

EXPLANATORY MEMORANDUM TO
THE BEE DISEASES AND PESTS CONTROL (ENGLAND) (AMENDMENT) ORDER
2010

2010 No. 2363

1. This explanatory memorandum has been prepared by The Food and Environment Research Agency (Fera) an executive agency of The Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

2.1 The Bee Diseases and Pests Control (England) Order 2006 currently implements the post import controls on bees which are laid down in Commission Decision 2003/881/EC. This Decision has now been replaced by Commission Regulation (EU) No 206/2010 which is directly applicable. Although the post import control requirements are unchanged, for legal reasons the new instrument is needed to remove the domestic measures on these controls from the Order and replace them with provisions which simply enforce those in the Regulation.

2.2 The instrument also clarifies that the requirements regarding the provision of facilities and other obligations to an authorised person, where reasonably required for the purposes of the Order, applies in cases where either a notifiable disease or notifiable pest is suspected.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 The Bee Diseases and Pests Control (England) Order 2006 currently implements the post import controls on bees imported from third countries which are laid down in Commission Decision 2003/881/EC. These require importers of queen bees to send attendant worker bees, queen cages and any other material that accompanied the queen bees from their third country of origin to a laboratory (in England this is Fera's National Bee Unit) for examination for the presence of the small hive beetle and tropilaelaps mites – two serious notifiable pests of bees which are not found in the European Union. Less onerous controls also apply to the importation of bumble bee colonies from third countries.

4.2 Commission Decision 2003/881/EC has now been revoked and replaced by Commission Regulation (EU) 206/2010. The Regulation includes the same post import

control provisions as the Decision. However, for legal reasons, as the Regulation is directly applicable, the provisions in the Order must be removed and replaced by provisions which simply enforce those in the Regulation. A Transposition Note is attached to this Memorandum. Commission Regulation (EU) 206/2010 was not subject to scrutiny by the EU Scrutiny Committee.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The objective of the Bees Act 1980 and Orders made under it is to ensure as far as possible that the spread of serious endemic bee diseases and the introduction of exotic bee pests is minimised. Honey bees make an important contribution to the sustainability of agriculture and to biodiversity through their pollination role. The economic value of pollination of commercial crops by bees is estimated at around £120-200m p.a. while honey production fluctuates between £10-£30m p.a.. However, the beekeeping sector is fragmented; there are estimated to be some 33,000 beekeepers in England (managing around 230,000 colonies of bees) but only around 300 commercial beekeepers. This fragmentation contributes to the sector's difficulties in addressing bee health issues and makes government intervention on disease control necessary to maintain uniform standards of enforcement.

7.2 The post import controls applying to consignments of bees from third countries laid down in the EU legislation are aimed at preventing the introduction and spread of the two notifiable pests, small hive beetle and tropilaelaps mites. These pests have not been found in the EU. There were 63 consignments of bees imported from third countries into England in 2009.

7.3 The Order currently provides for beekeepers and other persons to provide facilities and other information, such as number, locations and movements of hives, to an authorised person, where reasonably required for the purposes of the Order. The provision in the Order is being amended to clarify that this requirement applies in cases where notifiable diseases are found as well as notifiable pests.

8. Consultation outcome

8.1 No consultation was carried out as there are no practical changes to the current arrangements for stakeholders.

9. Guidance

9.1 No formal guidance has been prepared as there are no changes to the current arrangements. However, Fera's National Bee Unit's BeeBase website will be updated with the new legislative references.

10. Impact

10.1 There is no additional impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument. An assessment was prepared for the Bee Diseases and Pests Control (England) Order 2006 and is attached to that Order on the OPSI website.

11. Regulating small business

11.1 The legislation does apply to small business but the impact will be unchanged by this instrument.

12. Monitoring & review

12.1 A comprehensive review of the Bee Diseases and Pests (Control) Order 2006 is planned before the end of the year.

13. Contact

Kim Chadwick at the Food and Environment Research Agency Tel: 01904 465636 or email: kim.chadwick@fera.gsi.gov.uk can answer any queries regarding the instrument.

ANNEX

TRANSPPOSITION NOTE FOR THE BEE DISEASES AND PESTS CONTROL (ENGLAND) (AMENDMENT) ORDER 2010

The Bee Diseases and Pests Control (England) (Amendment) Order 2010 provides enforcement provisions for the post import control measures on bees that are part of Commission Regulation (EU) 206/2010. These provisions are set out in the table below.

Commission Regulation (EU) 206/2010 Article	Purpose	The Bee Diseases and Pests Control (England) (Amendment) Order 2010 Article (ref to original Order)	Responsibility
7 and 13(1)	Requires queen bees imported from a third country to be transferred to new (queen) cages at their designated destination before introducing them to new local colonies.	Article 11(1)(a)	Consignees
7 and 13(2)	Requires the (queen) cages, attendant worker bees and other material that accompanied the queen bees from their third country of origin to be sent to a laboratory designated by the competent authority for examination for the presence of the small hive beetle and tropilaelaps.	Article 11(1)(b)	Consignees
7 and 13(3)	Requires that the container and all the material that accompanied the bumble bees from the third country of origin be destroyed either during or immediately at the end of the life span of the colony.	Article 11(2)	The owner or person in charge of the bees.