

IASON BSB-1121

AT1.10 Observatory establishment

D.18: Review on lessons learnt

Part II. Legislation

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Invasive Alien Species Observatory and Network Development for the Assessment of Climate Change Impacts in Black Sea Deltaic Protected Areas

Legislation

Introduction

Species' geographic distribution is the result of the interaction between abiotic and biotic factors or their niche requirements and environmental conditions e.g. local climate, geology, soils, hydrology, disturbance and interactions with other species. Among abiotic drivers, climate is recognized to strongly affect the distribution as plant species are not randomly distributed along environmental gradients but display species-specific tolerances shaping thus specific communities. In particular, it is recognized that climate can explain both species distribution and speciation. Ecological and biogeographical barriers, such as oceans and large mountain ranges, allowed ecosystems to evolve independently. Therefore, species occurring in these ecosystems are adapted not only to the local climate, but also to each other, interacting in a delicate balance.

Alien species are non-indigenous species introduced to areas beyond their natural distribution and biogeographical barriers by human activity. These alien species adapt well if they are introduced in sites with climate similar to that in their natural distribution. Globalization of trade, travel and tourism has directly or indirectly increased the rate of introductions of species beyond their native distribution ranges. This distribution is a common phenomenon in a large number of countries all over the world. Historically, humankind has greatly benefited from the introduction of alien species (e.g. potatoes and maize in Europe). In modern times, the rates of introduction and establishment of alien species are continuously rising due to globalization. Among these species, a large number has been "naturalized" in their new environments, and they can be found in several natural habitats. Although many alien species have difficulties growing and reproducing in areas away from their natural range, some others are surprisingly favored by the new environments and rapidly expand as, in most cases, they do not have natural enemies. These species have become invasive, having multiple negative ecological, economic and human health impacts.

The spread of IAS is neither easy to manage nor easy to reverse. Despite some efforts made at sub-national to global governance levels, the rates of IAS introduction have not slowed. Climate change is expected to cause shifts in the current geographic distribution of species, because their optimal habitat will likely change as a result of the re-arrangement of climatic zones. It's therefore crucial to understand the importance of future environmental factors in determining IAS distribution that would enable the quantification of these threats and inform the development of appropriate responses.



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Under a global changing environment, the Black Sea is found in between the European and Asian crossroad and in the transition between the Mediterranean and North. A great number of stakeholders have developed economic activities around the Black Sea coastline, especially at the deltas, which are known for their density in population and growth potential (such as fishing, fisheries and aquacultures, tourism and recreation, farming etc). Historically, the Black Sea was under the invasion of alien species from the Indian Ocean and the Mediterranean Sea due to various reasons. Invasive Alien Species (IAS) is the central point on which this proposal makes focus, because if not sufficiently monitored and assessed they may alter dramatically not only the ecosystem balance but also a range of already well-established socio-economic activities.

Within the changing global environment, the Black Sea is located between the European and Asian crossroad and in the transition between the Mediterranean and North Eurasia. A great number of stakeholders have developed economic activities around the Black Sea coastline, especially at deltaic areas, which are known for their density in population and growth potential (fishing and fisheries, aquaculture, tourism and recreation, farming, etc.). Historically, the Black Sea has been invaded by alien species from the Indian Ocean in the East and the Mediterranean Sea in the West due to various reasons. Invasive Alien Species (IAS) is the central theme of this project, because they may dramatically alter not only ecosystem balance, but also a range of already well-established socio-economic activities, if not sufficiently monitored and assessed. The overall objective of the project is to establish and carry out joint monitoring actions on IAS in the Black Sea deltaic ecosystems of five countries (Romania, Ukraine, Greece, Turkey and Georgia,) and assess their response under current and predicted climatic conditions.

The present report summarizes the relevant legislation adopted by EU and the Countries that are cooperate in the project.



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1. EU Legislation

The European Union has implemented 'Regulation 1143/2014 on Invasive Alien Species' in EU Member States in order to address the threats posed by invasive alien species to European ecosystems. It was entered in force on 1 January 2015 and it is one of the most important European environmental policy measures. This Regulation marks an important milestone in the development of an EU-wide response to tackle IAS, a response that EU was working on almost a decade. The aim of this Regulation is to protect native biodiversity and ecosystem services from risks posed by IAS, as well as to minimize and mitigate the negative socio-economic impacts of IAS, such as impacts on human health. By this regulation and according to the principle that EU law prevails over national law, all national legislations that opposed to the provisions of it, became inapplicable. The Regulation also established common terminology e.g. the terms "IAS", "IAS of Union concern", "IAS of Member State concern" etc.

