



Polski Związek Pszczelarski

ul. Świętokrzyska 20

tel./fax. +(48 22) 826-04-97

NIP: 526-00-12-600

www.zwiazek-pszczelarski.pl

e-mail: pzp@zwiazek-pszczelarski.pl

Bank Pocztowy S.A. O/Warszawa 83 1320 1104 2991 2595 2000 0001

00-002 Warszawa

L.dz. PZP 5 /2013

Warsaw 7th February 2013

To all members of Apislavia

Once again I would like to thank you very much for your participation in Apislavia Congress in Poland.

Life goes on, bee-keepers whose countries are EU members encountered a problem of change to Directive 2001/110/EC regarding honey.

The Commission suggested that the change to the directive should be connected with the judgement C- 442/09 of the Court of Justice.

In its statement the Court declared that pollen present in honey constitutes its ingredient. If the European Commission had not suggested change to the directive, it would have been necessary for the bee-keepers to introduce a completely different marking of honey. In such case, the labels would have to specify that honey contains "ingredients": pollen, and perhaps even provide its botanical origin and amount. Such situation would have been unacceptable for the bee-keepers. Therefore, the Commission's suggestion that pollen is not honey's ingredient but its component is correct.

After Polish Beekeeping Association's approval of this position, the Polish government agreed to present it in the EU, thus it accepted adding point 5 to Article 2 of directive 2001/110/EC of the following wording:

"Within the meaning of Article 6 paragraph 4 of directive 2000/13/EC pollen, a natural and special component for honey, shall not be considered ingredients of products specified in Attachment 1 to this directive."

Owing to this solution, Polish bee-keepers would not have to conduct examinations of each batch, container or barrel of honey.

I would also like to inform that since 01.01.2013 a prohibition of cultivating GMO corn and potatoes applies in Poland.

On January 28-31 I was in Madrid (Spain) at the meeting of European Professional Beekeepers Association during which Polish Beekeepers Association has been accepted as a member of this organization. I asked if other associations who are members of Apislavia can also be members of EPBA. The answer is positive, however, only for those countries that are members of the EU. Other beekeeping organizations can only be the observers. The annual membership fee is EUR 500. More information - Karl Raine-Koch - Managing Director EPBA (European Professional Beekeepers Association)
karl-rainer@professional-beekeepers.eu

During that meeting we discussed such issues as GMO, neonicotinoids, UE policy, as well as individual matters like for instance proposition of honey taxation with a tax in the amount of 20 eurocents in Finland.

Participants of the meeting were representatives and members of EPBA from Finland, Hungary, France, Greece, Sweden, Cyprus, Spain, Estonia, Great Britain, Ireland, Germany, Austria and Poland.

I suggest having a discussion also on this topic during the meeting of General Assembly of Apislavia in Romania that is going to take place in May this year. Please find enclosed materials prepared by the Spanish agricultural organisation COAG in Madrid.

I kindly remind you of our commitment regarding Turkey's candidacy to organisation of Apislavia Congresses and voting in Kiev for Turkey's candidacy to Apimondia's organisation. I also ask you to provide Apislavia's secretariat with names of people who are willing to work in Apimondia.

I consider President Cristina Constantinescu's proposition regarding organisation of Apislavia's meeting in May in Romania very interesting.

On March 18-20, 2013 a debate of General Convention of PBA will take place and during this debate an election of new authorities will be carried on. I shall inform about it immediately and provide names of the persons who will go to Romania in May 2013.

Best regards,

PREZYDENT
Polskiego Związku Pszczelarskiego


Tadeusz Sabat

Attachment

1. Position of COAG - Madrid

Coag - Madrid
Agustín de Betancourt, 17 - 5º p.
28003 - MADRID
Telf.: 91 534 63 91 Fax: 91 534 65 37
coagmadrid@coag.org

Coag-Bruselas
Rue D' Arlon, 51 Bte 15 B-1040 Bruselas
Telf.: 00 32 2 280 04 84
Fax.: 00 32 2 280 21 60
coag.bxl@skynet.be

POSITION OF THE BEEKEEPING SECTOR REGARDING THE EC'S PROPOSAL TO MODIFY THE DIRECTIVE 2001/110/CE/, RELATED TO HONEY

INTRODUCTION

From COAG's point of view the proposal for a Directive of the EP and the Council modifying the Directive 2001/110/EC, related to honey, after more than 15 months since the ECJ ruling (Court of Justice of the European Union) on the presence of GMO pollen in honey (case C-442/09), is very poor, full of mistakes and is therefore unacceptable.

