

**Question for written answer E-009003/2014
to the Commission**

Rule 130

Norbert Erdős (PPE)

Subject: How does the Commission legally justify prohibiting the planting of clearly non-indigenous tree species?

In my opinion the Commission has committed a severe breach of the law in that Delegated Regulation (EU) No 639/2014 adds a new essential element to Regulation (EU) No 1307/2013 on direct payments to farmers.

Under Article 4(1)(k) and (2)(c) of the Regulation on direct payments, it is for the Member States to define the tree species which may be grown for short rotation coppice. However, in Article 45(8) of Regulation 639/2014/EU, the Commission states that 'Member States shall establish a list of species that can be used for this purpose...excluding species that are clearly not indigenous'.

The prohibition on growing clearly non-indigenous tree species, as well as contradicting Article 4 of the Regulation on indirect payments, also significantly restricts European farmers' ability to establish short rotation coppice in ecological focus areas with tree species that are appropriate – not indigenous, but present in Europe for centuries – such as acacia and poplar. The farmers are thus not given an appropriate incentive - even though this is a priority objective of EU energy policy! - to reduce their expenditure by means of renewable energy obtained from biomass.

In the light of the above, I should like to ask the Commission:

1. How does it legally justify prohibiting the planting of clearly non-indigenous tree species? What legal provision authorises the Commission to take such action?
2. How and when does the Commission propose to amend Regulation No 639/2014/EU?