The Regulation 1143/2014 has three main objectives: the coordination between the EU and its Member States, the prevention of IAS to enter or spread within the EU, and the prioritisation and management of measures. Member States are obliged to coordinate their activities in combating IAS according to specifications referred in the Regulation. The Regulation strongly favoured coordinated management measures in managing IAS that are already widely spread,

With the IAS Regulation, an EU-wide framework has been established to prevent, minimise and mitigate the impacts of IAS on European ecosystems and biodiversity. It features as key elements for the effective control of IAS three types of actions to address IAS of Union concern; prevention, early warning and rapid response, and the management of established species. It is highly recommended to prevent the introduction of IAS taking into account the cost to address impacts of already established IAS. If however, introductions were not prevented, it is still preferable to eradicate new invasions than to control established IAS populations. As for intentional introductions, IAS of Union concern will be subject to a wide range of bans, including trade and sales both to and within the EU. In terms of unintentional introductions, Member States will be obligated to establish and implement action plans to address priority pathways for introduction of IAS, focusing on IAS of Union concern.

This regulation identified and prioritised a list of invasive alien species of Union concern. It is at the core of the EU IAS Regulation. The list of species are characterized as invasive through an evidence-based risk assessment, in accordance to prescribed criteria. In order to be inserted in the list of IAS of Union concern, a species must have cause significant damage. Moreover, the risk assessment must include the implementation costs, the cost-effectiveness and socio-economic aspects. The first Union list entered into force in August 2016, and was last updated to include 88 more species in 2022.

However, Members are obligated to regulate, between the numerous IAS, those that are considered to be "of Union concern" even if "IAS of Member State concern" were also referred in



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the Regulation. The total list covers less than 5% of the more than 1,000 established IAS with known ecological or economic impacts in Europe.

Listing of a species means it is banned from import, trade, possession, breeding, transport, use and release into the environment. Member States, within 3 years following inclusion, may consider developing an action plan related to a species' main pathways of unintentional introduction and spread.

Subsequently, the inclusion of an IAS in the list of Union concern obliged the Member States to:

- elaborate action plans on the pathways for unintentional introductions of IAS used and inform the Commission (Article 13);
- install a surveillance system, in order to prevent the spreading of the IAS (Article 14);
- introduce a border control system (Article 15);
- inform the Commission and the other Member States of the introduction or presence of an IAS, whose presence was previously unknown (Article 16);
- provide for the rapid eradication of the IAS at an early stage of detection, unless one of the exceptions of Article 18 applies and the Commission (Articles 17 and 18) accepts the derogation from the obligation.

Implementation of the Regulation

The Commission is assisted by a number of bodies in implementing the IAS Regulation.

- The **Committee on IAS** assists the updates of the list of invasive alien species of Union concern. It consists of representatives from all Member States.
- The **Invasive Alien Species Expert Group (IASEG)** supports also the implementation of the IAS Regulation
- The **Scientific Forum on IAS** provides advice on scientific questions related to the implementation of the IAS Regulation.
- The **Working Group on IAS** assists the Commission and facilitates coordination

In order to specify aspects of implementation a number of EU Regulations and Notes were distributed:

- Commission Implementing Regulation (EU) 2018/1454 specifying the technical format for reporting by the Member States
- Commission Delegated Regulation (EU) 2018/968 with regard to risk assessments in relation to invasive alien species
- The Regulation 1143/2014, Art. 24(1) requires Member States to update and submit to the Commission, by 1 June 2019, and subsequently every six years, the distribution of invasive



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alien species of Union or regional interest present on their territory, including information on migration and reproduction patterns.

Notes

- (2017) Management of Invasive Alien Species of Union concern. This note has been drafted by the Working Group on Management of invasive alien species of Union concern
- (2017) Surveillance of Invasive Alien Species of Union concern. This note has been drafted by the Working Group on Surveillance
- (2018) Prioritising Pathways of Introduction and Pathway Action Plans. This note has been drafted by Working Group on Pathway Management

In 2021, the first report was published referring to on the application of the Invasive Alien Species Regulation. It pointed out that implementation is a challenge in several respects as the target posed by the Regulation was not yet reached.

