

Practices for Beekeepers in the EU

Contamination of beekeeping products

It is well known that both pesticide residues and bees move freely in the environment, and sometimes, they come across each other in higher or lower degrees. Depending on the level of exposure, these residues may cause bee die-offs, reducing colony health and performance, or contaminate beekeeping products, preventing their sale.

In any case, beekeepers suffer unexpected collateral damage from the activities of neighbour (or less neighbour) citizens. In many countries, the precautionary principle and polluter-payer approaches apply to the authorisation and use of pesticides.

In the case of environmental contamination revealed by bees or beekeeping products, finding the individual who caused the contamination may be complicated.

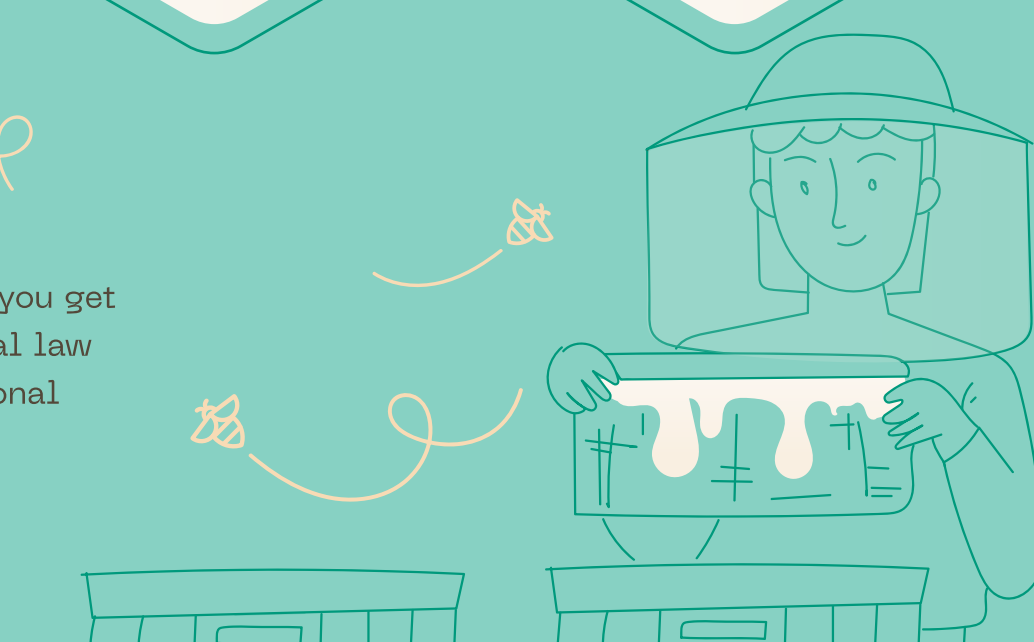
In real conditions, bees and humans are exposed to pesticides in our environment, which come from agriculture or pest control in industrial areas/public ways. Beekeepers may either lose their colonies or the marketing capacity of their products, which can see their content in pollutants go above Maximum Residue Levels (MRLs) established by authorities to preserve food safety.

What can beekeepers do, then?

What is the procedure for compensating these collateral damages?

Can they be compensated for these collateral damages?

This situation often involves legal procedures. It is recommended that you get a specialised lawyer on your national law and get involved in regional or national beekeeping associations.



Logic steps forward

Colonies are intoxicated or beekeeping products contaminated with residues above MRLs¹ and, therefore, cannot be put on the market. Three options exist (two of them mutually excluding):

1

LIABILITY COMPLAINT (AGAINST INDIVIDUALS)

Get samples as soon as possible after the event

Sample bees showing intoxication effects (n=30/bag) or beebread and honey for beekeeping products (min. 20 g/bag). Sample at least 2-3 bags/type of material, label them (Name, collection date, telephone) and freeze them until analyses.

Immediately report to the authorities

Which authorities? It depends on the country: normal police, sanitary authorities, and others. Find the relevant ones in your country and inform yourself about existing procedures.

Estimate economic damage

Legislation follows a polluter-payer approach. The economic damage will need to be proved along the process.

Authorities should react by conducting an investigation among the farmers in the area surrounding the apiary.

Which authorities? It depends on the country: environmental police, sanitary authorities, designated researchers, others.

The objective is:

- to discover the pesticide involved (intoxication), and
- to discover who used the pesticide found in beekeeping matrices and potential polluters.

2

ENVIRONMENTAL LIABILITY DIRECTIVE (DIRECTIVE 2004/35/CE)²

This option goes against individual polluters in the country for releasing pesticides into the environment; however, no direct compensation can be obtained. It is uncertain how the whole procedure will be applied and what the possibility of success is, as it questions the role of authorities in ensuring environmental protection.

3

FILE A COMPLAINT TO THE EUROPEAN COURT OF HUMAN RIGHTS

This option is based on the property rights. It would take long, but if successful, it would create recognition of the problem and a precedent for jurisprudence.

¹ <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/start/screen/mrls>

² Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (2019).

The investigations could conclude in two possible outcomes:

A

Polluter was found. Polluters will have to pay the economic damage created and juridical costs (if any). Advice: get a specialised lawyer on your national law.

B

Polluter could not be found. All farmers in the surrounding area have proven that pesticide use followed the rules. Then, the rules are wrong, and authorities are to be blamed (procedural flaws need to be proved). Possible compensation from the national administration. The procedure depends on domestic law – a case-by-base approach. Advice: get a specialised lawyer on your national law.



Disclaimer

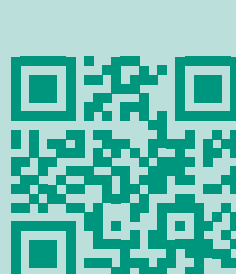
This is a theoretical framework that needs to be tailored to the national conditions of each country. Each country should have a procedure to follow in these situations. European legislation will have been transcribed into different pieces of national legislation.

What is B-THENET?

B-THENET is the first EU thematic network for sustainable beekeeping.

B-THENET brings together different actors and their expertise to co-create and share knowledge to find applicable solutions for EU beekeepers.

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