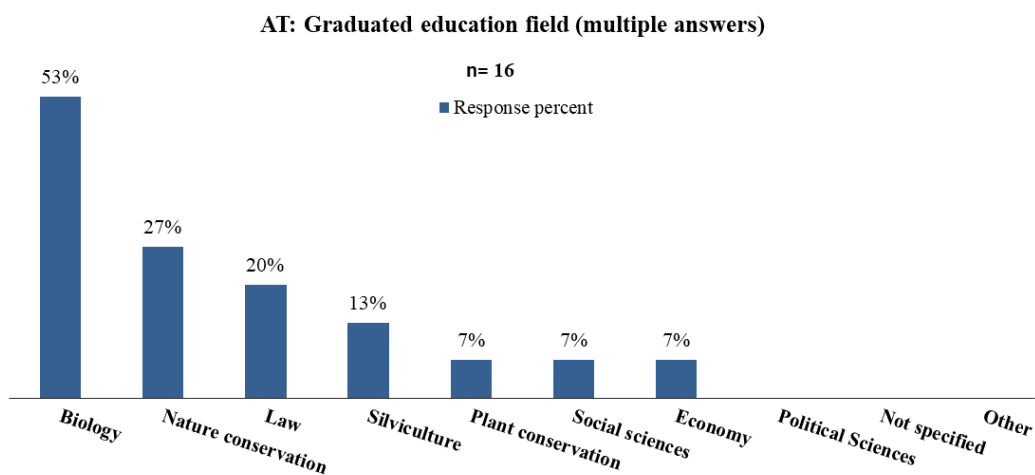
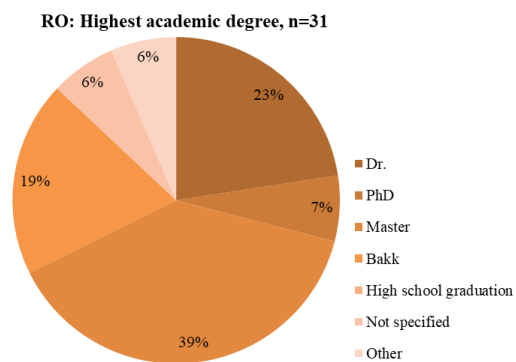
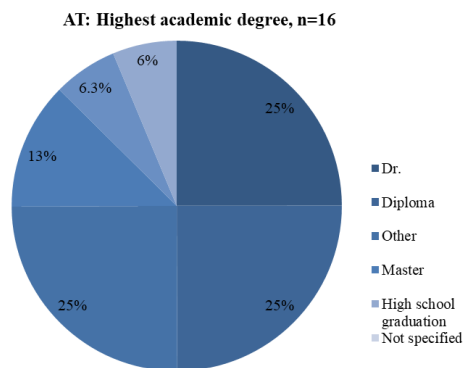


