

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/1203****of 12 July 2022****amending Implementing Regulation (EU) 2016/1141 to update the list of invasive alien species of Union concern**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species <sup>(1)</sup>, and in particular Article 4(1) and (2) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/1141 <sup>(2)</sup> establishes a list of invasive alien species of Union concern ('the Union list'), which is to be kept updated as appropriate, in accordance with Article 4(2) of Regulation (EU) No 1143/2014.
- (2) The Commission has concluded, on the basis of the available evidence and the risk assessments carried out pursuant to Article 5(1) of Regulation (EU) No 1143/2014, that all criteria set out in Article 4(3) of that Regulation are met for the following invasive alien species: *Ameiurus melas* (Rafinesque, 1820), *Axis axis* (Erxleben, 1777), *Callosciurus finlaysonii* (Horsfield, 1823), *Celastrus orbiculatus* Thunb., *Channa argus* (Cantor, 1842), *Faxonius rusticus* (Girard, 1852), *Fundulus heteroclitus* (Linnaeus, 1766), *Gambusia affinis* (Baird & Girard, 1853), *Gambusia holbrooki* Girard, 1859, *Hakea sericea* Schrad. & J.C.Wendl., *Koenigia polystachya* (Wall. ex Meisn.) T.M.Schust. & Reveal, *Lampropeltis getula* (Linnaeus, 1766), *Limnoperna fortunei* (Dunker, 1857), *Morone americana* (Gmelin, 1789), *Pistia stratiotes* L., *Pycnonotus cafer* (Linnaeus, 1766), *Rugulopteryx okamurae* (E.Y.Dawson) I.K.Hwang, W.J.Lee & H.S.Kim, 2009, *Solenopsis geminata* (Fabricius, 1804), *Solenopsis invicta* Buren, 1972, *Solenopsis richteri* Forel, 1909, *Wasmannia auropunctata* (Roger, 1863) and *Xenopus laevis* (Daudin, 1802).
- (3) The Commission has concluded that for all those invasive alien species all elements set out in Article 4(6) of Regulation (EU) No 1143/2014 have been duly considered.
- (4) The species *Xenopus laevis* (Daudin, 1802) and *Fundulus heteroclitus* (Linnaeus, 1766) are used for scientific research that should not be disrupted. The inclusion of those species on the Union list should be deferred in order to give Member States time to prepare for issuing the permits referred to in Article 8(1) of Regulation (EU) No 1143/2014 before the listing of these species takes effect.
- (5) Taking into account the long-term investments made by the growers of *Pistia stratiotes* L. and *Celastrus orbiculatus* Thunb. in some Member States, the inclusion of these species on the Union list should be subject to a transition period.
- (6) Implementing Regulation (EU) 2016/1141 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Invasive Alien Species,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

<sup>(1)</sup> OJ L 317, 4.11.2014, p. 35.<sup>(2)</sup> Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ L 189, 14.7.2016, p. 4).

*Article 2*

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

Point (2) of the Annex shall apply from 2 August 2024.

Point (3) of the Annex shall apply from 2 August 2027.

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

Done at Brussels, 12 July 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

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

(1) in the table, the following species are inserted in alphabetical order:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Ameiurus melas</i> (Rafinesque, 1820)	ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	
' <i>Axis axis</i> (Erxleben, 1777)	ex 0106 19 00	-'	
' <i>Callosciurus finlaysonii</i> (Horsfield, 1823)	ex 0106 19 00	-'	
' <i>Channa argus</i> (Cantor, 1842)	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	
' <i>Faxonius rusticus</i> (Girard, 1852)	ex 0306 39 10	-'	
' <i>Gambusia affinis</i> (Baird & Girard, 1853)	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	(4)'
' <i>Gambusia holbrooki</i> Girard, 1859	ex 0301 11 00 ex 0301 99 17	ex 0511 91 90 (fertile fish eggs for hatching)	(4)'
' <i>Hakea sericea</i> Schrad. & J.C.Wendl.	ex 0602 90 50	ex 1209 99 99 (seeds)'	
' <i>Koenigia polystachya</i> (Wall. ex Meisn.) T.M. Schust. & Reveal	ex 0602 90 50	ex 1209 99 99 (seeds)	(7)'
' <i>Lampropeltis getula</i> (Linnaeus, 1766)	ex 0106 20 00	-	(5)'
' <i>Limnoperna fortunei</i> (Dunker, 1857)	ex 0307 91 00	-'	
' <i>Morone americana</i> (Gmelin, 1789)	ex 0301 99 17 ex 0301 99 85	ex 0511 91 90 (fertile fish eggs for hatching)	(4)'
' <i>Pycnonotus cafer</i> (Linnaeus, 1766)	ex 0106 39 80	ex 0407 19 90 (fertilised eggs for incubation)'	
' <i>Rugulopteryx okamurae</i> (E.Y.Dawson) I.K. Hwang, W.J.Lee & H.S.Kim, 2009	ex 1212 29 00	-	(14), (15)'
' <i>Solenopsis geminata</i> (Fabricius, 1804)	ex 0106 49 00	-	(5), (7)'
' <i>Solenopsis invicta</i> Buren, 1972	ex 0106 49 00	-	(5), (7)'
' <i>Solenopsis richteri</i> Forel, 1909	ex 0106 49 00	-	(5), (7)'
' <i>Wasmannia auropunctata</i> (Roger, 1863)	ex 0106 49 00	-	(5), (7)'

(2) in the table, the following species are inserted in alphabetical order:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Fundulus heteroclitus</i> (Linnaeus, 1766)	ex 0301 11 00 ex 0301 19 00 ex 0301 99 17 ex 0301 99 85	ex 0511 91 90 (fertile fish eggs for hatching)	(4)
' <i>Pistia stratiotes</i> L.	ex 0602 90 50	-'	
' <i>Xenopus laevis</i> (Daudin, 1802)	ex 0106 90 00	-'	

(3) in the table, the following species is inserted:

Species	CN codes for live specimens	CN codes for parts that can reproduce	Categories of associated goods
(i)	(ii)	(iii)	(iv)
' <i>Celastrus orbiculatus</i> Thunb.	ex 0602 90 50	ex 1209 99 99 (seeds)	

(4) in the notes to the table for column (iv), the following points are added:

(14) ex 0307 11: Live oysters

(15) ex 0307 31: Live mussels'.