2. Legislation about IAS in EU Members

2.1 Legislation about IAS in Romania:

Taking measures to limit the impact of invasive alien species is an obligation assumed by signing the Convention on Biological Diversity (ratified by Law no. 58 of July 13, 1994) and the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), to which Romania adhered through Law no. 131993. Additionally, European legislation has not been transposed into Romanian law, so environmental authorities do not have the necessary tools to eradicate or limit invasive species.

This is particularly important, especially in light of the provisions of Regulation 1143/2014, Art. 24(1), which requires Member States to update and submit to the Commission, by 1 June 2019, and subsequently every six years, the distribution of invasive alien species of Union or regional interest present on their territory, including information on migration and reproduction patterns.

In the same time, in Romania, invasive species are regulated by Law no. 49/2011 on the management and conservation of biodiversity. This law defines invasive species as "non-native species that spread or have the potential to spread naturally in areas of Romania and that are considered a threat to native biodiversity and/or ecosystem services."

According to this law, public institutions and landowners are responsible for preventing the introduction, spread, and control of invasive species. The law prohibits the introduction of invasive



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species into the natural environment, and public authorities and landowners have an obligation to monitor and manage existing invasive species.

Additionally, the Romanian Government adopted a national strategy for the management of invasive species in 2013, which aims to prevent their introduction and control their spread in the natural environment. The strategy provides specific measures for managing invasive species and involving local communities in these actions.

In addition to these, there are other legislative acts that regulate the protection of biodiversity and natural habitats in Romania, such as Law no. 46/2008 on the regime of protected natural areas, the conservation of natural habitats, flora, and wildlife, and Government Decision no. 57/2007 on the establishment of the list of strictly protected plant and animal species and those with a special protection regime.

At this moment, in Romania, there is a project being implemented in the context of the Operational Programme for the Implementation of the European Union Cohesion Policy 2014-2020, Priority Axis 4 - Environmental protection through measures to conserve biodiversity, monitor air quality, and decontaminate historically polluted sites, (OS) 4.1 Increasing the degree of protection and conservation of biodiversity through adequate management measures and restoration of degraded ecosystems. Within OS 4.1, this project proposes actions such as C. - Actions to supplement the level of knowledge of biodiversity and ecosystems (monitoring and evaluating species and habitats, understanding the pressures exerted on biodiversity, including invasive species, etc.). In this way, the project will contribute to achieving the objectives of the Priority Action Framework for Natura 2000, the European Biodiversity Strategy 2020, and the National Strategy and Action Plan for Biodiversity Conservation 2014-2020, approved by Government Decision no. 1081/2013.

2.2 Legislation about IAS in Greece

In 2021, Greek Government incorporated the EU legislation concerning the Invasive species (ΥΠΕΝ/ΔΔΕΔ/115162/3055).

Competent Central Coordinating Authority, that has responsibility for the supervision and overall and coordinated implementation of Regulation (EU) no. 1143/2014, is the Ministry of Environment and Energy and in particular the Directorate of Natural Environment and Biodiversity Management which is designated as National Coordinator.

The National Coordinator is assisted in the performance of his duties by a Scientific Advisory Committee (SAC). In this context, it cooperates with the relevant Ministries and bodies of the public and private sector to take the necessary measures required with the aim of the harmonized implementation of the provisions of the above Regulation and the Executive Regulations. In the



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exercise of the responsibilities of the National Coordinator, the Natural Environment and Climate Change Organization (OFYPEKA) assists through the Protected Area Management Units (MAUs).

Recently, the Ministry of Environment publishes the “Action plan for the introduction routes of invasive alien species in Greece - 2023-2029” according to Article 13 of Regulation (EU) no. 1143/2014 "on the prevention and management of the introduction and spread of invasive alien species

In addition to these, there are other legislative acts that regulate the protection of biodiversity and natural habitats such as :