AT: Professional experience in years, n=16

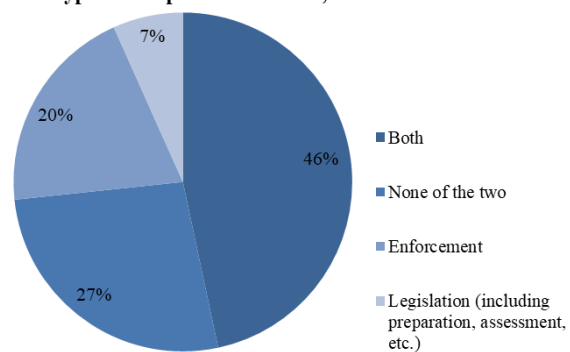


RO: Professional experience in years, n=31

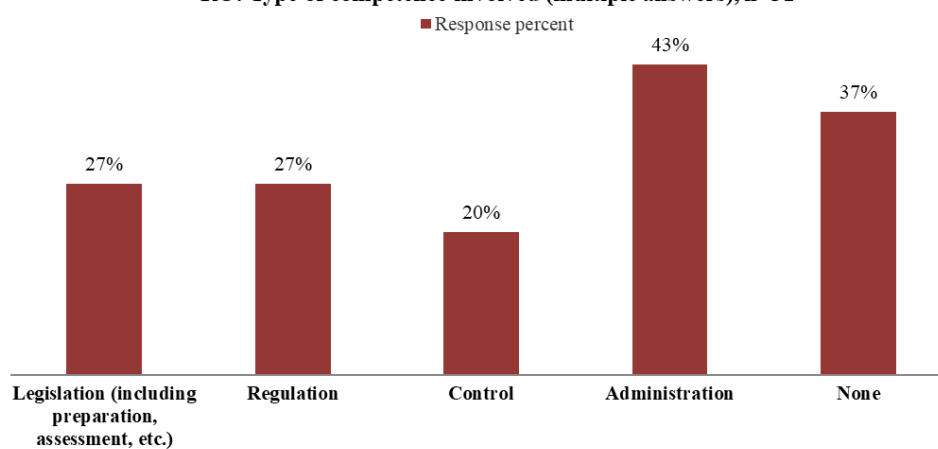




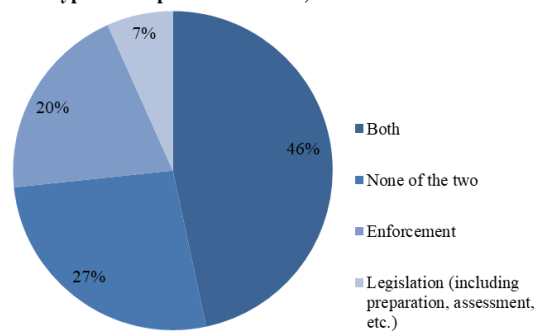
AT: Type of competence involved, n=16



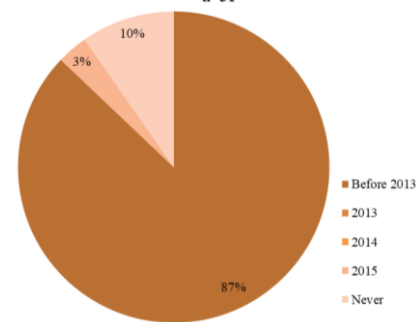
RO: Type of competence involved (multiple answers), n=31



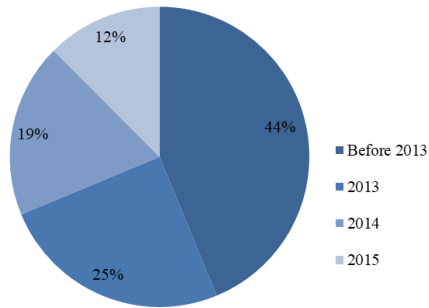
AT: Type of competence involved, n=16



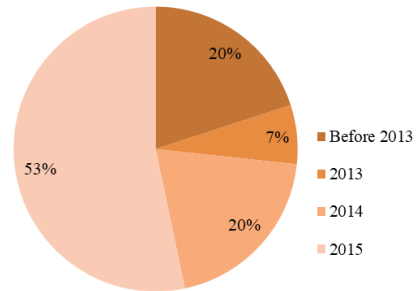
RO: The first time to deal with IAS in the personal work area n=31



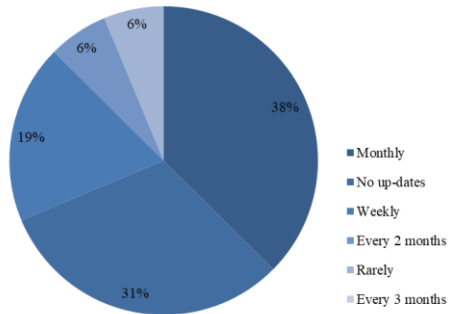
AT: First time to hear of the IAS Regulation, n=16



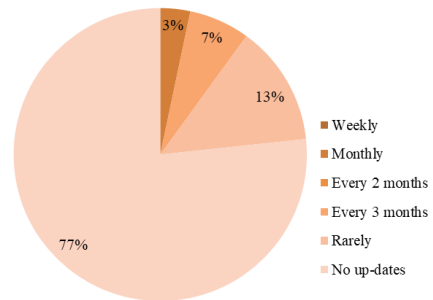
RO: First time to hear of the IAS Regulation, n=31



