**EXPLANATORY MEMORANDUM TO**

**THE BEE DISEASES AND PESTS CONTROL (AMENDMENT) ORDER (NORTHERN IRELAND) 2010**

**2010 No. 394**

## 1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 3 of The Bees (Northern Ireland) Order 1980 and is subject to the negative resolution procedure.

## 2. Purpose

2.1 The Bee Diseases and Pests Control Order (Northern Ireland) 2007 currently implements the post import controls on bees 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 Northern Ireland this is the Agri-Food and Biosciences Institute laboratory) 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. This Decision has now been revoked and replaced by Commission Regulation (EU) No 206/2010 which is directly applicable. Although the post import control requirements are unchanged, for legal reasons the Order 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. Commission Regulation (EU) 206/2010 was not subject to scrutiny by the EU Scrutiny Committee.

2.2 The Order 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. Background

3.1 The objective of the Bees (Northern Ireland) Order 1980 and Orders made under it is to ensure as far as possible that the spread of serous 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. In Northern Ireland there are estimated to be some 800 beekeepers (managing around 4,000 colonies of bees) and no commercial beekeepers.

3.2 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.

3.3 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.

## 4. Consultation

4.1 No consultation was carried out as there are no practical changes to the current arrangements for stakeholders. It is not considered that consultation is required on this legislation due to the technical nature of the amendments. Also, consultation is not required by the primary powers.

## 5. Equality Impact

5.1 There are no equality issues associated with this Order.

## 6. Regulatory Impact

6.1 A Regulatory Impact Assessment is not considered necessary as no additional financial impact on trade or the public or voluntary sectors is anticipated.

## 7. Financial Implications

7.1 There are no additional financial implications associated with the introduction of this Order.

## 8. Section 24 of the Northern Ireland Act 1998

8.1 This Order deals with bee diseases and pests control issues and does not have any human rights implications, nor is it incompatible with EU law. The Order is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## 9. EU Implications

9.1 A transposition note has been prepared and is attached.

## 10. Parity or Replicatory Measure

10.1 England already has legislation in place. It is expected that Scotland and Wales will follow suit.

## 11. Contact

Seamus Hughes at the Department of Agriculture and Rural Development Tel: 02890 520836 or e-mail: seamus.hughes@dardni.gov.uk can answer any queries regarding the Order.

**TRANSPOSITION NOTE FOR THE BEE DISEASES AND PESTS CONTROL (AMENDMENT) ORDER (NORTHERN IRELAND) 2010**

The Bee Diseases and Pests Control (Amendment) Order (Northern Ireland) 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 (Amendment) Order (Northern Ireland) 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. |