

EXPLANATORY MEMORANDUM TO
THE BEE DISEASES AND PESTS CONTROL (ENGLAND) ORDER 2006
2006 No. 342

1. This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Bee Diseases and Pests Control (England) Order 2006 amends existing disease control measures to protect the health of the English honey bee population and implements post import controls on consignments of bees from third countries, which are aimed at preventing the introduction and spread of new invasive bee pests.

2.2 The Order revokes and replaces the Bee Diseases Control Order 1982 and revokes the Importation of Bees Order 1997, insofar as they apply in England.

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

3.1 None.

4. **Legislative Background**

4.1 The Bees Act 1980 makes provision for the control of diseases and pests affecting bees. Current legislation made under the Act - the Bee Diseases Control Order 1982 and the Importation of Bees Order 1997 – needs modifying to take account of recent developments in domestic disease control and in the EU law that regulates the importation of bees from third countries.

4.2 The Bee Diseases and Pests Control (England) Order 2006 requires beekeepers (and others) to notify the Secretary of State of the suspicion of the presence of the notifiable diseases, American and European foul brood, which are already present in England, and of two new bee pests, the small hive beetle and tropilaelaps mites. Both pests are exotic to the EU but are considered serious threats to the economic sustainability of the apiculture sector. The European Commission has strengthened EU bee health biosecurity by harmonising import controls across the Community so as to reduce the risk of the introduction of the exotic pests through imports. The Order no longer provides a notification requirement for Varroasis, since varroa, the parasitic mite that spreads the disease, is now endemic.

4.3 In response to a notification of a suspected notifiable disease or pest, restrictions will be imposed on the movement of anything that might spread the disease or pest until an authorised bee inspector has visited the affected premises to confirm the identification and a decision has been made on action to eradicate or control the outbreak. The Secretary of State may also declare an infected area and implement control measures within it, if the small hive beetle or tropilaelaps has been found present in that area.

4.4 The Order also implements the part of Commission Decision 2003/881/EC (as amended by Commission Decision 2005/60/EC) that applies to consignments of queen bees imported from third countries once they have reached their designated destination. In

particular, importers are required 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 for examination for the presence of the small hive beetle and tropilaelaps mites. Alternative less onerous conditions apply to imports of single bumble bee colonies bred under environmentally controlled conditions in the third country of origin. A Transposition Note is attached to this Memorandum. Commission Decision 2003/881/EC was not subject to scrutiny by the EU Scrutiny Committees.

4.5 As a consequence of the harmonised rules established by Commission Decision 2003/881/EC, beekeepers/ importers are no longer required to obtain a licence from Defra to import bees from third countries.

4.6 The Order will be enforced by bee inspectors from the Central Science Laboratory's National Bee Unit, which is responsible for implementing the Department's bee health programme in England.

5. Extent

5.1 This Order applies in relation to England only.

6. European Convention on Human Rights

6.1 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 risk of 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 It is necessary to update the bee health legislation, not least because existing statutory provisions do not enable the Department to implement control measures to manage an outbreak of the small hive beetle or tropilaelaps should they be discovered in the future. At the same time, the Department has also concluded that statutory controls for varroa are no longer considered necessary and should now be relaxed.

7.3 The Department invited 74 external stakeholders to comment on the Order, and placed the consultation documents on the Defra website. Six responses were received, two of which commented about contact details on the list of stakeholders consulted. Of the remaining 4 replies, two expressed general support of the Order's overall intentions. Two respondents also commented on import related issues, in particular about the revoking of the licensing arrangements and the extent of statutory powers to enforce compliance with the import requirements. Defra has responded to these concerns by clarifying the import

requirements in the guidance note explaining the provisions in the Bee Diseases and Pests Control (England) Order (which was issued as part of the consultation). Defra will also issue a separate guidance note setting out the procedures for importing bees. One respondent requested compensation for ornamental plant growers for financial losses incurred through actions to protect bee health. The Department has noted the request. However, it has been longstanding policy not to pay compensation for losses arising from statutory measures to eradicate notifiable bee pests or diseases. And, in the case of ornamental growers, any costs associated with a finding of the small hive beetle are expected to be minimal, on the basis that the risks of a finding of the beetle in a nursery are considered to be small and any controls in the form of destruction restricted in most instances to the pest itself rather than of plant products.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this Memorandum.

8.2 There is no additional impact on the public sector. The Order principally amends the list of notifiable diseases and pests of honey bees, and updates and consolidates the existing measures relating to bee disease control in England.

