

Minutes

6th Meeting of the Scientific Forum on IAS¹
Thursday 9 November 2017, Brussels

1. Approval of the agenda

Two questions on nomenclature (*Herpestes* and *Pennisetum*) and one point of information (green public procurement) were added to the draft agenda at the request of the chair (see AOB below). The agenda was adopted without any further changes.

2. Nature of the meeting

This was the 6th meeting of the Scientific Forum, composed of scientific experts nominated by the Member States. The meeting was chaired by the Head of Unit of the Biodiversity Unit of DG Environment and was not public. All presentations and other material discussed at this meeting are available here:

<https://circabc.europa.eu/w/browse/88295e07-9881-414d-86e1-c3640b4ffb9a>

3. List of points discussed

Presentation by the Commission on the latest developments in the implementation of Regulation (EU) 1143/2014 ('the IAS Regulation')

COM presented the latest developments since the previous meeting of the Scientific Forum:

- 1st update of the Union list: the 14 species for which the Scientific Forum had given a positive opinion on their risk assessments were discussed at the IAS Committee and 12 of these were included on the Union list². For the remaining two species it was considered that the criteria for inclusion on the list were not met.
- 2nd update of the Union list: the species covered by the 11 risk assessments for discussion at this meeting of the Scientific Forum could be considered for inclusion on the Union list in 2018, depending on the final opinion of the Scientific Forum and the position of the IAS Committee.
- Next cycle of updating: further 20 risk assessments are almost ready and maybe proposed to the Scientific Forum in 2018, for potential listing in 2019. Any other risk assessments submitted by the deadline of 10 February 2018 could also be considered. Information on the risk assessments under consideration is publicly available at <https://circabc.europa.eu/w/browse/ed95cea1-4f6a-4a3b-b27d-b2bfb8288c42>. MS are invited to inform COM on any updates of this overview.

¹ Published in the Register of Commission Expert Groups and Other Similar Entities, code number E03276

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R1263>

- Progress with implementation of the IAS Regulation: implementation is underway and starts showing results. For example, there have been 19 early detection notifications by 8 MS on 7 different species. Information on these becomes publicly available at <https://easin.jrc.ec.europa.eu/NOTSYS>. Other deadlines for the Member States triggered by the entry into force of the 1st Union list are approaching (e.g. Article 13(1) on pathways of unintentional introduction and spread; Article 19 on management). A fuller overview of progress with implementation will emerge through the Member States reporting in 2019. COM is currently in the process of taking stock of progress on expired deadlines.
- State of play with the delegated act in risk assessments: the inter-service consultation on the draft delegated act foreseen under Article 5(3) of the IAS Regulation is expected to be completed soon. The draft delegated act that resulted from the discussions in the Scientific Forum had been submitted for consultation with the other services of the Commission. This resulted in changes in structure and drafting but not in substance. The final outcome of the inter-service consultation will be made available for public feedback³ over a 4-week period. COM will adopt the act with or without further changes, depending on the comments received. Should these comments be substantial and potentially bring about changes in the text of the delegated act, COM will consult again the Scientific Forum.

As soon as it adopts the delegated act, COM will notify it simultaneously to the European Parliament and to the Council. The adopted act can enter into force only if no objection has been raised by either Institution within a period of two months of the notification, with a possible extension of 2 more months. If no objection is raised, publication and entry into force of the delegated act could occur in the 2nd quarter of 2018 (provisional timing). From then onwards, any risk assessment accompanying a proposal for a species listing will need to fulfil the obligations set out by the delegated act.

- Membership of the IAS Working Group: there has been a call for renewal of membership to the Working Group on IAS⁴ and the selection of members is underway.
- 2019 Member States reporting: COM and the European Environment Agency are preparing for the reporting in 2019 foreseen under Article 24(1) of Regulation 1143/2014.