- Law 3937/2011 that provides for the following, regarding "invading alien species": Article 12 provides for the drawing up of a list of invasive alien species following a risk assessment. Depending on the risk category of each species, the Ministry of Environment and Energy will draw up Management Plans, as well as issue popular species identification guides. From Article 17 arises the obligation to inventory the items.
Greece completed this specific obligation with the development of the project "Compilation of a list of invasive (alien) species and organization of a methodology for the assessment of the risk they cause" which was implemented by the National Kapodistrian University of Athens and the Hellenic Center for Marine Research (ELKETHE), results of the analysis of the routes of involuntary introduction, based on Deliverable B4 "Classification of invasive species based on the routes of introduction into Greece"
- Law 4470/2017 ("Ratification of the International Convention for the Control and Management of Ballast and Sediments from Ships, 2004 and other provisions", (Government Gazette 65/A'/8-5-2017). concerns one of the routes recognized as the involuntary introduction of alien species. The provisions of the said Convention and its Annex, which is an integral part thereof, are intended to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast and sediments.
- The Convention on Biological Diversity (CBD) has been ratified by Greece with Law 2204/1994 (Government Gazette 59/A'/15-4-1994). Article 8 of the Convention states that "each Contracting Party shall, to the extent possible and appropriate <...> (h) Prevent the introduction, control or eliminate alien species that threaten ecosystems, habitats or species".
- The Berne Convention is intended to promote cooperation in the conservation of wild flora and fauna and the natural environment, as well as the protection of endangered migratory species. Sanctioned by Greece with Law 1335/1983 (Government Gazette 32/A'/14-3-1983). Article 11 paragraph 2(b) of the Convention states that "Each Contracting Party undertakes to <...> (b) strictly control the importation of non-indigenous species". The implementation of this provision is the subject of this Action Plan.
- The Barcelona Convention for the Protection of the Mediterranean Sea was ratified by Greece with Law 855/78 (Government Gazette 235/A'/23-12-1978) and its amendment was ratified with Law 3022/2002 (Government Gazette 144/ A'/19-6-2002). Article 13 of the Protocol on Special Protection Areas and Biological Diversity (which Greece has not yet signed) states that



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Parties take the necessary measures to limit the introduction of alien invasive species that may have harmful effects on ecosystems .

- The Convention on International Trade in Endangered Species (CITES) which takes into account the problems arising from alien invasive species when developing a regulatory framework for trade in live animals and plants.
- The national biodiversity strategy and action plan (NBSAP), its implementation, and the mainstreaming of biodiversity (Operational Program for the Environment and Sustainable Development 2007 – 2015), adopted in 2007 as component of the overall “National Strategic Reference Framework 2007 – 2013”. The Action Plan identified, among others, the following objectives:
 - Protection and conservation of endangered species of flora, fauna and habitats
 - Ensure monitoring of conservation status of species and habitat types of European Community interest.
 - Measures for protection and management of Natura 2000 sites

In early 2014, an updated draft of the National Strategy for Biodiversity was put to public consultation by the Ministry of Environment, Energy and Climate Change and it was published in the Official Journal of the Government (FEK 2383 B / 08 September 2014).

As regards Invasive Alien Species, the country prohibits the import of all alien species to be farmed/used as baits, and regulates trade in some alien species through CITES regulations.

Furthermore, the Sanitary Committee may decide to control introduced animal species. As regards IAS research, a lot has been done by the Hellenic Centre for Marine Research (HCMR) on marine IAS, including the publication of an updated list of marine alien species in Hellenic waters.

A network of marine researchers working on marine IAS has been set up under the name ELNAIS including nine research Institutes / Universities and more than 34 Greek scientists currently carrying out relevant research.

As regards terrestrial invasive alien species, research has been carried out by individual researchers, with 21 listed as experts under the project “Delivering Alien Invasive Species for Europe (DAISIE)”

3. Legislation about IAS in non EU Members

3.1 Legislation about IAS in Ukraine:

Taking measures to limit the impact of invasive alien species is an obligation assumed by signing the complex of international agreements:

- Convention on Biological Diversity (ratified in 1995),



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- Convention on the Conservation of European Wildlife and Natural Habitats or the Bern
- Convention (ratified in 1996),
- Convention on the Conservation of Migratory Species of Wild Animals (ratified in 1999), and
- connected Agreement on the Conservation of African-Eurasian Migratory Waterbirds (ratified in 2002).

There are three additional international agreements for individual regions:

- The Convention on the Protection of the Black Sea against Pollution (ratified in 1994),
- Framework Convention on the Protection and Sustainable Development of the Carpathians (ratified in 2004), and
- The Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin (ratified in 2004).

Some of the pathways for the entry of the pest are also controlled by:

- The International Convention for the Control and Management of Ships 39; Ballast Water and Sediments (ratified in 2004),
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (ratified in 1999) and a large number of bilateral agreements in the field of phytosanitary control.