9. Contact

Chris Barker at the Department for Environment, Food and Rural Affairs Tel: 020 7238 1045 or e-mail: christopher.g.barker@defra.gsi.gov.uk can answer any queries regarding the instrument.

REGULATORY IMPACT ASSESSMENT

1. TITLE

- 1.1 The Bee Diseases and Pests Control (England) Order 2006.

2. PURPOSE AND INTENDED EFFECT OF THE LEGISLATION

◆ Objective

- 2.1 The purpose of the Bee Diseases and Pests Control (England) Order 2006 is to amend the legislation that protects the English honey bee population against the introduction and spread of serious diseases and pests and to take account of recent changes in EU legislation, including a requirement that two additional pests be made notifiable. The Order will revoke and replace the Bee Diseases Control Order 1982 and revoke the Importation of Bees Order 1997. The Order sets out revised measures to control two endemic notifiable diseases in England – American foul brood and European foul brood - and introduces new measures that will be applied in the event of a future finding of the exotic bee pests – the small hive beetle and tropilaelaps mites – both of which will be made notifiable.
- 2.2 Unlike most bee pests, the small hive beetle is known to survive and reproduce away from its primary host – the honey bee. Whilst bees are the principal vector, it has been shown overseas that the beetle can be introduced by other means e.g. it has been found in imported wax. It could also be found in imported fruit, soil of imported plants or possibly even with bumble bees (though this association has still to be proven other than by experiment). It is also possible that the tropilaelaps mite could be found in imported hive products. The likelihood of these scenarios occurring is small. But, to address the threat, in particular of the introduction of the small hive beetle and the possibility of it being found away from bees and the apiary environment, the Order broadens the requirement to notify the presence of suspect notifiable pests to include beekeepers and other persons. In response to a notification, restrictions will be imposed on the movement of any thing which might spread the pest until an inspector has visited the affected premises to confirm the identification and a decision has been made on action to eradicate or control the outbreak.
- 2.3 The new Order provides no notification requirement for Varroasis, since the parasitic mite, varroa, that spreads the disease is now endemic. The Order contains new provisions to implement requirements contained in Commission Decision 2003/881/EC in respect of post import controls for consignments of bees imported from third countries, which also have as their aim prevention of the introduction and spread of the small hive beetle and tropilaelaps mites.
- 2.4 This Regulatory Impact Assessment applies to England only. The Devolved Administrations will be preparing separate legislation and regulatory impact assessments.

◆ Background

- 2.5 The Bee Diseases Control Order 1982 and the Importation of Bees Order 1997 provide for the existing measures to protect the health of honey bee colonies in Great Britain. Together, they require notification of suspicion of notifiable diseases, enable authorised bee inspectors to inspect and treat bees for notifiable diseases and prohibit the importation of bees from third countries except under licence.
- 2.6 The Bee Diseases Control Order 1982 prescribes disease control measures in relation to the bee diseases American foul brood, European foul brood and Varroasis. Both of the foul brood diseases are serious bacterial diseases for which control measures have been in place for many years. The 2006 Order retains these control measures and contains a new provision enabling bee inspectors to use field test kits *in situ* to confirm the presence or not of either disease without having to send samples to the Central Science Laboratory for diagnosis. These test kits, which are scientifically proven, are a recent development in bee disease control, although Defra's Plant Health and Seeds Inspectorate has been using similar diagnostic tools for plant diseases for several years. The driver for their development in bee health is improvement in the efficiency of the inspection programme, allowing rapid confirmation of foul brood disease in the apiary within three minutes and thus more rapid control and management of these notifiable diseases. Colony destruction is the most effective way of controlling American foul brood. Colonies infected with European foul brood may be destroyed or treated depending on the level of infection, although treatment options are preferred.
- 2.7 Varroa was first detected in England in 1992 but has become endemic despite its notifiable status. Management of the mite has now become a routine part of bee husbandry. While it cannot be completely eradicated, beekeepers can keep productive bees despite its presence and it is not notifiable under EU law. In recent years, mite resistance to certain varroacides has become a problem for beekeepers who need to adapt the control measures applied when resistance is discovered. In practice, beekeepers no longer notify presence of the mite in their colonies, and it is now generally accepted that there is no longer a need either to maintain its notifiable status or to have statutory provisions to control it. Consequently, varroasis will be removed from the list of notifiable diseases and it will not be controlled under the Bee Diseases and Pests Control (England) Order 2006. The National Bee Unit, which implements Defra's bee health programme in England, will continue to provide advice to beekeepers about the management of this pest as it does now for other serious but non-notifiable bee pests and diseases.
- 2.8 New threats from exotic pests to the sustainability of EU apiculture are also emerging. In response to this, the European Commission has strengthened bee health biosecurity measures by making the small hive beetle and tropilaelaps mites notifiable for the purposes of international trade in bees, and by tightening the health certification requirements on imports of bees from third countries. Commission Decision 2003/881/EC now specifies the controls that must be applied across the Community to the importation of the European (or western) honey bee (*Apis mellifera*) and any species of bumble bee (*Bombus*). With the introduction of these harmonised controls, Member States are no longer free to apply additional conditions for import, such as licensing, as they are not compatible with Community law. Defra has therefore concluded that the provisions of the Importation of Bees