Assessment of the risk assessments for species under consideration for inclusion on the Union list

The risk assessments to be reviewed towards the second update of the Union list discussed at this meeting are available at the following CIRCABC space:

<https://circabc.europa.eu/w/browse/4977ef43-d1a3-4c2e-85b1-573978902232>

³ https://ec.europa.eu/info/law/better-regulation/have-your-say_en

⁴ Sub-group of the Co-ordination Group for Biodiversity and Nature that is published in the Register of Commission Expert Groups and Other Similar Entities with code number E02210

1. Risk assessment for *Ailanthus altissima*

The Scientific Forum agreed that the latest version of the risk assessment has significantly improved in comparison to the first version, and praised the detailed cover note. It also praised the good underpinning of the level of uncertainty, however asked for some further improvements on:

- the description of impacts on ecosystem services, as currently the risk assessment focuses on impact on ecosystem functions;
- the description of current vs. future impact;
- the description of socioeconomic aspects (commercial plant for the horticultural sector, possibility to be used for energy plantations and timber production);
- the identity of the organism: all sub-species to be listed; if some are sterile their potential for vegetative propagation should be evaluated as well;
- the description of natural vs. intentional spread (relevance and importance of the different pathways);
- it should be explained in which regions of EU the species could set seed (e.g. no seeding in FI);
- the references to pre-existing risk assessments should include their scores;
- the final summary should be revised accordingly.

2. Risk assessment for *Cardiospermum grandiflorum*

The Scientific Forum considered that the risk assessment is overall of good quality but asked for:

- more detailed explanation on how the comments on the previous version have been taken into consideration (i.e. improve the cover note). If some comments are not taken into account, the authors need to provide an explanation of the reasons in the cover note;
- more explicit conclusions in relation to the EU territory vs. the EPPO region;
- better description as to how the different limiting factors (temperature, rainfall) impact the conclusions for the different EU biogeographical regions;
- better description of the uncertainties in relation to the climate matching model used;
- more information on the commercial value of the species.

3. Risk assessment for *Cinnamomum camphora*

The Scientific Forum noted that the risk assessment concludes that the species poses a low risk and considered that on the basis of the available information a higher than "low" risk could not be substantiated.

4. Risk assessment for *Gymnocoronis spilanthoides*

The Scientific Forum considered that the risk assessment is overall of good quality but asked for:

- more detailed explanation on how the comments on the previous version have been taken into consideration (i.e. improve the cover note). If some comments are not taken

into account, the authors need to provide an explanation of the reasons in the cover note;

- more explicit conclusions in relation to the EU territory vs. the EPPO region;
- better description of the uncertainties in relation to the climate matching model used;
- more information on the commercial value of the species.

5. Risk assessment for *Hygrophila polysperma*

The Scientific Forum noted that the risk assessment concludes that the species poses a low risk and considered that on the basis of the available information a higher than "low" risk could not be substantiated.

6. Risk assessment for *Pistia stratiotes*

The Scientific Forum considered that the risk assessment is overall of good quality but asked for:

- more detailed explanation on how the comments on the previous version have been taken into consideration (i.e. improve the cover note). If some comments are not taken into account, the authors need to provide an explanation of the reasons in the cover note;
- more explicit conclusions in relation to the EU territory vs. the EPPO region;
- better description of the uncertainties in relation to the climate matching model used; including the fact that the species is recorded to have established beyond the area predicted by the model (records of establishment in Germany, although not in a natural habitat);
- more detailed explanation of the significance of the dominance of the species, and the damage caused, in water bodies over summer in countries where otherwise the species is incapable to establish itself (e.g. the Netherlands <https://www.verspreidingsatlas.nl/5269>);
- more information on the commercial value of the species.

7. Risk assessment for *Salvinia molesta*

The Scientific Forum considered that the risk assessment is overall of good quality but asked for:

- more detailed explanation on how the comments on the previous version have been taken into consideration (i.e. improve the cover note). If some comments are not taken into account, the authors need to provide an explanation of the reasons in the cover note;
- more explicit conclusions in relation to the EU territory vs. the EPPO region;
- better description of the uncertainties in relation to the climate matching model used;
- more information on the commercial value of the species.