Rather than looking for solutions for the problems that the ECJ's judgment pointed out, the loopholes existing in the regulation about GMO concerning **livestock farming** such as **beekeeping**, enters into a battle of semantics that from outside the EU may seem absurd. Moreover, taking advantage of the situation, the EU pretends to claim for itself the right to modify the Annexes of the Directive 2001/110/EC that, as it is obvious for everybody, it contains essential elements of this Directive and it cannot be modified through delegated acts.

By the other hand, what we find remarkable is that neither DG AGRI nor the Agricultural Committee of the European Parliament are going to officially take part in the modification of a Directive that regulates a farming product and, therefore, falls within its powers.

For all this reasons, COAG considers that the EP and the Council, that have recently showed their explicit support to the beekeeping sector in the EU (EP resolution on 25.11.2010 on the "*The situation in the beekeeping sector*" and Council Conclusions on 17.05.2011, about *Communication on honeybee health*) must ask to the Commission to **withdraw this proposal emptied of meaning** to work for real solutions to the problematic situation between beekeeping and GMO crops.

COMMISSION'S PROPOSAL

The Commission pretends add an article which states "*as pollen is an specific natural component of honey, shall not be considered as an ingredient...*" by introducing a negative definition and arguing that this is different from what is said in the current Directive and thus, with the aim of clarifying the situation.

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This approach is no sense because the current wording of the Directive already outlines that pollen is a component of honey, in the 6 recital and as well in the paragraph 3 of the Annex II.

If we analyze the different official versions of the Directive, in the Spanish version could remain any doubt because the 6 recital and the paragraph 3 of the Annex II it states: *"No se podrá retirar de la miel el polen ni ninguno de sus componentes específicos..."* ("No pollen or other constituent particular of honey is to be removed"). However, in the French version it says *"Aucun pollen ou autre constituant particulier du miel en doit être retiré,..."* ("No pollen or other constituent particular of honey is to be removed"). But it is even more absurd the Commission's proposal if we read the English version of the Directive. In this one, the 6 recital says: *"No pollen or other individual ingredient of honey is to be removed..."* and in the paragraph 3 of the Annex II it says: *"no pollen or constituent particular to honey may be removed..."* In English the words **"ingredient"** and **"constituent"** are synonyms and as such are used in the current wording of the Directive. So, if we include the new article that Commission proposes that in the English version is: *"Pollen, being a natural constituent particular to honey, shall not be considered an ingredient..."* we would be creating a contradiction in the text between the new article and the recital 6.

With this fallacy the EC pretends ignore the ECJ's ruling without working in a real solution for the problem raised as a result of it: the **defenceless** and the **legal insecurity of farmers and consumers to GMO crops** and the release of its genetic material into the environment in an uncontrolled way.

Honey, as an agricultural product for its marketing, which is what the Directive 2001/110/EC regulates, is not that made by bees in their honey-combs, but is that collected by beekeepers in their combs; is the same case as the commercialized milk which is not that is in the cow's udder, but is that collected by the rancher. Harvesting of honey is done by centrifuging combs of the hives (the large majority is commercialized in the world market), getting honey with less pollen's content, or by pressing them, thereby obtaining honey with more pollen's content. The pollen's content on honey may vary according to the flowers or plants from which the honey was obtained and it has a direct relation to plants flanked by pollen rather than nectariferous plants from the production area, as has become clear from relevant studies.

Therefore, according COAG, **honey harvested by beekeepers is an agricultural primary product, unprocessed, and pollen is a natural honey constituent**, which is provided by bees once collected it in its environment and that, as it is set up in the Directive in its Annex II (that now want to unilaterally modify the Commission through delegated acts) **it should not remove from honey.**

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Who are responsible of GMO's appearance in honey and other apiculture products are not bees, neither beekeepers, nor farmers, but **companies that produce and commercialize transgenic seeds** (the chief among them is Monsanto) they are releasing this biologic material in our fields and in our environment and as well the administrations which are allowing it without any control.