Order 1997 that prohibit imports of bees except under the authority of a licence should be revoked.

- 2.9 Import conditions for bees are instead implemented by means of their inclusion in the Animals and Animal Products (Import and Export) (England) Regulations 2005. These Regulations make it an offence to import bees other than in accordance with the conditions in Commission Decision 2003/881. However, the Bee Diseases and Pests Control (England) Order 2006 will implement the post import controls in the Commission Decision (i.e. those to be applied after the consignment of bees has reached its destination), which in particular requires importers to send attendant worker bees, queen cages and any other material that accompanied consignments of imported queen bees to a laboratory (in England, the Central Science Laboratory) for examination for presence of the small hive beetle and tropilaelaps mites.

◆ Rationale for government intervention

- 2.10 Honey bees make an important contribution to sustainable agriculture and the environment. The economic value of pollination of commercial crops by bees is estimated at around £120m¹-200m² p.a. while the value of UK honey production fluctuates between £10m and £35m³ p.a.. However, the beekeeping sector is fragmented; there are estimated to be some 33,000⁴ beekeepers in England, managing 230,000⁵ colonies, but only around 300⁶ commercial beekeepers. This fragmentation contributes to the failure of the market to address bee health issues and makes government intervention on disease control necessary to maintain uniform standards of enforcement. Bee health legislation is in place to ensure as far as possible that the spread of endemic bee diseases and the risk of introduction of exotic bee pests are minimised.
- 2.11 There are two main risks if the bee health legislation is not updated. First, there is a risk of infraction proceedings by the European Commission, if the post import control measures in Commission Decision 2003/881/EC are not implemented or because continued use of the licensing provisions in the Importation of Bees Order 1997 could breach Community law, which now occupies the field. Secondly, there is the bee health risk. Existing bee health legislation, of which a part is more than twenty years old, does not contain measures to enable the bee health inspectorate of the National Bee Unit to immediately deal with an introduction of the small hive beetle or tropilaelaps mites.

3. CONSULTATION

◆ Within government

- 3.1 The Devolved Administrations are responsible for implementing bee health controls in their areas. All have confirmed that they intend to make similar amendments to their own legislation.

¹ An economic evaluation of Defra's bee health programme by ADAS Consulting Ltd (2001)

² The economic value of bees in the UK by Carreck and Williams (1998)

³ Defra statistics (1999-2004)

⁴ An economic evaluation of Defra's bee health programme by ADAS Consulting Ltd (2001)

⁵ An economic evaluation of Defra's bee health programme by ADAS Consulting Ltd (2001)

⁶ Bee Farmers Association (December 2005)

