Challenges and solutions for the national implementation of a Supranational Environmental Regulation against Invasive Alien Species: with a focus on cooperation and coordination

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Outline

1. Introduction and research goal
2. Overview on IAS-cooperation & coordination exemplified by EU & its law
3. Methodology
4. Results
   a. transnational cooperation & coordination
   b. national cooperation & coordination
5. Conclusions
1. Introduction & research goal I

- International environmental agreements increasingly important for action against worldwide challenges towards sustainable development and environmental protection
- Invasive alien species are increasingly identified as a global threat to humans and other species
- *Coordination and Cooperation*: are necessary topics to strengthen in this context
1. Introduction & research goal II (incl. definitions)

- “Cooperation”: a voluntary collective effort of involved stakeholders, working together to achieve common objectives

- “Coordination”: an intentional, formal action in the pursuit of a common purpose

- This study aims to
  - assess the importance of national and international cooperation and coordination for the implementation of a supranational regulation against invasive alien species (EU-IAS-Regulation)
2. Overview on EU & its law

- 1957 founded as regional integration organization
- 28 Member States (MS) in 2019
- Own large legal framework binding for MS
- Enforcing mechanisms: esp. Court of Justice of EU & 1st instance court
- Certain number of legal instruments covered by enforcing mechanisms
„Invasive Alien Species Regulation“

  • aims to prevent serious adverse impact on biodiversity & related ecosystem services, as well as other social economic impact
  • addresses ~ 12000 alien species (10-15% of them invasive)
  • is automatically enforceable in the EU member states and
  • requires some additional measures
3. Methodology I

Three main methods applied:

1. An **in-depth-literature review**

2. Primary date gathering & analysis from **interviews and questionnaires**
   a. completed by a wide range of stakeholders
   b. Respondents from national and sub-national government as well as from NGOs and
c. And from two member states of the EU, namely
   - Austria (federally organized) and
   - Romania (centrally organized)
### 2. Methodology II

Table 1. Numbers of stakeholders interviewed and having completed the questionnaire and their status as public organization or non-governmental organization (NGO) (for details see [11,34,36]).

<table>
<thead>
<tr>
<th>Country</th>
<th>Total ($n$)</th>
<th>Surveys ($n_s$)</th>
<th>Interviews ($n_o$)</th>
<th>Status as Organization or NGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>16</td>
<td>16</td>
<td>8</td>
<td>National (N) 8</td>
</tr>
<tr>
<td>RO</td>
<td>32</td>
<td>31*</td>
<td>14*</td>
<td>Subnational (SN) 6</td>
</tr>
<tr>
<td>Total</td>
<td>48</td>
<td>47</td>
<td>22</td>
<td>NGO 2</td>
</tr>
</tbody>
</table>

* one Romanian respondent from subnational level gave the interview, but did not complete the survey and is not in the survey analysis. ** for Romania, one respondent chose both National and NGO in the survey, this counts once at national level.

(Roman/Mauerhofer 2019:4)
### 4.a. Findings: cooperation (11x) & coordination (9x in IAS-R)

