



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

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I would like to thank you for your email of 15 January regarding organic beekeeping¹.

You highlight in your email that it appears that the rules on organic beekeeping may not be implemented in the same way in the different Member States and you ask whether information is available on how the organic regulation is applied, in particular regarding the sources of food (nectar and pollen) foraged by bees. You would also like to know how the different Member States apply the rules on the pollination of crops that are not organic with colonies that are under certification (i.e. colonies certified organic that are used along the year, first to produce spring honey, then for the pollination of non-organic crops, but that no other beekeeping product is produced from them during the crop pollination period, then production of summer/autumn honey). In some countries, it appears that these colonies were always certified organic, but with the new organic legislation some countries are considering that such colonies could not be certified as organic anymore.

I would like to highlight that the new legislation on organic production and labelling of organic products, Regulation (EU) 2018/848², applies from 1 January 2022 and that, while some provisions on beekeeping remained identical to those laid down in the previous organic Regulations³, some changes were introduced.

This is in particular the case compared to the previous provisions on the management of beekeeping units for the purpose of pollination. Article 41 of Regulation (EC) 889/2008 stated: *“Where the conditions laid down in Article 22(2)(a) of Regulation (EC) No 834/2007 apply, for the purpose of pollination actions an operator may run organic and non-organic beekeeping units on the same holding, provided that all the requirements of the organic production rules are fulfilled, with the exception of the provisions for the*

¹ Ares (2022)342317

² Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, (OJ L 150, 14.6.2018, p. 1–92). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02018R0848-20220101>

³ Regulation (EC) No 834/2007 [CL2007R0834EN0020010.0001.3bi cp 1..1 \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02007R0834-20220101) and Regulation (EC) No 889/2008 [EUR-Lex - 02008R0889-20210101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02008R0889-20210101)

siting of the apiaries. In that case the product cannot be sold as organic. The operator shall keep documentary evidence of the use of this provision.” It is important to recall that these provisions were based on Article 22 (2), point (a), of Regulation (EC) No 834/2007 related to exceptional production rules, which was requiring in particular that “*exceptions [...] shall be kept to a minimum and, where appropriate, limited in time and may only be provided for in the case where they are necessary in order to ensure that organic production can be initiated or maintained on holdings confronted with climatic, geographical or structural constraints.*”

These provisions were not maintained in Regulation (EU) 2018/848 and, consequently, beekeeping operators cannot derogate anymore to the rules for the siting of apiaries for the purpose of pollination actions starting from 1 January 2022.

Regarding the sources of food (nectar and pollen) foraged by bees, it appears that there were differences of implementation between different Member States of the previous provisions regarding the siting of apiaries that were laid down respectively in Article 14 (1), point (b)(ix), of Regulation (EC) No 834/2007⁴ and Article 13(1) of Regulation (EC) No 889/2008⁵; since these previous provisions were maintained in point 1.9.6.5 (a), (b) and (c) of Part II of Annex II to Regulation 2018/848⁶, I agree that there is a need to clarify the situation with the Member States. Hence, the implementation of the rules of organic beekeeping will be put on the agenda of the next Committee on Organic Production planned in early March.

⁴ Article 14 (1), point (b) (ix), of Regulation (EC) No 834/2007 “*apiaries shall be placed in areas which ensure nectar and pollen sources consisting essentially of organically produced crops or, as appropriate, of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods. Apiaries shall be kept at sufficient distance from sources that may lead to the contamination of beekeeping products or to the poor health of the bees;*”

⁵ Article 13 of Regulation (EC) No 889/2008 Specific requirements and housing conditions in beekeeping “*1. The siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops and/or spontaneous vegetation and/or crops treated with low environmental impact methods equivalent to those as described in Article 36 of Council Regulation (EC) No 1698/2005 (1) or in Article 22 of Council Regulation 1257/1999 (2) which cannot affect the qualification of beekeeping production as being organic. The above mentioned requirements do not apply where flowering is not taking place, or the hives are dormant.*”

⁶ 1.9.6.5. Housing and husbandry practices “[...] (a) *apiaries shall be placed in areas which ensure the availability of nectar and pollen sources consisting essentially of organically produced crops or, where appropriate, of spontaneous vegetation or non-organically managed forests or crops that are only treated with low environmental impact methods;* (b) *apiaries shall be kept at sufficient distance from sources that may lead to the contamination of apiculture products or to the poor health of the bees;* (c) *the siting of the apiaries shall be such that, within a radius of 3 km from the apiary site, nectar and pollen sources consist essentially of organically produced crops or spontaneous vegetation or crops treated with low environmental impact methods equivalent to those provided for in Articles 28 and 30 of Regulation (EU) No 1305/2013 which cannot affect the qualification of beekeeping production as being organic. That requirement does not apply where flowering is not taking place, or the bee colonies are dormant;*”

The present opinion is provided on the basis of the facts as set out in your e-mail 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 European Court of Justice to provide a definitive interpretation of the applicable Union law

Yours faithfully,