◆ Public consultation

- 3.2 Defra carried out a written consultation on the draft Order between 28 October 2005 and 20 January 2006. 74 beekeeping associations, individual bee importers and other interested stakeholders were invited to comment and the consultation letter was placed on the Defra website. The consultation pointed out two considerations that had an important influence on our proposals. Firstly, that we are constrained by Community law to make the changes in respect of the post import controls contained in Commission Decision 2003/881/EC, which applies to all Member States. Secondly, in the case of varroa, that Defra had informed beekeepers in 2003 of the rationale for removing the controls for this mite, now that it is endemic, and the case for this had been broadly accepted by the beekeeping community.
- 3.3 Defra received 6 replies to the consultation, two of which commented about contact details on the list of stakeholders consulted. Of the remaining 4 replies, 2 expressed general support for the Order's overall intentions; this included support of the introduction of measures for the small hive beetle and tropilaelaps, and an acceptance of the reasons for the proposed deregulation of varroa. Two of the replies also commented on import related issues. One respondent was not able to support the revocation of the import licensing arrangements though recognised that current EC law occupied the field. The other commented on the extent of statutory powers and whether measures were in place to enforce compliance with the import requirements. Defra has responded to these latter concerns by clarifying the import requirements, including those for compliance, in the guidance note to the Bee Diseases and Pest Control (England) Order, which was included in the consultation, and which will be re-issued in March for future reference. Defra will also issue a separate guidance note for importers of bees. One respondent requested compensation for ornamental plant growers for financial losses incurred through actions to protect bee health. The Department has noted the request. However, it has been longstanding policy not to pay compensation for losses arising from statutory measures to eradicate notifiable bee pests or diseases. Moreover, it is considered that the risk of finding the small hive beetle in a nursery is low, with controls in the form of destruction likely to be of the pest itself rather than of plant products.
- 3.4 Other comments covered the definition of an "authorised person", which is already defined in the Bees Act 1980, a request for more information about the small hive beetle, alternative treatments for varroa and Defra's current research on a control technique for European foul brood disease. The Department concluded that the draft Order did not require amendment in light of the responses to the consultation.

4. OPTIONS

◆ Option 1: Do nothing

- 4.1 With globalisation, trade and movement of bees around the world has increased the risks to bee health. Potential exists for major pest threats of the European honey bee (*Apis mellifera*) to reach Europe and the UK. Imports of live bees generate the greatest risk of new invasive species and pathogens and economic damage whether they are deliberate or adventitious. While the European Commission has introduced new measures to reduce the risk of the introduction of the small hive

beetle and tropilaelaps mites through imports, failure to give legal effect to the post import controls in Community legislation or establish new pest control measures in domestic legislation could lead to a failure to identify an outbreak risk at a sufficiently early stage. This would increase the health risk to honey bee colonies in England.

- 4.2 Non-implementation of Commission Decision 2003/881/EC could result in infraction proceedings by the Commission.

This option is not recommended.

◆ **Option 2: Consider alternatives to regulation**

- 4.3 The Government recognises the importance of kept bees as pollinators of commercial crops and wild and garden plants, and provides an inspection service because there is market failure in respect of bee health controls. Because of its fragmentation, the sector is not sufficiently capable of self-regulation to make alternatives to regulation practicable.

This option is not recommended.

◆ **Option 3: Implement Commission Decision 2003/881/EC and update domestic bee health legislation**

- 4.4 Existing bee health legislation needs modifying in light of recent developments in this area. There is no longer a need to require the control of varroa because it is endemic. However, the introduction of the small hive beetle (in particular) or tropilaelaps mites could have serious consequences for the apiculture sector. The small hive beetle is indigenous to sub-Saharan Africa, where it is less of a problem for the African races of bees, which have adapted defence mechanisms to cope with it. But it is a relatively new threat to the European (or western) honey bee (*Apis mellifera*), with information about its biology and other data only recently emerging, as countries (such as the USA and Australia) have become infested. The degree of damage an infestation can cause to a European honey bee colony became evident in the late 1990's when the beetle was discovered in the USA. The estimated damage to beekeeping establishments in Florida in 1998 was some \$3m and the loss of 30,000 colonies. The beetle has since spread to some 30 US States. The impact in Australia where the beetle was found in 2002 was initially much less than in the USA, with climatic conditions and the discovery of a different strain of the beetle thought to be contributory factors. However, recent reports suggest increased numbers of beetle damage to colonies as the level of bee populations reach damage thresholds i.e. as colonies weaken leading to collapse.
- 4.5 Defra has developed a contingency plan for exotic bee pests and diseases (which is about to be the subject of a separate consultation with stakeholders) and is implementing surveillance measures to equip it with the tools to tackle the threat of an outbreak of the small hive beetle or tropilaelaps in England. These measures need to be supported by statutory provisions for action to control and if possible eradicate any outbreak. Updating the legislation will help to minimise the risks of spread of either of these pests.

- 4.6 The post import controls in the Order that implement Commission Decision 2003/881/EC should not impose a significant burden on beekeepers. The UK is not a major importer of bees from third countries: for example, in 2005 Defra issued only 16 licences to beekeepers for the importation of 46 consignments of queen bees (2,250 queens). Moreover, Defra (and the Ministry of Agriculture, Fisheries and Food before it) has implemented a policy of post import controls on imported bees (i.e. sending attendant worker bees from imported consignments to the Central Science Laboratory for examination for exotic pests and diseases) similar to those now prescribed in the Commission Decision.