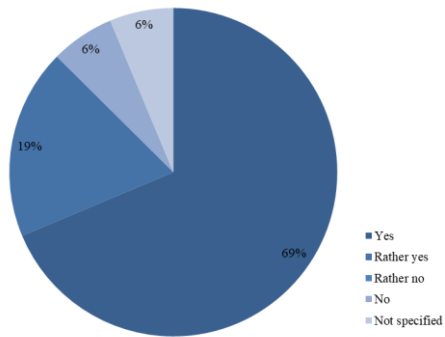
AT: Frequency of up-dates on the IAS Regulation, n=16



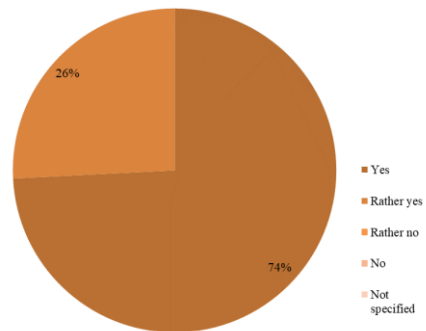
RO: Frequency of up-dates on the IAS Regulation, n=31



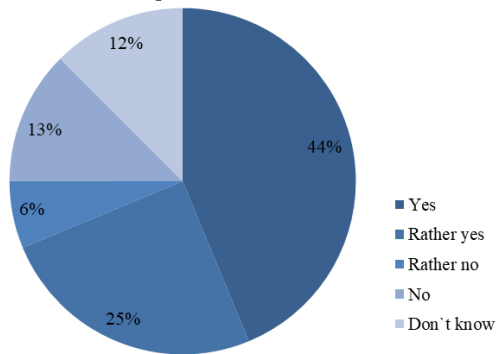
AT: Approval to an IAS list of REGIONAL importance, n=16



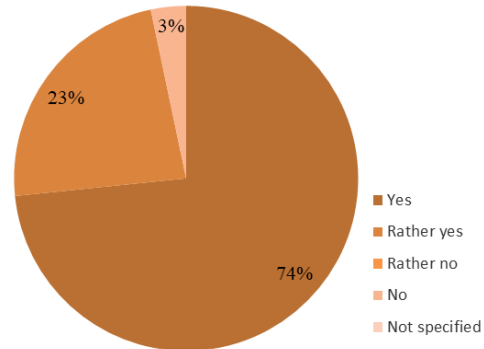
RO: Approval to an IAS-list of REGIONAL importance, n=31



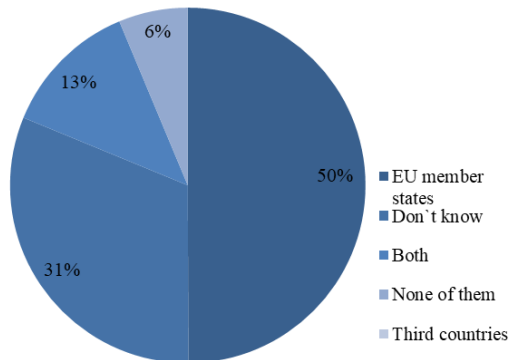
AT: Approval to an IAS list of NATIONAL importance, n=16



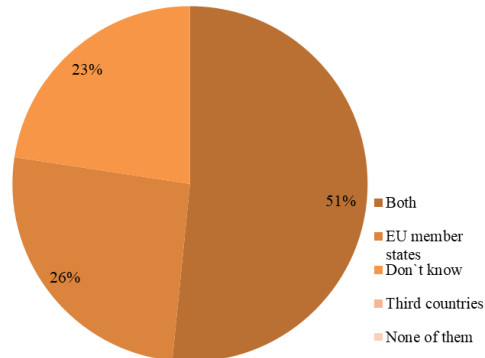
RO: Approval to an IAS list of NATIONAL importance, n=31



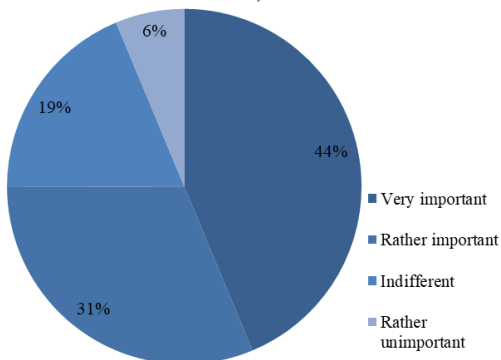
AT: Cooperation and coordination within the framework of the IAS Regulation, n=16



