



C/2024/2874

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COMMISSION NOTICE

Questions and answers on the implementation of EU rules on organic beekeeping

(Text with EEA relevance)

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This document provides answers to questions that the Commission services have received in relation to the implementation of EU rules on organic beekeeping.

This document is intended to assist national authorities and businesses in the application of these EU rules. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

RIPAC <sup>(1)</sup> NOTE N° 2024-01

SECTOR:	ORGANIC FARMING
MEASURE:	BEEKEEPING
SUBJECT:	FORAGING AREAS – SITING of APIARIES – BEESWAX – PLACING of BEEHIVES
PROVISIONS CONCERNED:	Regulation (EU) 2018/848 <sup>(2)</sup> , Articles 21 and 35; point 1.9.6.5 of Part II of Annex II; Regulation (EU) No 1305/2013 <sup>(3)</sup> , Articles 28 and 30; Regulation (EU) 2021/2115 <sup>(4)</sup> , Articles 31, 70, 72 and 154.

**Question 1: Organic beekeepers must place their apiaries in areas where nectar and pollen sources consist essentially of organically produced crops or spontaneous vegetation or non-organically managed forests or crops treated with low environmental impact methods. What can be considered as low environmental impact methods, as referred to in points 1.9.6.5 (a) and 1.9.6.5 (c) of Part II of Annex II to Regulation (EU) 2018/848?**

**Answer:**

The term 'low environmental impact methods' as referred to in points 1.9.6.5 (a) and 1.9.6.5 (c) of Part II of Annex II to Regulation (EU) 2018/848 is to be understood as referring to methods equivalent to those used under the measures previously provided for in Articles 28 ('Agri-environment-climate') and 30 ('Natura 2000 and Water Framework Directive payments') of Regulation (EU) No 1305/2013, which could not affect the qualification of beekeeping production as being organic.

<sup>(1)</sup> RIPAC (named after its French acronym *Registre d'Interprétation de la Politique Agricole Commune*) is a register and database of interpretative notes on agricultural law.

<sup>(2)</sup> 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).

<sup>(3)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

<sup>(4)</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

Regulation (EU) No 1305/2013 was repealed as of 1 January 2023 by Article 154 of Regulation (EU) 2021/2115 establishing rules on support for strategic plans to be drawn up by Member States under the Common Agricultural Policy (CAP).

Articles 31 ('Schemes for the climate, environment and animal welfare'), 70 ('Environmental, climate-related and other management commitments') and 72 ('Area-specific disadvantages resulting from certain mandatory requirements') of the new CAP Regulation (EU) 2021/2115 allow Member States (under their CAP Strategic Plans) to programme interventions which can deliver environmental benefits, similar to the measures programmed under Articles 28 and 30 of Regulation (EU) No 1305/2013.

The interventions available to Member States as laid down in Articles 31, 70 and 72 of Regulation (EU) 2021/2115 aim to contribute to the specific objectives of the CAP, as set out in particular in points (d), (e), (f) and (i) of Article 6(1) of that Regulation: '(d) to contribute to climate change mitigation and adaptation, including by reducing greenhouse gas emissions and enhancing carbon sequestration, and promoting renewable energy; (e) to foster sustainable development and efficient management of natural resources such as water, soil and air, including by reducing chemicals dependency; (f) contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes; [...] (i) to improve the response of Union agriculture to societal demands on food and health, including high quality, safe and nutritious food produced in a sustainable way, to reduce food waste, as well as to improve animal welfare and to combat antimicrobial resistance.'

As regards the implementation of the EU rules on beekeeping in organic production in Regulation (EU) 2018/848, given that point 1.9.6.5 (c) of Part II of Annex II to Regulation (EU) 2018/848 cross-refers to Articles 28 and 30 of Regulation (EU) No 1305/2013, since 1 January 2023, each Member State must therefore assess whether the interventions programmed in its CAP Strategic Plan to support land under Articles 31, 70 and 72 of Regulation (EU) 2021/2115 ensure that 'spontaneous vegetation or non-organically managed forests or crops' 'within a radius of 3 km around the apiculture site' are 'treated with low environmental impact methods' that do not jeopardise the organic certification of apiculture products in accordance with points 1.9.6.5 (a) and 1.9.6.5 (c) of Part II of Annex II to Regulation (EU) 2018/848:

#### 1.9.6.5. Housing and husbandry practices

With regard to housing and husbandry practices, the following rules shall apply:

- (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;

[...]