The environmental policy in the area of preventing biological invasions is defined by:

- The Law of Ukraine On the Basic Principles (Strategy)
- The State Environmental Policy of Ukraine for the Period up to 2030;

and several government strategies:

- Biosafety and Biological Defense Strategy for 2022-2025;
- State Forest Management Strategy of Ukraine until 2035;
- Marine Environmental Strategy of Ukraine;
- Maritime Doctrine of Ukraine for the period up to 2035;
- Strategy of environmental safety and adaptation to climate change for the period up to 2030.

Ukrainian legislation also contains a number of provisions on invasive species in sectoral legislation on nature protection (laws “On environmental protection”, “On Fauna”, On Flora”,

About the Natural Reserve Fund of Ukraine and a number of by-laws on the organization of the activities of nature reserves, their reporting and monitoring), fisheries (laws on Aquaculture and On Fishery, Industrial Fishing and Water Conservation” and related bylaws, forestry (land Code of Ukraine, Forest Code of Ukraine and related bylaws), and agriculture (The Law On plant quarantine).



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In the field of environmental assessments and monitoring, the key laws related to invasive species are the Law “On Environmental Impact Assessment” and “The procedure for state water monitoring”.

3.2. Legislation about IAS in Türkiye

3.2.1 National Legislation

There is much legislation on the protection of natural species, and naturally protected areas. But, there was no specific legislation, or regulation on invasive alien species until the 2020s. Many species have been transported from one side to another for many purposes such as biological control, fishing, and economic earns. Scientists have been aware of the harmful impact of this transportation after they realized the impact of the arrival of species on the ecosystem and natural species. There has been much scientific research on invasiveness and impacts on ecosystem services but in many cases, there was no capability to return to the natural level of these areas. Lately, there have been many projects and studies on the impact and the species specification of the IAS. The decision-makers have enacted legislation and regulations and these regulation has compatible with the EU regulations.

In Türkiye, there are 638 protected areas (3,3 billion hectares). The protected areas and biodiversity are exposed to negative pressures such as climate change, pollution, excessive use, and threats such as invasive alien species, despite all the efforts made throughout the world.

In order to protect our biological diversity from these threats, two projects are supported by ministries. These were "The Project for the Assessment of Threats of Invasive Alien Species in Terrestrial Environments and Inland Waters in Turkey" and the "Project for the Evaluation of the Threats of Invasive Alien Species in Important Marine Biodiversity Areas". These two projects were finalised in 2022. With these projects, legal gaps on the subject were determined and a draft regulation was prepared based on the European Union Regulation on the subject. The process of obtaining opinions from relevant institutions regarding the draft is continuing. (<https://karasalistilacilar.org/wp-content/uploads/2021/03/Istilaci-Yabanci-Turler-Yonetmeligi-Taslak-2.pdf>). Again, a national strategy and action plan regarding invasive alien species has been prepared. The legal basis for the establishment of an advisory board at the national level has been prepared (TERIAS project: <https://karasalistilacilar.org>.)

The aim of this regulation is to regulate the procedures and principles regarding measures and management in order to prevent the negative social and economic effects and health problems of invasive alien species on biodiversity and related ecosystem services, their entry/movement, and their spread into the country.



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Within the scope of the EU harmonization process, the Ministry of Foreign Affairs, the EU Presidency has prepared a National Action Plan for January 2021-December 2023 in order to harmonize national laws and regulations. 27th chapter (the Climate Change under legal regulations) of the EU legislation (Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 November 2014 on the Prevention and Management of the Introduction and Spread of Invasive Alien Species) consists of the regulation on invasive alien species. The regulation on invasive alien species specified will be published by the relevant ministry this year. It is aimed to identify invasive alien species that harm native species, nature, economy, and human health in marine, coastal, land, and inland water ecosystems, prevent their entry, control, destroy, minimize their negative effects, and manage these species.

According to the IUCN criteria, the Kızılırmak Deltaic area has 7 species in total identified as endangered in "Critical-CR", 4 species are in "Endangered-EN", and 15 species are in the "Vulnerable-VU" category. When evaluated at the national level, 13 species in total are in "Critical-CR", 24 species are in "Endangered-EN", and 59 species are in the "Vulnerable-VU" category (Figure-1). In the last inventory studies, 12,141 flora, and 1263 taxon are living in the Türkiye. 3700 taxon of them is endemic. Under the law of "Land Hunting, numbered 4915, 2003" the production of the native species must be permission from related ministries. With this law, the native species in one area may transfer to another place where the species were never seen. With this article, species transfer ways have been opened from one part to another together with many unexpected problems. According to this law, the ministries can give permission only to species which is not harmful to native species.