8. Risk assessments for *Ameiurus spp.*, *Channa spp.* and *Lepomis spp.*

The Scientific Forum pointed out that this was the first time it was asked to consider risk assessments for a genus rather than a single species. COM confirmed that following recital

(10) of Regulation (EU) 1143/2014, the inclusion of taxonomic groups of species on the Union list is possible. However the criteria for inclusion on the list under Article 4(3) of the Regulation have to be met for each of the concerned species. Therefore risk assessments for a genus rather than single species could be considered if all elements under Article 5(1) of the Regulation are addressed appropriately for each of the species.

The Scientific Forum considered that the risk assessments under consideration did not provide clear conclusions for each of the species. It recommended that it would be more appropriate to have separate risk assessments for the different species, not necessarily per species but also per group of species if appropriate (i.e. if they have very similar characteristics, impact and risk profile). Furthermore, species for which there is very little information should be assessed separately from those on which more information is available. In particular, more effort should be done to explain the different levels of certainty about potential impacts between better and less documented species. Issues of possible misidentification between the different species should be better explained as well. The Forum also discussed the fact that a species should not be assessed as a high risk species simply because it is difficult to distinguish it from another species that has been assessed as high risk. The decision on whether such species should be listed then lies with the IAS Committee.

The authors will be asked to revise the risk assessments, reorganising the material and providing more information where needed on the basis of the Scientific Forum comments.

9. Risk assessment for *Neovison vison*

The Scientific Forum considered that the risk assessment is overall of good quality but asked for:

- more detailed information on the socio-economic benefits of the species; better reflection of the different importance of the species for different sectors (rather not important for hunting, very valuable for fur farming as well as for fisheries e.g. in Finland as fur farms absorb large part of production as feed etc.); appropriate extracts of recent studies, previous risk assessments and other information recently submitted to be included;
- better reflection of the impact of measures taken by the fur industry over the last years to prevent escapes from fur farms;
- scores in answer to certain questions (e.g. the likelihood of entry) to be re-evaluated;
- considerations of previous comments that seem not to have been addressed in the last version of the risk assessment.

DK and FI called to include an assessment of the economic value of mink in each Member State. Other Forum Members and COM stressed that the risk assessment is intended to assess the risks posed by a species: risk of entry, establishment and spread, risks to biodiversity and ecosystems services. Whereas the risk assessment should include according to Art.5(1)(h) of the IAS Regulation a description of the known uses of the species and the resulting socio-economic benefits, authors cannot be expected to know the exact situation in each EU Member State. Considerations on the exact economic value of the species for certain sectors will be relevant for the risk management part of the exercise, i.e. for discussions within the IAS Committee as to whether a species meets the criteria for listing. COM reassured that any relevant document or other information related to the economic value of a species it receives will be transmitted to the IAS Committee so that it will be enabled to take an informed

decision. DK considered problematic that there seems to be a lack of a formal process to systematically compile information on socio economic aspects for each Member States. Some members agreed that the information is relevant, but in the context of the discussions of the IAS Committee on whether to list a species, not for the discussion on the risk posed by a species.

DK made a statement and asked for this statement to be annexed to the minutes of the meeting. See Annex.

Conclusion:

- The members of the Scientific Forum should send any further comments on the risk assessments to COM by 17 November 2017. This can be done with track changes in the document. COM will distribute the comments to the authors and agree with them upon the timing for resubmission.
- For those risk assessments that were considered as good quality and for which the risk assessment concluded a higher than low risk (*Ailanthus altissima*, *Cardiospermum grandiflorum*, *Gymnocoronis spilanthoides*, *Salvinia molesta*, *Pistia stratiotes* and *Neovison vison*), the revised risk assessments will be distributed to the Scientific Forum and members will be asked for their opinion via e-mail. Timing will depend on when the revised risk assessments will be made available.
- COM will inform the IAS Committee at its next meeting of the discussions within the Scientific Forum.

