

## EUROPEAN COMMISSION

Cabinet of Commissioner Karmenu Vella  
Head of Cabinet

Brussels, / 7 OCT. 2015  
Ref. Ares(2015) 4463378

Mr Tim Edwards  
European Nurserystock Association  
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Dear Mr Edwards,

Thank you for your letter of 31 September expressing concern in connection with the implementation of the Regulation<sup>1</sup> on Invasive Alien Species. Commissioner Vella has asked me to reply on his behalf.

You refer in particular to the possibility of the inclusion of valuable species of plants on the lists of invasive alien species of national or regional concern. The inclusion of species on such lists is the exclusive competence of the Member States. This enables Member States to address species that are not addressed at EU level, but which they consider have significant negative impacts in their territory/region, allowing them to take action only within the territory of the Member State involved. The Commission has no legal basis for requiring Member States to consult with the horticultural trade before establishing such lists.

The Commission is competent to adopt, update and review the list of invasive alien species of Union concern (Union list), which are subject to restrictions throughout the European Union. In doing so, the Commission is bound to apply criteria clearly defined in the abovementioned Regulation. Amongst others, there must be evidence that the species are capable of establishing a viable population and spreading in the environment. Therefore, all characteristics (e.g. sterility) of species considered for inclusion on the Union list are duly taken into account, in addition to socio-economic considerations (e.g. environmental benefits). Finally, invasive alien species can be species, subspecies or lower taxa. This means that subspecies that do not comply with the criteria cannot be included on the Union list.

During the preparation of the Regulation, the Commission consulted widely with stakeholders<sup>2</sup>. The Union list is developed according to the provisions in the Regulation and the procedures for implementing acts. This includes advice provided by a Scientific

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<sup>1</sup> 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>2</sup> See: [http://ec.europa.eu/environment/nature/invasivealien/index\\_en.htm](http://ec.europa.eu/environment/nature/invasivealien/index_en.htm)

Forum, which is composed of scientific representatives appointed by the Member States. In preparing their opinion on the species proposed for listing, Member States may collect information from stakeholders. It is the prerogative of the Member States to decide how to organise this consultation.

I hope this information clarifies the responsibilities and requirements under the Regulation.

Yours sincerely,



Jürgen Müller