



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
BD/sn/agri.ddg1.b.4(2018)1089495

Dear Ms Meinander,

Thank you for the additional clarification (our reference: Ares (2018) 949820) you gave with regard to your question on drone larvae (our reference: Ares (2017) 5517080). Please accept my apologies for the very late reply.

You ask whether organic beekeepers can harvest drone larvae for human consumption and if yes, if such drone larvae can be placed on the EU market as organic under the current organic rules laid down in Council Regulation (EC) No 834/2007¹ and Commission Regulation (EC) No 889/2008². In particular, you are wondering whether the restriction on the practice of destroying male brood (laid down in Article 25(3) of Regulation (EC) No 889/2008), which is permitted only to isolate the infestation of *Varroa destructor*, could be an obstacle for harvesting and marketing such drone larvae.

Live animals including drone larvae are covered by Annex I to the Treaty of the Functioning of the European Union. Therefore, drone larvae are agricultural products falling within the scope of Regulation (EC) No 834/2007 under point (a) of Article 1(2) – live or unprocessed agricultural products.

According to Articles 1 and 7 of Regulation (EC) No 889/2008, the referred Regulation lays down detailed production rules for several species, including bees. A drone is a male bee and therefore, drone larvae are livestock species covered by the scope of Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007.

As a consequence, a beekeeper producing drone larvae on the territory of a Member State will have to respect the overall principles of Title II and the (relevant) general production rules laid down in Title III of Regulation (EC) No 834/2007 and the detailed production rules for bees laid down in Regulation (EC) No 889/2008.

You enquire whether the restriction on the practice of destroying male brood (laid down in Article 25(3) of Regulation (EC) No 889/2008), which is permitted only to isolate the

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522068884858&uri=CELEX:02007R0834-20130701>

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522068962286&uri=CELEX:02008R0889-20180101>

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infestation of *Varroa destructor*, could be an obstacle for harvesting and marketing such drone larvae as organic. This provision is applicable in the context of disease prevention and veterinary treatment in beekeeping. Therefore such restriction is not relevant when the male broods are harvested with the purpose to be used as food.

Finally please note that before these drone larvae may be placed on the EU market as organic food, they will have to be authorised in the first place under the Regulation on novel foods and would need to respect the general requirements under the food law³, including the food hygiene Regulation⁴.

The present opinion is provided on the basis of the facts as set out in your emails of 28 November 2017 and of 9 February 2018 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



p.o. Nicolas VERLET
in absence of
Nathalie SAUZE-VANDEVYVER

³ Council Regulation (EC) No 178/2002 <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002R0178&from=EN>

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522070210672&uri=CELEX:02004R0852-20090420>