Evaluation of working method on submission and review of risk assessments and discussion on working method on submission and review of risk management information

The experience from implementing the [working method](#) agreed at previous meetings was discussed. The Scientific Forum was overall satisfied.

The following aspects were raised:

- The length of risk assessments: some risk assessments are too long. COM explained that there could be no limit to the maximum length of the risk assessments since all necessary material for completing a risk assessment should be appropriately reflected. However attention should be paid for example to appropriately summarise and reference the material rather than just copying large parts of the underlying sources. Authors should also strive to avoid including information that is not relevant to the question being asked and to focus efforts on parts of the risk assessment most relevant to assessing the risk of the species in question.
- The timing between the different steps of the process: it should be adjusted depending on the number of risk assessments under consideration, so as to give the reviewers enough time to thoroughly examine the material.

In order to keep the workload of the Scientific Forum manageable, it was also agreed that risk assessments resulting in a low risk score, would not need to be evaluated by the Scientific Forum. These would however remain publicly available, so as to enable

stakeholders or the scientific community to provide further evidence that could potentially change the risk score.

- The frequency of the process: it was suggested that, since there is no obligation for the list to be updated every year, it would not be always necessary to have a yearly cycle for the consideration of risk assessments. COM explained that the frequency of updating a list is a separate discussion from the running of yearly cycles for risk assessments. The working method agreed with the Scientific Forum fixed one date every year for submitting risk assessments, so that the work load would be more predictable for the Scientific Forum. There is no obligation for anyone to submit risk assessments, but neither there is any legal basis from stopping anyone from submitting a risk assessment for consideration. Considering risk assessment to assess their robustness would in any case not necessarily lead to a yearly update of the list. The updating of the list depends not only on the availability of robust risk assessments but also on other considerations, including the opinion of the IAS Committee.
- The template for revision of risk assessments by the members of the Scientific Forum: it was agreed that members could either work with the template or provide their comments in track changes on the risk assessments as they consider most convenient.
- Replies from authors: the Scientific Forum insisted that the authors of the risk assessments should provide detailed reports on how all comments have been taken into account, as this was not the case for all risk assessments discussed at this meeting. Attention should be given to explain how contradicting comments have been addressed.

In this context a proposal was made to add a further step in the working method between the review of the risk assessment and the resubmission by the author of a revised risk assessment to the Scientific Forum for its final opinion. This step would allow the reviewers to confirm that comments on the first versions of risk assessments have been satisfactorily addressed before a second version is submitted to the Scientific Forum for the delivery of an opinion.

- Role of the Scientific Forum in the review of risk management information: in a previous meeting (5th meeting on 9 February 2017) the Scientific Forum had asked to discuss their role in reviewing the risk management information available.

The minutes of that meeting state: "*The need to develop a working method on submission and review of risk management information was identified. Members were invited to submit any proposals to COM with a view to discuss this in one of the upcoming meetings.*".

No proposals have been received from the Scientific Forum but COM, in the framework of work carried out with external contractors, has explored how to collate information on the management of the species. Samples of this work are available here: <https://circabc.europa.eu/w/browse/ead324a2-f37a-461d-b6bf-b3870c7308ce>
COM invited the members to examine these samples and inform COM whether they consider that the Scientific Forum should be involved in development/review of such information.

Conclusion:

- As of the next cycle in the examination of risk assessments, the working method will be adjusted to introduce a step allowing the reviewers to confirm that comments on the first versions of risk assessments have been satisfactorily addressed before a second version is submitted to the Scientific Forum for delivery of an opinion.
- The timing between the different steps will be adjusted depending on the number of risk assessments under consideration.
- Risk assessment concluding on a low risk score would not be submitted to the Scientific Forum for review.

AOB

1. IAS and Green Public Procurement

COM delivered a short presentation on work carried out by the Commission Joint Research Centre towards establishing EU Green Public Procurement criteria for public space maintenance. The members were invited to send any relevant information they wished to share (e.g. codes of conduct, national/regional lists of native/non-invasive plants promoted for use instead of invasive alien species) by e-mail to jrc-public-space-maintenance@ec.europa.eu.