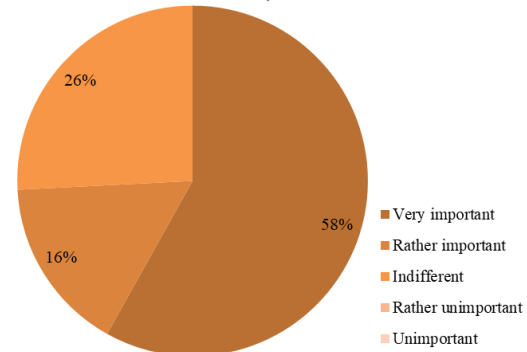
RO: Cooperation and coordination within the framework of the IAS Regulation, n=31



AT: Importance of the IAS Regulation in the personal work area, n=16



RO: Importance of the IAS Regulation in the personal work area, n=31



Annex 12

Comparison between IAS lists. Up-dated IAS Union compared with the IAS list of the 100 most frequent IAS in Europe, that occur in AT and/or RO, and with the IAS mentioned during the interviews.

IAS from Europe's 100 most frequent IAS in AT and/or RO*	Presence in AT and/or RO**	Present in the IAS list of Union concern***	Mentioned species during the interviews****
Aquatic marine species			Meroplankton, Ctenoforms, Teribionts, etc.
<i>Balanus improvisus</i> Bay barnacle	RO	no	
<i>Fistularia commersonii</i> Blue spotted cornetfish	AT	no	
<i>Rapana venosa</i> Veined rapa whelk	RO	no	
	AT/RO	<i>Orconectes limosus</i>	
	0	<i>Orconectes virilis</i>	
Aquatic inland species			
	AT	<i>Pacifastacus leniusculus</i>	
	RO	<i>Percottus glenii</i>	
	0	<i>Procambarus fallax</i> f. <i>virginalis</i>	
			Astacidae crayfish
<i>Anguillicola crassus</i> Eel swim-bladder nematode	AT	no	
<i>Aphanomyces astaci</i> Crayfish plague	AT/RO	no	yes
<i>Corbicula fluminea</i> Asian clam	AT/RO	no	
<i>Crassula helmsii</i> New Zealand pigmyweed	~AT	no	
<i>Dikerogammarus villosus</i> Killer shrimp	AT	no	
<i>Dreissena polymorpha</i> Zebra mussel	AT/RO	no	
<i>Elodea canadensis</i> Canadian waterweed	AT	no	
<i>Eriocheir sinensis</i> Chinese mitten crab	AT/RO	yes	
<i>Gyrodactylus salaris</i> Salmon fluke	RO- assumed native	no	
<i>Mnemiopsis leidyi</i> Sea walnut, comb jelly	RO	no	
<i>Procambarus clarkii</i> Red swamp crayfish	AT	yes	
<i>Pseudorasbora parva</i> Stone moroko	AT/RO	yes	yes
<i>Salvelinus fontinalis</i> Brook trout	AT/RO	no	
Terrestrial fungi			
<i>Ophiostoma novo-ulmi</i> Dutch elm disease	AT/RO	no	
	0	<i>Vespa velutina nigrithorax</i>	
Terrestrial invertebrates			<i>Diabrotica virgifera</i> Corn worm
<i>Aedes albopictus</i> Asian tiger mosquito	~AT	no	yes
<i>Anoplophora glabripennis</i> Asian longhorned beetle	AT	no	yes
<i>Aphis gossypii</i> Cotton aphid, Melon aphid	AT/RO	no	
<i>Arion vulgaris</i> Spanish slug	AT	no	
<i>Bemisia tabaci</i> Cotton whitefly	AT/RO	no	
<i>Cameraria ohridella</i> Horse chestnut leaf-miner	AT/RO	no	
<i>Franklinella occidentalis</i> Western flower thrips	AT/RO	no	
<i>Harmonia axyridis</i> Harlequin ladybird	AT	no	
<i>Leptinotarsa decemlineata</i> Colorado beetle	AT/RO	no	
<i>Liriomyza huidobrensis</i> Serpentine leaf miner	AT	no	
	AT/RO	<i>Asclepias syriaca</i> Common milkweed	yes
	0	<i>Baccharis halimifolia</i>	
	0	<i>Gunnera tinctoria</i>	
	0	<i>Heracleum persicum</i>	
	0	<i>Heacleum sosnowski</i>	
