

Regulation relevant to alien species - Netherlands (NL)

In the Netherlands, the 2007 non legally-binding policy plan on invasive species, is the main policy regulating IAS. This policy plan focuses on IAS threatening biodiversity, although other impacts are also taken into consideration (economy, human and animal health, safety) The 'Team Invasieve Exoten' (Invasive Alien Species Team; IAST), part of the Food and Consumer Product Safety Authority has been formed to coordinate many of the issues that result from the policy plan.

IAS are targeted in legally-binding texts dealing with nature protection more generally, such as the **Flora and Fauna Act** (from which the **Decision concerning appointment of animal and plant species under the Flora and Fauna Act** and the **Decision concerning combating harmful organisms** derive. These decisions list species that cannot be imported/exported, traded, possessed and transported, and the Act prohibits release of animals into the wild and trade in certain animals which could be harmful for protected indigenous animals. While for the moment only two species are on the list regarding the ban on import/export, trade, possession and transport, it may be a useful tool in the fight against IAS.

In terms of responsibilities, the policy plan on Invasive species outlines that the central government (mainly the ministry of economic affairs, agriculture and innovation) is primarily responsible for the prevention, early warning and elimination of recently arrived IAS, while land managers and water authorities are responsible for the control of the established IAS populations, unless the situation becomes beyond control.

An example of a measure to prevent IAS-spread through contaminated commodities is the Lucky Bamboo-case. The tiger mosquito travelled along with bamboo-trees. The **Commodities Act** Art. 18 and 14 were used. Art. 18 prohibits the trade in commodities (non-eatable or drinkable) of which it is presumed that its use leads to serious health risks for human beings, Art 14 makes it possible for the minister to intervene quickly via a Ministerial Decree. The **Temporary Commodities Act Regulation on Product Requirements for Lucky Bamboo** prohibits the trade of bamboo trees with Tiger mosquitos. Although the regulation was not enforced in any way, it is an example how IAS-spread through contaminated commodities can be prevented (in theory) using the Commodities Act.

Name of Act (area)	Flora and Fauna Act
Number of act	25 May 1998
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	The Flora and Fauna Act is the primary piece of legislation that deals with the protection of species. Art. 13-15 -It is prohibited to release any animal or egg into the wild. It is forbidden to introduce, buy, sell, transport etc. plants or animals that are listed in the governmental decree

	<p>(Decision concerning appointment of animal and plant species under the Flora and Fauna Act and Decision concerning combating harmful organisms), and that pose a threat to the survival of protected indigenous species or cause a significant deterioration of conditions that are vital for the survival of those species. Authorisation to release plants/animals into the wild may be granted via article 75.</p> <p>Art. 67 - To prevent/control damage to human health, safety, crops and flora and fauna, the province can designate individuals or groups of individuals to limit the population of a species listed in a ministerial or governmental decree.</p> <p>Art. 78 - The Minister may request a reimbursement of costs when someone requests an import permit.</p> <p>Art. 104 - The Minister has the power to return animals/plants which are brought within the territory of the Netherlands without the proper legal compliances. The owner/transporter/importer will pay for these costs.</p> <p>Art. 122 - The Minister of the Department of Economic Affairs, Agriculture and Innovation has the power to return animals/plants, which are brought within the territory of the Netherlands illegally, i.e. without the required permits. The owner/transporter/importer will pay for these costs.</p>
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Nature Conservation Act
Number of act	25 May 1998
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	<p>Art. 16 and 19 - It is prohibited to perform certain acts without a permit, that could harm animals or plants that live in a protected environment (art. 16) or a Natura2000 zone (19d) or would have a significant detrimental effect on species that live in this protected environment. It is generally</p>

	<p>accepted that releasing IAS into the wild is an act prohibited in articles 16 and 19d. According to the Policy plan on Invasive species (see below), this could also apply to the introduction of IAS in a protected nature area, as the IAS could have significant negative impacts on the indigenous species that live in the area.</p> <p>Violating the Nature Conservation Act will result in an administrative fine since it is up to the provinces to enforce the Nature Conservation Act.</p>
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Fishery Act
Number of act	30 May 1963
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	<p>Art.1 (2) & art 17 - Refers to a list of indigenous species of fish of which the introduction in the Dutch waters is allowed. Consequently (Policy plan on Invasive species (see below)), the introduction of species of fish that are not on the list, and without a permit, is prohibited. The list Art 1(2) refers to is to be found in Implementation Regulation Fisheries (see below).</p> <p>Art. 2b - The Minister of the department of Economic Affairs, Agriculture and innovation has the power to limit the import/export/trade of fish to prevent or fight fish-related illnesses.</p>
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Plant Diseases Act
Number of act	5 April 1951
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	<p>Art. 3 – The Minister of the department of Economic Affairs, Agriculture and innovation has the power to restrict trade in plants to prevent the spreading of harmful organisms.</p> <p>Art. 6 - By governmental decree restrictions may be imposed on the import of harmful parasites/organisms.</p> <p>Art. 6a - The Minister may request a reimbursement of costs when the Institute for Plant diseases conducts an investigation.</p>
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Commodities Act
Number of act	
Special section(s) relevant to IAS	28 December 1935
Content of regulations - mode of operation.	Art. 4 and 18 - Trade of commodities (non-eatable or drinkable) which are or could pose a threat to the health of human beings can be prohibited.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Environmental Management Act
Number of act	13 June 1979