2. Taxonomy of *Herpestes javanicus*

COM introduced for discussion the question "What is the most commonly accepted current name for *Herpestes javanicus* É. Geoffroy Saint-Hilaire, 1818?". The material made available to the Scientific Forum prior to the meeting can be found here:

<https://circabc.europa.eu/w/browse/f0b32084-33a9-4314-b8ae-ab6726e49566>

Herpestes javanicus É. Geoffroy Saint-Hilaire, 1818 has been included on the Union list on the basis of the nomenclature in [ITIS](#) according to which:

- [Herpestes auropunctatus](#) (Hodgson, 1836) – invalid – Indian mongoose
- [Herpestes javanicus auropunctatus](#) (Hodgson, 1836) – valid
- [Herpestes javanicus](#) (É. Geoffroy Saint-Hilaire, 1818) – valid – Small Asian Mongoose, Javan mongoose, Indian mongoose

This understanding is indicated in the [risk assessment](#) underpinning the decision to include the species on the list. The risk assessment refers to the species introduced and established in Croatia.

The same approach is followed by the Species+ database developed by UNEP-WCMC and the CITES Secretariat, a website designed to assist Parties with implementing CITES, CMS and other multilateral environmental agreements (MEAs):

https://www.speciesplus.net/?document_type=CitesSuspensions%20-%20/taxon_concepts/12195/names#/taxon_concepts/6973/legal

https://www.speciesplus.net/?document_type=CitesSuspensions%20-%20/taxon_concepts/12195/names#/taxon_concepts/12195/legal

However, COM has received comments questioning this approach, considering in particular that *Herpestes javanicus* and *Herpestes auropunctatus* are distinct species, with new names: *Urva auropunctata* and *Urva javanica*. This is for example mentioned in the IUCN red list:

<http://www.iucnredlist.org/details/70203940/0>

<http://www.iucnredlist.org/details/70204120/0>

Conclusion:

The Scientific Forum considered that nomenclature of species evolves and as far as possible lists in legislation should follow them. However it considered that it would not be appropriate to deliver a recommendation as the issue relates to both the Union list and CITES. Besides the nomenclature question, the practical aspects of having to implement different reference lists for different pieces of legislation should be considered very carefully. A pragmatic approach should be found. According to explanations provided at time of inclusion on the list, both species should be considered covered, either as species *Herpestes javanicus* and subspecies *Herpestes javanicus auropunctatus* or as two species resulting from the split of the species initially listed. COM would discuss the issue with the IAS Committee as well at its next meeting.

3. Taxonomy of *Pennisetum setaceum rubrum*

COM introduced the question on the taxonomy of *Pennisetum setaceum rubrum* vs. *Pennisetum advena* Wipff & Veldkamp. The material made available to the Scientific Forum prior to the meeting can be found here:

<https://circabc.europa.eu/w/browse/00d961d6-9e4a-437e-b7c1-4b766239bd4f>

Following the inclusion of *Pennisetum setaceum* (Forssk.) Chiov. on the Union list COM had received several questions on whether sterile varieties or hybrids of *Pennisetum setaceum* are included on the list. This had already emerged before the adoption of the list. Having found no conclusive evidence that varieties or hybrids of *Pennisetum setaceum* (Forssk.) Chiov. are 100% sterile, COM had advised the Member States that all varieties or hybrids of *Pennisetum setaceum* (Forssk.) Chiov. are included on the Union list.

More recently COM received claims that *Pennisetum setaceum* 'Rubrum' should actually be considered as a distinct species with the name *Pennisetum advena* Wipff & Veldkamp or more recently *Cenchrus advena* (Wipff & Veldkamp) Morrone. This would lead to consider that several commercial *Pennisetum* varieties and hybrids that are patented/registered as cultivars selected from *Pennisetum setaceum* 'Rubrum' should not be included on the Union list.