- (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;

### **Question 2: Can producers and processors of beeswax be certified as organic operators? If yes, which detailed production rules should apply?**

#### **Answer:**

Beeswax is listed in Annex I to Regulation (EU) 2018/848 and is therefore covered by the scope of that Regulation <sup>(2)</sup> whether it is used for food or feed or other purposes such as replacing beeswax in organic hives.

<sup>(2)</sup> Article 2(1) of Regulation (EU) 2018/848: This Regulation applies to the following products originating from agriculture, including aquaculture and beekeeping, as listed in Annex I to the TFEU and to products originating from those products, where such products are, or are intended to be, produced, prepared, labelled, distributed, placed on the market, imported into or exported from the Union:

- (a) live or unprocessed agricultural products, including seeds and other plant reproductive material;
- (b) processed agricultural products for use as food;
- (c) feed.

This Regulation also applies to certain other products closely linked to agriculture listed in Annex I to this Regulation, where they are, or are intended to be, produced, prepared, labelled, distributed, placed on the market, imported into or exported from the Union.'

As a consequence, a processor or a producer who collects organic beeswax may be certified as 'organic' in accordance with the principles and the relevant rules laid down in Regulation (EU) 2018/848 and its delegated and implementing acts.

Regulation (EU) 2018/848 contains detailed production rules relating to bees and beekeeping. Regulation (EU) 2018/848 also contains several requirements on conversion, and health care, as well as on housing and husbandry practices relating to the beeswax that may be used by organic beekeepers. The provisions of points 1.2.2 (f) <sup>(6)</sup>, point 1.9.6.3 (f) <sup>(7)</sup> and points 1.9.6.5 (e) and 1.9.6.5 (f) <sup>(8)</sup> of Part II of Annex II to that Regulation are, in particular, relevant.

However, Regulation (EU) 2018/848 does not contain any additional detailed rules relating to the production of organic beeswax. As a result, the provisions of Article 21(2) of Regulation (EU) 2018/848 apply:

'2. In the absence of the detailed production rules referred to in paragraph 1:

- (a) operators shall, as regards products referred to in paragraph 1, comply with the principles laid down in Articles 5 and 6, mutatis mutandis with the principles laid down in Article 7, and with the general production rules laid down in Articles 9 to 11;
- (b) a Member State may, as regards products referred to in paragraph 1, apply detailed national production rules, provided that those rules are in accordance with this Regulation, and provided that they do not prohibit, restrict or impede the placing on the market of products which have been produced outside its territory and which comply with this Regulation.'

In the absence of any EU or national production rules, it is therefore the responsibility of the competent authorities, the control authority or the control body responsible for the certification of these operators to decide on a case-by-case basis whether the operators' activity and their production methods 'comply with the principles laid down in Articles 5 and 6, mutatis mutandis with the principles laid down in Article 7, and with the general production rules laid down in Articles 9 to 11.'

**Question 3: In which category of products as referred to in Article 35(7) of Regulation (EU) 2018/848 must beeswax be classified?**

**Answer:**

For the purposes of Articles 35(1) and (4) related to the certificate of operators, beeswax is classified under category (g) of Article 35(7):

'(g) other products listed in Annex I to this Regulation or not covered by the previous categories.'

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<sup>(6)</sup> 'During the conversion period, the wax shall be replaced with wax coming from organic beekeeping. However, non-organic beeswax may be used: (i) where beeswax from organic beekeeping is not available on the market; (ii) where it is proven free of contamination with products or substances not authorised for use in organic production; and (iii) provided that it comes from the cap.'

<sup>(7)</sup> 'With regard to health care, the following rules shall apply: [...] (f) if a treatment is applied with chemically synthesised allopathic products, including antibiotics, other than products and substances authorised pursuant to Articles 9 and 24 for use in organic production, for the duration of that treatment, the treated colonies shall be placed in isolation apiaries and all the wax shall be replaced with wax coming from organic beekeeping. Subsequently, the conversion period of 12 months laid down in point 1.2.2 shall apply to those colonies.'

<sup>(8)</sup> '(e) the beeswax for new foundations shall come from organic production units; (f) only natural products such as propolis, wax and plant oils may be used in the hives;'