This is the recommended option, since options 1 and 2 do not address the risks arising from the threat of introduction of exotic bee pests.

5. COSTS AND BENEFITS

◆ Sectors and groups affected

- 5.1 The beekeeping sector is primarily affected by this legislation, but will also benefit from it through measures taken by government to safeguard the health of managed bee colonies. There is no official registration database of beekeepers, but as stated earlier, there are an estimated 33,000 beekeepers in England, of whom fewer than 1% practice the craft on a commercial basis; the remainder are small-scale beekeepers usually owning between 1 and 5 colonies.
- 5.2 Extending the notification provisions to address suspect findings of notifiable pests (in particular the small hive beetle) by persons not involved in or directly involved with beekeeping potentially brings wax refiners, honey packers, bumble bee suppliers and possibly importers of fruit and plants into the legal framework for the first time. However, the likelihood of the small hive beetle being detected in these sectors is considered small, since bees are the principal host of this pest, and a finding might only affect a few single businesses if it was ever found outside an apiary environment. Nonetheless, extending this provision could enable an outbreak to be caught sufficiently early, reduce the risk of spread of small hive beetle to neighbouring apiaries, and therefore reduce the likelihood of Defra having to carry out subsequent containment and eradication measures within the apiculture sector.
- 5.3 The measures will not have any race equality impacts and will not impact disproportionately on any other community sector.

◆ Benefits

(i) Economic

- 5.4 Any outbreak of the notifiable diseases and pests in this Order could have economic consequences for individual beekeepers and the apiculture sector in general, both directly and indirectly, such as through the loss of bees and honey production. In 2001, the total revenue to beekeepers from beekeeping was estimated at around £11.3m p.a.⁷ made up of about £10m from honey, £200k from pollination fees and £1.1m from other sources, such as sales of wax and other hive

⁷ An economic evaluation of Defra's bee health programme by ADAS Consulting Ltd (2001)

products, and the supply of queen bees for rearing new colonies. An outbreak could also affect the economic sustainability of agriculture and horticulture through the disruption of pollination services, the value of which is set out in paragraph 2.10 above. Honey bees also play an increasingly important pollination role in respect of many wild species of flora, given the decline in the wild bee population. The economic value of bees to wild plant pollination is thought to be substantial but impossible to evaluate because the pollination requirements of most of the nearly 1,800 species of wild plants in the UK are unknown⁸.

- 5.5 Currently, the small hive beetle and tropilaelaps mites are exotic to the European Community and thus not present in England. The notifiable diseases, American and European foul brood are present in England, though their recorded incidence in colonies is low and generally declining. For example, of the 19,300 colonies inspected by the National Bee Unit in 2005, 0.1% were found infected with American foul brood and 3.4% with European foul brood. The controls imposed under the Order aim to minimise the risk of such outbreaks occurring and the consequential economic loss both on apiculture and more widely to agriculture, horticulture and the environment.

(ii) Environmental

- 5.6 Honey bees make an essential contribution to the sustainability of agriculture, horticulture and the environment through their pollination role. Control of the endemic diseases and the exotic pests (if introduced) under this Order would help to safeguard the health of the bee population and the multifunctional role it plays in the ecosystem. For example, wild plants provide food sources for wild animals and so adequate pollination is indirectly essential for the survival of many herbivorous species of birds and mammals, and also the predators that feed on them⁹.

(iii) Social

- 5.7 In addition to the public benefits provided by beekeeping, the craft is also practised as a hobby/ leisure activity (99% of beekeepers in England do not practice beekeeping for purely commercial purposes). Control of the endemic diseases and the exotic pests (if introduced) under this Order would protect this activity.

◆ Costs

- 5.8 Most of the changes in the Bee Diseases and Pests Control (England) Order 2006 are a tidying up of existing legislation on bee disease control, which should not have an economic impact on beekeepers. Implementation costs arise from the inspection and other arrangements (such as monitoring and surveillance) under the bee health programme funded by Defra and delivered by the National Bee Unit, part of the Central Science Laboratory, an executive research agency of Defra. The Unit provides a free diagnostic and inspection service (including treatment) for statutory notifiable diseases and pests, as well as free training and technical advice to help beekeepers become more self reliant through improved bee husbandry.