#### Table A2. Frequency of cooperation and coordination in the IAS Regulation and their main context.

<table>
<thead>
<tr>
<th>Location in IAS Regulation (EU No. 1143/2014)</th>
<th>Cooperation</th>
<th>Location in IAS Regulation (EU No. 1143/2014)</th>
<th>Coordination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble (16)</td>
<td>Regional (between Member States MS)—to include species with smaller populations on the Union list.</td>
<td>Preamble (27)</td>
<td>Between MS—same goal as for cooperation.</td>
</tr>
<tr>
<td>Preamble (27)</td>
<td>Cross border (between neighboring countries/same biogeographical region of the Union)—for an effective application of the IAS Regulation. Regional (between MS)—for different decisions like e.g., updating the Union List, permits, adoption of emergency measures, etc.</td>
<td>Art.11 (IAS of regional concern and species native to the Union). Regional (between MS)—required for clearing up situations of species from national list (IAS of MS concern).</td>
<td>Transnational/National</td>
</tr>
<tr>
<td>Preamble (31)</td>
<td>Facilitated by the European Commission EC (between involved MS) + justified regional cooperation (between MS).</td>
<td>Art.11 (2)</td>
<td>Art.13 (3)</td>
</tr>
<tr>
<td>Art.10 (1)</td>
<td>MS—ensure exchange of relevant information and the efficient and effective coordination and cooperation between all competent authorities involved. Together with coordination in the title.</td>
<td>Art.15 (7)</td>
<td>Same as for cooperation.</td>
</tr>
<tr>
<td>Art.11 (2)</td>
<td>MS—also on species from national lists; establish mechanisms (exchange of information and data, action plans on pathways and exchange of best practice on management, control and eradication of IAS, early warning systems and programmes related to public awareness or education).</td>
<td>Art.22 (title)</td>
<td>With cooperation in the title. With all MS—if necessary, use existing regional and international agreements.</td>
</tr>
<tr>
<td>Art.22 (title)</td>
<td>Art.22 (1) x3 *</td>
<td>Art.22 (3)</td>
<td>Same as for cooperation.</td>
</tr>
</tbody>
</table>

* more than one occurrence in the same preamble or article (× 2 or × 3).
Q’s: "Should AT/Romania participate in Regional/National List?"

Both lists are voluntary

Quite similar results in AT and RO

\(\text{Roman/Mauerhofer 2019:5}\)
Q: ”With which states will you cooperate/coordinate within IAS-R?”

- In Romania: in sum much more cooperation with EU in several ways indicated (77% to 63% in AT)
- In Austria: even 6 % think that they will neither cooperate or coordinate with EU nor Third Countries.
- „don’t knows“: in AT: 31%; in Romania: 23 % (Roman/Mauerhofer 2019:6)
Related interview question:

(1) 9: Do you think you will cooperate with other EU states and/or third states regarding the implementation of the Regulation?

(2) If yes, with whom and how?

(3) How would the inner state cooperation work?

„How“ questions provide also reasoning why something works and why not.
4.a. Results: `transnational cooperation & coordination`

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

(Roman/Mauerhofer 2019:7)

- Coordination plays the key role among the rules for the environmental agreements like the EU-Regulation on Invasive Alien Species, but coordination without cooperation is not enough.

- For them to mutually work, knowledge of the structure (competence distribution) of nations and their interests (mostly economic interests) and those of all involved parties are crucial for a possible, healthy working cooperation and coordination.
4.a. Results: `national cooperation & coordination`

“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)

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

- national coordination and cooperation are weaker as the ones from the international level, because of the influence of the national competence distribution.

- Both national competence distribution systems, in Austria (federal) and Romania (central), influence the respective national and international coordination and cooperation regarding the implementation of the IAS Regulation

(Roman/Mauerhofer 2019:9)
5. Conclusions & Recommendations

• Current situations of cooperation and coordination in AT and RO make it difficult for the European Commission

1. to receive a realistic image in a EU-Member State of
   a. the situation of IAS and
   b. the implementation of the IAS Regulation and

2. to be able to offer helpful support, if the national cooperation is poor, such as in AT and RO respectively.

• Recommendations:

1. More studies on the openness and awareness of nations and stakeholders to cooperate could
   • improve the approach to a much-needed sustainable future
   • strengthen coordination at supranational, national and subnational levels

2. Convince stakeholders & governments to comply through cooperation & coordination for future environmental and financial sakes
Article

Multilevel Coordination and Cooperation during Implementing Supranational Environmental Legislation: A Case Study on Invasive Alien Species

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Abstract: Coordination and cooperation are necessary topics to strengthen international
• Revision in progress:

Roman A. I. and Mauerhofer V., Challenges and solutions for the national implementation of a Supranational Environmental Regulation against Invasive Alien Species, Sustainable Development/Wiley
Thank you for your attention!

Any questions?

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