Conclusion:

The Scientific Forum considered it premature to deliver an opinion on whether *Pennisetum setaceum* 'Rubrum' should be excluded on the Union list as it would need to look more in depth into existing evidence and so far did not find enough evidence that such cultivars are indeed sterile and do not reproduce vegetatively or that they should be considered as a different species. COM would discuss the issue with the IAS Committee as well at its next meeting.

4. Conclusions/recommendations/opinions

See conclusions above

Next steps

See conclusions above

5. Next meeting

The next meeting is foreseen to take place in the first quarter of 2018.

6. List of participants

RABITSCH W.	AT
VANDERHOEVEN S.	BE
DESNICA S.	HR
PEKNICOVA J.	CZ
BALD C., MUNCRIEF S., NYEGAARD H.	DK
LINNAMAGI M.	EE
MONONEN J., URHO L.	FI
NEHRING S.	DE
MULLER S.	FR
CZIRAK Z.	HU
MARNELL F.	IE
GUDZINSKAS Z.	LT
RIES C., DE SOUSA T.	LU
VILKASTE D.	LV
FILIPOVIC M.	MT
LEUVEN R.	NL
SOLARZ W.	PL
MARCHANTE E.	PT
ANASTASIU P.	RO
GOJDICOVA E.	SK
ROZMAN S.	SI
GARCIA-BERTHOU E.	ES
LANGE H., LETTEVALL E.	SE
BOOY O.	UK
BASTINO V.	COM
DUMORTIER M.	COM
FLEVARIS S.	COM
LEINER S.	COM

Annex: Statement made by DK

Thank you, Mr. Chairman and good morning to everyone,

Denmark is deeply concerned about the proposal to include the American mink on the Union list. Denmark does not consider a listing of the American mink a viable or necessary option due to its significance to the European economy and the strict fencing regulations in Denmark

While we are aware that the role of this Scientific Forum is to give its opinion on the risk assessments put forward by Portugal, we find it necessary at this point to underline that according to article 4(6), the Commission shall give due consideration to the socio-economic aspects. This paragraph was originally inserted into the regulation to avoid a listing of the American mink and other economically important species, which will have huge negative socio-economic consequences for some member states, including Denmark. Commissioner Janez Potočnik stated in March 2014 that "This system fully takes into account the concerns of established commercial sectors with strict rules aimed at preventing species escape and spread.

An upcoming report from the Danish Centre for Environment and Energy under Aarhus University will provide information on the development in the population of free-living mink in Denmark and its relation to the regulations in Denmark.

Therefore, Mr. Chairman, we urge the Commission to consider this and halt the process towards including the American mink on the second update of the Union list.

As we have previously stated, we do not find it appropriate to update the Union list yet. Article 4(2) in the regulation states that The Commission shall undertake a comprehensive review of the Union list at least every six years and in the meantime update it as appropriate. We are aware that the risk assessments submitted by

Member States must be dealt with, but it does not need to happen in a speed that does not allow us to gather experiences from the existing Union lists. We therefore propose that the Working method of the Scientific Forum on Risk Assessments is revised. The deadline for when the proposals for species for an update of the list of IAS of Union concern need to be submitted of once per year must be changed to allow for a more reasonable and solid way of implementing the regulation.

More specifically on the risk assessment for American mink – it still requires major revision to comply with the criteria in the regulation. Firstly, it does not properly reflect the socio-economic benefits for all relevant Member States. Secondly the risk assessment should properly reflect the strict and effective regulations in Denmark and other member states to eliminate the risk of escape. These experiences should be shared and other member states should make similar rules instead of including mink on the Union list.

Mr. Chairman, let me sum up:

Denmark do not agree with the hasty process of updating the Union list, as it does not allow us to gain from our experiences and thereby risks to led to cost-inefficient actions

Denmark can in no way accept American mink on the Union list, as it will undermine a well-established and well-functioning industry in Denmark and other Member States and thereby also the livelihood and jobs of many European citizens.

Denmark finds the risk assessment inadequate in many aspects and finds it incomprehensible that many of our comments and contributions have not been taken on board.

Thank you, Mr. Chairman/Mrs. Chair.