⁸ The economic value of bees in the UK by Carreck and Williams (1998)

⁹ The economic value of bees in the UK by Carreck and Williams (1998)

◆ **Option 1: Do nothing**

- 5.9 The costs of implementing the Defra bee health programme, currently £1.235m p.a. are unlikely to change if the legislation is not amended. However, potential losses to beekeeping, for example through weakened colonies and reduced honey yields, could arise if statutory controls are not implemented to help reduce the risk of occurrence of existing notifiable diseases or incursions and spread in the future of the small hive beetle or tropilaelaps mites. It should be noted that bee health is one of a number of factors that can affect honey yields, others including weather and available flora.
- 5.10 The level of impact of the arrival of the small hive beetle or tropilaelaps in England is difficult to estimate without a full modelling impact analysis. However, it is considered that the beetle could become established in bee colonies in England once it gains a foothold, though environmental conditions such as climate and soil type could influence the survival success (reproduction and spread) of this pest. Tropilaelaps mites are unlikely to survive in areas of Northern Europe where there is interruption to the brood cycle of bees during winter. But, it is thought likely that the mite would survive in areas of the UK where the climate is warmer and there is brood (larvae and immature bees) in bee colonies all year round.

◆ **Option 2: Consider alternatives to regulation**

- 5.11 As stated above (Section 4), we consider that it is necessary to establish statutory measures to enable outbreaks of the small hive beetle and tropilaelaps mites to be controlled if found in the future. Given their potential threat to apiculture, the National Bee Unit has already been implementing a programme of surveillance of areas considered most at risk of an introduction by these pests (e.g. apiaries in the vicinity of ports). Surveillance is an integrated part of the statutory inspection programme, which accounts for about 50% of the £1.235m spent annually under the Defra bee health programme. The costs of surveillance are not likely to change significantly as a result of introducing regulatory measures against these pests, which have yet to be detected in the European Community, beyond a single finding of the small hive beetle in 2004 at a Border Inspection Post in Portugal in an unauthorised consignment of bees imported from the USA.

◆ **Option 3: Implement Commission Decision 2003/881/EC and update domestic bee health legislation**

- 5.12 The implementation costs to Defra and the National Bee Unit of undertaking inspection, monitoring and surveillance for notifiable pests and diseases will be the same as in Option 1 and 2. There are no significant administrative costs incurred by beekeepers or other persons for notifying suspect presence of notifiable pests or diseases to the National Bee Unit; inspection or treatment of infected colonies is provided free of charge. Since the 1950s, the beekeeping sector has also been managing a voluntary compensation scheme that does provide insurance against losses suffered by beekeepers for destruction of colonies infected with the notifiable foul brood diseases.
- 5.13 The measures that will be implemented under the Order to control small hive beetle or tropilaelaps are contingent upon either pest being found in the UK. As indicated in paragraph 5.10, the impact of an incursion of these pests is difficult to predict.

However, we would expect beekeepers to face some costs as a result of such a finding. This might flow from the destruction of infested colonies or of hive products, such as honey spoiled by the beetle through larval feeding and defecation. Any costs associated with a finding of the small hive beetle by for example wax refiners, honey packers, bumble bee suppliers or fruit importers are expected to be minimal, as it should be possible to destroy the pest without affecting the products which they handle.

- 5.14. Importers already incur compliance costs (postage) through sending small packages of dead attendant worker bees that accompanied imported queens to the Central Science Laboratory for examination for novel pests and diseases. The cost of dispatch should not rise significantly as a result of the requirement in EC legislation to also send the individual queen cages and the associated packaging for laboratory examination. An average cost to a national bee supplier of submitting this material to the Central Science Laboratory is around £7 per consignment of bees, though it should be less for beekeepers importing queen bees on a smaller scale. Importers are also likely to incur an extra cost with the purchase of new queen cages, into which imported queen bees must be placed before they are introduced to local colonies so as to reduce further the risk of introducing notifiable exotic pests. On average, these cages cost between £0.25p to £1 per cage depending on type and number required. Based on import figures for 2005 of 46 consignments containing 2,250 queens, the estimated total cost of compliance by importers of meeting the post import requirements could have been between £1,000 and £2,500.

6. SMALL FIRMS IMPACT TEST

- 6.1 Beekeepers are already aware of the threat of notifiable diseases and pests and the possible economic impact of their presence in bee colonies. However, in order to further minimise the risk of the establishment of the notifiable pests, particularly the small hive beetle, Defra has targeted those persons/businesses such as wax refiners, honey packers and bumble bee suppliers, on whom for the first time the extended notification provisions and control measures may apply, in the event that they ever discover this exotic pest on their business premises. We have discussed the proposals with the Small Business Service, who have agreed that there is no requirement to carry out stage two of the Small Firms Impact Test as the proposals are unlikely to impact disproportionately on small firms.