	0	<i>Lysichiton americanus</i>	
	0	<i>Microstegium vimineum</i>	
Terrestrial plants			
	0	<i>Parthenium hysterophorus</i>	
	0	<i>Pennisetum setaceum</i>	
	0	<i>Persicaria perfoliata</i>	
	0	<i>Pueraria lobata</i>	
			<i>Amorpha fruticosa</i> Desert false indigo
			<i>Acer negundo</i> American maple
			<i>Toxicodendron radicans</i> Poison ivy
<i>Ailanthus altissima</i> Tree of heaven	AT/RO	no	yes
<i>Ambrosia artemisiifolia</i> Common ragweed	AT/RO	no	yes
<i>Compylopus introflexus</i> Health star moos	AT	no	
<i>Echinocystis lobata</i> Wild cucumber	AT/RO	no	
<i>Fallopia japonica</i> Japanese knotweed	AT/RO	no	
<i>Heracleum mantegazzianum</i> Giant hogweed	AT	yes	
<i>Impatiens glandulifera</i> Himalayan balsam	AT/RO	yes	
<i>Oxalis pes-caprae</i> Bermuda buttercup	AT	no	
<i>Paspalum paspalodes</i> Knotgrass	RO	no	
<i>Prunus serotina</i> Black cherry	AT/RO	no	
<i>Rhododendron ponticum</i> Rhododendron	~AT	no	
<i>Robinia pseudoacacia</i> Black locust	AT/RO	no	yes
<i>Rosa rugosa</i> Rugosa rose	AT	no	
	0	<i>Alternanthera philoxeroides</i>	
	AT	<i>Cabomba caroliniana</i>	
	0	<i>Eichhornia crassipes</i> Water hyacinth	yes
	AT/RO	<i>Elodea nuttallii</i>	
Aquatic plants			
	0	<i>Hydrocotyle ranunculoides</i>	
	AT	<i>Lagarosiphon major</i>	
	0	<i>Ludwigia grandiflora</i>	
	0	<i>Ludwigia peploides</i>	
	AT/RO	<i>Myriophyllum aquaticum</i>	
	AT	<i>Myriophyllum heterophyllum</i>	
	0	<i>Alopochen aegyptiacus</i>	
	0	<i>Callosciurus erythraeus</i>	
	0	<i>Corvus splendens</i>	
	high risk for RO	<i>Herpestes javanicus</i>	
	0	<i>Lithobates catesbeianus</i>	
Terrestrial vertebrates			
	0	<i>Muntiacus reevesi</i>	
	0	<i>Nasua nasua</i>	
	AT	<i>Oxyura jamaicensis</i>	
	0	<i>Sciurus carolinensis</i>	
	0	<i>Sciurus niger</i>	
	0	<i>Tamias sibiricus</i>	
	0	<i>Threskiornis aethiopicus</i>	
			<i>Phasianus colchicus</i> Common pheasant
<i>Cervus nippon</i> Sika deer	AT	no	
<i>Mustela vison</i> American mink	AT/RO	no	
<i>Myocastor coypus</i> Coypu nutria	AT/RO	yes	yes
<i>Nyctereutes procyonoides</i> Raccoon dog	AT/RO	yes	
<i>Ondatra zibethicus</i> Muskrat	AT/RO	yes	
<i>Procyon lotor</i> Raccoon	AT/RO	yes	yes
<i>Rattus norvegicus</i> Norway rat, brown rat	AT/RO	no	
<i>Trachemys scripta</i> Common slider	AT/RO	yes	
Total			
	48/100: 17 just in AT, 5 just in RO, 26 AT+RO	49: 7 just in AT, 1 just in RO, 12 in AT+RO	20

* after Vilà, M. et al., 2009: One Hundred of the Most Invasive Alien Species in Europe in the Handbook of Alien Species in Europe Vol. 3, pp. 265-268;

** after Vilà, M. et al., 2009 and European Commission, 2017;

*** last up-date of the IAS list of Union concern: August 2017;

**** species from Table 10: List of IAS mentioned by Austrian and Romanian experts during the interviews.