



Daniel Calleja Crespo
Director General - DG Environment
European Commission
B-1049
Brussels
Belgium

Dear Mr. Crespo:

This letter is to inform European Union (EU) authorities of the serious concerns the United States and Canada have with the risk assessment used to support Sweden's proposal, dated January 18, 2016, to include the species *Homarus americanus* on the EU list of invasive alien species (IAS).

With our huge freshwater resources and extensive coastlines, the United States and Canada are especially vulnerable to the threat of aquatic IAS. With this understanding, we share Sweden's, and the EU's as a whole, concern on the introduction and spread of IAS. We also trust there is a shared acknowledgement of the need for supporting scientific evidence to guide governments' efforts to address this threat. We wish to stress the need for any measure intended to curb the introduction and spread of IAS to be based on robust, peer-reviewed science, and to be no more restrictive on trade than necessary to achieve these objectives, as outlined in the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

The Swedish risk assessment has undergone a preliminary analysis by a number of scientists from Canada and the United States, including from the United States' National Marine Fisheries Service (NMFS) and Canada's Department of Fisheries and Oceans (DFO). These preliminary analyses from NOAA and DFO, as well as an independent white paper response (April 12, 2016) by Dr. Robert S. Steneck, Professor of Marine Biology at the University of Maine are included with this correspondence.

Among other claims, the Swedish risk assessment finds that there is a high risk of *Homarus americanus* successfully reproducing and overpowering the native *Homarus gammarus* in EU waters, with a major/massive ecological and economic impact. Our initial findings suggest that these conclusions are not supported by the best available science. There is no evidence of successful life cycle completion or establishment of *Homarus americanus* populations, or of negative impacts to biodiversity or related ecosystems, when introduced (deliberately or otherwise) outside of its native range in western North Atlantic waters.

It is the collective position of Canada and the United States that, for the Swedish risk assessment to be fully evaluated, complete information about the risk assessment model and methodology used, including supporting documentation is required.

We respectfully request any supporting documentation about the model and methodology used to develop the risk assessment document, including any records of how individual risk

and uncertainty scores were assigned and then combined to arrive at the final overall levels of risk and uncertainty, so that we may perform a more thorough scientific evaluation of the risk assessment.


In addition to these scientific issues, the potential socio-economic impact of the proposed measure, including impacts on international trade and trading partners has not been properly assessed in the risk assessment. We share the spirit of Regulation 1143/2014 that any decision to include a species into the EU list of IAS should be balanced and should take the costs and benefits of such decisions into consideration. Paragraph (13) of Regulation 1143/2014 says:

“To ensure compliance with the rules under the relevant Agreements of the WTO and the coherent application of this Regulation, common criteria should be established to carry out the risk assessment. Where appropriate, those criteria should be based on existing national and international standards and should encompass different aspects of the characteristics of the species, the risk and modes of introduction into the Union, the adverse social, economic and biodiversity impact of the species, the potential benefits of uses and the costs of mitigation to weigh them against the adverse impact, as well as on an assessment of the potential costs of environmental, social and economic damage demonstrating the significance for the Union, so as to further justify action.”

The socio-economic impact of adding *Homarus americanus* to the EU IAS list is significant, not only for Canada and the United States, but also for Europe. Collectively, Canada and the United States export over US \$200 million worth of live lobster to the EU. This represents a significant economic driver for numerous coastal communities involved directly and indirectly in the lobster fishery all along the northern Canadian and American coasts. From a European perspective, live lobster from North America generates investments, employment and economic returns for the EU, and the entire supply chain, from storage, handling, importing, freight forwarding, processing, and distribution, to the retail sector and the catering and restaurant industries. All would be severely impacted by the inclusion of *Homarus americanus* on the EU’s list of invasive alien species.

Based on the initial reviews undertaken by Canada and the United States of the Swedish risk assessment, both countries conclude that it does not provide sufficient basis for the European Union to place *Homarus americanus* on its list of invasive alien species, and we believe that Sweden’s request should not be considered on these grounds.

Thank you for your consideration.


Tom Rosser
Senior Assistant Deputy Minister
Fisheries and Oceans Canada

Eileen Sobeck
Assistant Administrator
National Marine Fisheries Services

cc: Jean-Luc Demarty, Director General- DG Trade
João Aguiar Machado, Director General- DG Marine Affairs and Fisheries