7. COMPETITION ASSESSMENT

- 7.1 None of the policy options detailed above is expected to have any significant effect on competition.

8. ENFORCEMENT, SANCTIONS AND MONITORING

- 8.1 This legislation will be enforced in England by authorised bee inspectors from the Central Science Laboratory's National Bee Unit. Sanctions could be applied for non-compliance with the requirements in the Order under section 1(7) of the Bees Act 1980. However, given the fragmented nature of the beekeeping sector and because not all beekeepers might be aware of the legislative requirements for bee health (for example, not all beekeepers are known to the National Bee Unit), bee

inspectors may use their discretion to judge whether or not sanctions should be applied for non-compliance.

- 8.2 Monitoring of compliance with the post import requirements in the Order will be undertaken by the National Bee Unit. Importers are already required under the Animals and Animal Products (Import and Export) (England) Regulations 2005 to give notice to Defra of an impending import from a third country. As with current practice, the National Bee Unit will use this notification to monitor whether the importer had complied with the requirement in the Bee Diseases and Pests Control (England) Order to submit attendant worker bees and other items to its laboratory for the examination for notifiable (exotic) pests.

9. IMPLEMENTATION AND DELIVERY PLAN

- 9.1 The National Bee Unit will implement any statutory actions under the Order to protect the health of bee colonies. Inspections under the bee health programme occur for a variety of reasons, such as in response to requests from commercial or hobbyist beekeepers who suspect that their bees may be infected by notifiable diseases or pests, while others are initiated by bee inspectors. There is no threshold on the number of colonies owned by a beekeeper that determines whether or not an inspection should occur. Overall, the aim is to maintain effective disease control. Inspections are often concentrated in areas where notifiable diseases are known to be more widespread than usual, and where colony density is high. Additionally, the Unit's surveillance programme for exotic pests of bees focuses on apiaries considered to be in areas most "at risk" of an incursion by the small hive beetle or tropilaelaps mites.
- 9.2 Defra will be re-issuing a revised guidance note about the Bee Diseases and Pests Control (England) Order 2006 (circulated at the time of the consultation) as well as targetting the beekeeping press about the requirements in the Order.

10. POST IMPLEMENTATION REVIEW

- 10.1 Defra regularly reviews its bee health policy to ensure that it is appropriately directed to combating the spread of endemic notifiable diseases and reducing the risks of new invasive species or pathogens of bees reaching the UK. Moreover, the Department meets (at least) annually with stakeholders to address bee health policy issues. Defra will review the intended effect of the Order at its annual meeting with the beekeeping associations later this year.
- 10.2 The National Bee Unit has agreed performance standards for bee health enforcement activities, under the principles of the Government's Good Enforcement Concordat. These standards include turnaround times for laboratory analysis for statutory diseases and response times to requests to inspect bee colonies for suspected cases of notifiable bee diseases or pests. They are reviewed annually, against the agreed benchmark targets, by the Central Science Laboratory's Bee Health Advisory Panel, membership of which includes stakeholders, and are published on its website.
- 10.3 At European Community level, the Standing Committee on the Food Chain and Animal Health takes into account bee health developments within Member States, including new pest risk assessments and interceptions. This procedure provides

the opportunity, where necessary, to consider any further changes to the regime for bee imports or how future outbreaks of the small hive beetle or tropilaelaps mites should be handled in the event of a finding within the Community.

11. SUMMARY AND RECOMMENDATION

- 11.1 The Bee Diseases and Pests Control (England) Order 2006 consolidates two existing Orders and brings together bee health legislation into a more manageable form. As noted in the text above, the requirement to notify the small hive beetle and tropilaelaps mites is already a EU obligation as are the provisions that apply following importation. It is also desirable to ensure that neither of these pests becomes established in the UK. While the Order updates the existing disease controls measures and also provides the legal framework to protect the health of the honey bee population from new exotic threats, this is offset by the deregulation of varroa, which is now endemic, and of the revocation of the licensing arrangements for third country imports. There are no additional costs to government by implementing the measures described, while compliance costs for stakeholders are low. Costs associated with controlling the small hive beetle and tropilaelaps, which are contingent upon the finding of the pests in England, cannot be easily estimated since their impact under UK conditions is not yet fully clear. However, non-implementation of the proposed measures (Option 1) could increase the risks to bee health and potentially harm the apiculture sector.
- 11.2 The Department recommends that Option 3, the proposals which are described in Section 2 of this Regulatory Impact Assessment, should be implemented through the Bee Diseases and Pests Control (England) Order 2006.