Special section(s) relevant to IAS	
Content of regulations - mode of operation.	Art. 1.1a - Refers to a duty that everybody has to take care of the environment. This implies that anyone who knows or reasonably should know that his actions or omissions could harm the environment does not act or omits in such fashion.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Animal Health and Welfare Act
Number of act	24 September 1992
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	Art. 10 - The Minister of the department of Economic Affairs, Agriculture and innovation has the power to prohibit the import of animals that are the carrier of a “smetstof” (harmful micro-organism, parasite) Art. 12 -The Minister of the Department of economic affairs, agriculture and innovation can determine rules concerning the cleaning of transportation-vehicles in which animals were transported.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Temporary Commodities Act Regulating Product requirements for Lucky Bamboo
Number of act	19 December 1998
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	This Act prohibits the trade of bamboo trees with Tiger mosquito’s. Although the regulation was not enforced in any way, it is an example how

	IAS-spread through contaminated commodities can be prevented (in theory) using the Commodities Act.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Animal Management and Damage Control Regulation
Number of act	28 November 2000
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	A list of species which are not protected species (indigenous and non-indigenous) is also included in Animal Management and Damage Control Regulation (see above) under the term “andere diersoorten”. Some IAS appears on this list, although they are not referred to as such. Those species may be controlled if they cause damage to public health, air traffic, agriculture or the environment (according to art. 67 Flora and Fauna Act , see above).
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Implementation Regulation Fisheries
Number of act	19 September 2008
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	This is a list of fish. The introduction of species of fish that are not on the list, and without a permit, is prohibited. Art. 28 & 28a - It is prohibited to release Grass carps into the wild, however, article 62 lists some criteria which allow the release of Grass carps into the wild under certain conditions. It is also prohibited to release

	various species of lobster (listed in art. 18a) into the wild.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Regulation for export, import and transport of plants
Number of act	26 May 1993
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	<p>Art. 4-9 - Plants which are brought into the market have to be free of harmful organisms that are listed in Council Directive 2000/29/EC of 8 May 2000.</p> <p>Art. 10 - Plants can only be traded when they are free of harmful organisms that are listed in Council Directive 2000/29/EC of 8 May 2000.</p>
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Regulation for exemption of protected animal and plant species under the Flora and Fauna Act
Number of act	5 March 2002
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	Contain lists of protected indigenous species to which the Flora and Fauna Act applies.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Regulation designating Customs offices handling protected animal and plant species
Number of act	1 April 2002
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	- Border control/quarantine services with procedures to target IAS or risky species (according to RA).
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Decision on Greenhouses
Number of act	21 February 2002
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	Anyone or any company which operates a greenhouse has to protect the environment against the adverse effects of the greenhouse. According to www.tijgermug.info . Making sure IAS do not escape from a greenhouse is a part of this protection of the environment.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	
Name of Act (area)	Decision concerning appointment of animal and plant species under the Flora and Fauna Act
Number of act	28 November 2000
Special section(s)	

relevant to IAS	
Content of regulations - mode of operation.	<p>List of plant- and animal species.</p> <p>Art. 14 in the Flora and Fauna Act (see above) prohibits trade in certain animals which could be harmful for protected indigenous animals. This list is, for the moment, the only official list of IAS found in legislation.</p> <p>For the moment, only 1 plant and 1 animal species are on the list (water pennywort, <i>Hydrocotyle ranunculoides</i> and Muntjak deer, <i>Muntiacus reevesi ssp. reevesi</i>). [However, this list can be supplemented and thus may be a useful tool in the fight against IAS] .</p>
Link to national version (natl language) or a file (word or pdf)	<p>www.minlnv.nederlandsesoorten.nl/get?site=lnv.db&view=lnv.db&page_alias=zoekwet&show=speciesList&</p>
If available in English – link to UK version:	

Name of Act (area)	Decision concerning combating harmful organisms
Number of act	19 September 1991
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	<p>Art. 2 - The owner of a batch which is suspected to contain harmful organisms is prohibited to sell/move this batch unless a permit/license is granted.</p> <p>Art. 18 - It is prohibited to keep harmful organisms (appointed by ministerial decree) that could have a devastating effect on the growing of plants unless an authorisation is granted.</p>
Link to national version (natl language)	

or a file (word or pdf)	
If available in English – link to UK version:	

Non-legally binding texts

Name of Act (area)	Policy plan for Biodiversity 2008-2011
Number of act	
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	National strategy/action plan on biodiversity. Elaborates on policy goals relating to biodiversity and refers to Policy plan on Invasive species (see below).
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Policy plan on Invasive species
Number of act	Published 15 October 2007
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	The National strategy/action plan on IAS is described in this document. It dates from 2007 and is the most detailed document/action plan on IAS, but is non-binding.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	

Name of Act (area)	Aquatic Plant Code of conduct
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Number of act	
Special section(s) relevant to IAS	
Content of regulations - mode of operation.	This Code of conduct is a declaration of the Department of Economic affairs, Agriculture and Innovation and multiple aquatic plant producing/importing industries to fight invasive alien plant species in the Netherlands. Certain invasive plants may not be sold to consumers anymore.
Link to national version (natl language) or a file (word or pdf)	
If available in English – link to UK version:	