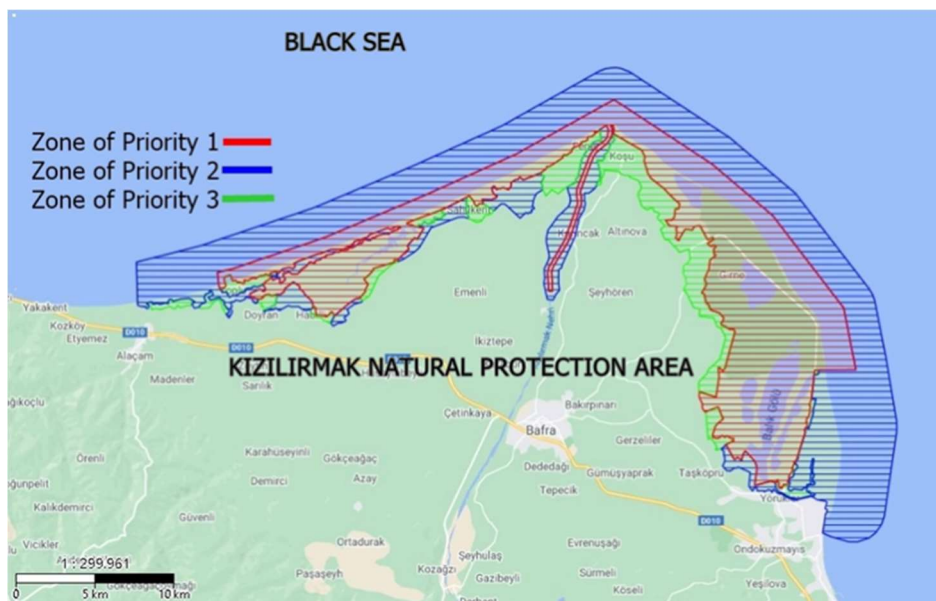


Figure-1: **Red zone** : Priority 1:Natural Protected Area no activity is feasible other than any scientific study for the purpose of protection. **Blue zone**: Priority 2: Natural Protected Area which



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might be put into service considering the public interest, along with protection and improvement of the natural structure. **Green zone:** Priority 3: Natural Protected Area of which might be put into service for house building, considering the potential and utilization of the locality with protecting and improving the natural structure (MEU, 2019).

3.2.2 International Legislation

EU declared a regulation (EU No.1143/2014) on 22 October 2014 on "The prevention and management of the introduction and spread of the invasive alien species". This regulation is also compatible with national legislation.

Wildlife And Life of Europe Agreement to Protect the Environments (84/7601) is accepted and published official gazette on 20 February 1984.

For the protecting the marine environment from the transfer of harmful aquatic organisms in ballast water carried by ships from alien species, IMO got into force to the convention called The International Convention for the Control and Management of Ships' Ballast Water and Sediments The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (Ballast Water Management Convention), and the BWM Convention entered into force on 8 September 2017. Türkiye signed this convention in 2017.

3.3. Legislation about IAS in Georgia

There is no dedicated law regarding invasive species in Georgia, although there are statements in several laws and it will be included in the new law as well.

1. **Law of Georgia on „Protected Areas“** states that "introduction and spread of invasive species into protected areas is prohibited", which means that the alien invasive species should not be distributed into protected areas so that they do not pose a threat for native species and occupy their niche. Protected areas serve to conserve the genetic resources of Georgia.
2. There is a statement in **Law of Georgia on „wildlife“** mentioning that "Introduction of invasive species for the purpose of spreading them in nature is prohibited."
3. **The draft version of Law of Georgia on „biodiversity“** also addresses the issue related to invasive species. The law is being developed, once it is adopted the country will have more leverage to control the spread of invasive species and allow implementation of management.
4. For the Ministry of Environmental Protection and Agriculture of Georgia, and based on the agreement with Non-governmental organization SIDA, conduction of tender procedure for implementation of project regarding invasive species is planned to be held in June.