12. DECLARATION AND PUBLICATION

- 12.1 I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed: Bach

Date: 11th February 2006

Lord Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

13. CONTACT POINT

Chris Barker, Defra, Horticulture and Potatoes Division, Area C First Floor, Nobel House, 17 Smith Square, London SW1P 3JR. Tel: 020 7238 1045. Fax: 020 7238 1040.
E-mail: christopher.g.barker@defra.gsi.gov.uk

TRANSPOSITION NOTE FOR THE BEE DISEASES AND PESTS CONTROL (ENGLAND) ORDER 2006

implementing

COMMISSION DECISION 2003/881/EC CONCERNING THE ANIMAL HEALTH AND CERTIFICATION CONDITIONS FOR IMPORTS OF BEES (APIS MELLIFERA AND BOMBUS SPP.) FROM CERTAIN THIRD COUNTRIES AND REPEALING DECISION 2000/462/EC

Introduction

1. The Bee Diseases and Pests Control (England) Order 2006 implements part of Commission Decision 2003/881/EC (as amended by Commission Decision 2005/60/EC).

2. By way of background, Council Directive 92/65/EEC lays down the animal health requirements for trade within and imports into the Community of certain specified animals including bees. In 2003, the European Commission strengthened biosecurity controls in the field of bee health following concerns about the threat to EU apiculture from two exotic bee pests, the small hive beetle (*Aethina tumida*) and the parasitic mites, tropilaelaps. Neither is known to be present in the Community, but their introduction could have a serious impact on beekeeping and to agriculture and the environment through the disruption of pollination and honey production.

3. In August 2003, Commission Regulation 1398/2003/EC amended Annex A of Council Directive 92/65/EEC by adding both pests to the list of notifiable animal diseases. Council Directive 92/65/EEC requires establishments trading in bees within the Community to notify the relevant competent authority if they suspect the presence of a notifiable disease. Regulation 1398/2003/EC was implemented in England by virtue of its inclusion in Schedules 3 and 5 of the Animals and Animal Products (Import and Export) Regulations 2004 (now Schedules 3 and 7 of the Animals and Animal Products (Import and Export) (England) Regulations 2005). The Bee Diseases and Pests Control (England) Order 2006 requires beekeepers (and others) to notify the competent authority of the suspicion of the presence of either pest.

4. In December 2003, Commission Decision 2003/881/EC harmonised the regime across the Community for bee imports from third countries by placing new obligations on Member States in respect of imports from third countries, and by making the bee health certification requirements on exporting third countries (or parts thereof) more stringent, particularly in terms of demonstrating that they have legislated to control American foul brood disease, the small hive beetle and tropilaelaps. The requirements of Commission Decision 2003/881/EC (as amended by Commission Decision 2005/60/EC) that apply conditions to the import of bees have already been implemented by means of their inclusion in Schedule 7 of the Animals and Animal Products (Import and Export) (No. 2) Regulations 2004 (now Schedule 7 of the Animals and Animal Products (Import and Export) (England) Regulations 2005). The requirements in Commission Decision 2003/881/EC that apply post import to check for the presence of small hive beetle and tropilaelaps are implemented by the Bee Diseases and Pests Control (England) Order 2006 (see the table below).

Transposition: Bee Diseases and Pests Control (England) Order 2006

Commission Decision 2003/881/EC (as amended by Commission Decision 2005/60/EC)

Article	Purpose	Implementation	Responsibility
1(3)	Requires consignees to transfer queen bees imported from a third country to new (queen) cages at their designated destination before introducing them to new local colonies.	Article 11(2)(a)	Consignees
1(4)	Requires consignees to send the (queen) cages, attendant worker bees and other material that accompanied the queen bees from their third country of origin to a laboratory for examination for the presence of the small hive beetle and tropilaelaps. Following the examination all the material must be destroyed.	Article 11(2)(b) Article 11(3)	Consignees Laboratory on behalf of the Secretary of State for the Department for Environment, Food and Rural Affairs (Defra) (in practice the Central Science Laboratory, an executive research agency of Defra)
2	Provides a derogation from the measures in articles 1(3) and 1(4) for consignments of bumble bees limited to single colonies of no more than 200 adults, but 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(4)	The owner or person in charge of the bees.