If we maximize by law that pollen "*...will not considered as an ingredient...*" perhaps the Commission will propose, to the European Parliament and to the Council, to modify the Directive about honey when an operator from the European food industry intends to place in the market a honey enriched with pollen (ex. blossom honey enriched with Cistus pollen) similar as those already marketed, enriched with royal jelly, in order that pollen be considered a component, within the meaning of article 2, paragraph 2 f) from the Regulation (EU) N° 1169/2011, on the provision of food information to consumers, as being added in the processing and packaging of this product.

The Commission clearly wants to solve a complex problem in a simplistic way, playing with words but without tackling the substantive issue. **Rather than modify the legislation on honey, the regulation on GMO's cultivation and release needs to change.**

WHAT IS THE COMMISSION LOOKING FOR WITH ITS PROPOSAL?

The Commission says that this proposal is for:

1. Adapting the existing implementing powers of the Commission to the provisions set out in the Treaty on the Functioning of the EU.

That can be accepted as regards the competences in article 4 of the Directive 2001/110/EC; however, the Commission pretends to give itself the right to modify the Annexes of the Directive through delegate acts.

On this COAG is fully agree with the MEP Julie Girling, who in her draft report on the proposal for Directive of the EP and the Council modifying the Directive 2001/110/EC related to honey, strongly refuses the possibility that the EC may amend the Annexes of the Directive through delegated acts, because they contain essential elements of the Directive.

2. To clearly defining the pollen's status in honey and "*come back to the existing situation before the judgment...*" of the ECJ (case C-442/09).

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With this, the EC might suggest that it submits this proposal to solve the problems related with GMO in the EU beekeeping sector, but on the contrary, **the Commission tries to solve the beekeeping problem for GMO's companies.**

Due to this proposal from the Commission, the European farmers on whose territories are grown GMO (as it is the case of Spain) will continue to remain in the hands of a private company (Monsanto in this case) and its interest to ask or not an authorization of pollen from MON810 maize for the human consumption. Whilst its cultivation continue to be banned in many Member, some has asked, after the ECJ's ruling the removal of the authorization for GMO cultivation within the EU. How the European citizens rights remain in the hands of a private company? What will happen in the future if pollen from some GMO is authorized and not for others?

By the other hand, the Spanish beekeepers, who are the world largest producers of pollen, don't solve their situation either, because if their bees collect pollen from a GMO plant, they will have , the problem related with its possible authorization, and also that they would be likely to exceed the 0,9% threshold for labeling. **What kind of consumer will consume pollen labeled as pollen entirely or partially from GMO?**

The Commission also forgot the pollen released in numerous experimental test fields throughout the EU, which also are not authorized for human consumption and they can end up in honey or pollen from the European beekeepers.

In view of the need to import a part of honey consumed in the EU, perhaps the Commission pretends, with this proposal, solve the problem to some importers who buy in countries with transgenic crops, varieties which pollen is authorized for human consumption, but they will never be sure that some no authorized pollen is also present.

But what other European importers are doing when they buy honey in other countries as China (first supplier to the EU with 57.198 Mt in 2011, over 40% of the overall imported) which is cultivating numerous unauthorized GMO in the EU? Perhaps they are using unauthorized techniques in the EU to remove pollen from honey?

The Commission neither wants to address other problems related with beekeeping/GMO crops:

1. The presence of GMO genetic material in honey and other apicultural products may be due to the foraging on GMO flowers and plants but also to the gathering of animal feed meals by bees (most of which with transgenic soya and maize) in **animal feeders in times of shortages.**

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2. The GMO varieties crops resistant to herbicides involves the massive use of them, and as consequence, the generalized impoverishment of the flora of our fields, causing the so-called “green deserts” with a total absence of biodiversity. In Argentina is called “**soyafication**”.

We have to recall here that the EU Council, in its conclusions on 17.05.2011, says that bees are “**early indicators of adverse effects upon biodiversity and pollution**” and that “**beekeeping plays a crucial role in improving biodiversity, concretely as regards its essential contribution through pollination**”.

3. The direct toxicity (GMO insecticides crops) or indirect (GMO herbicide-tolerant crops) are not well studied and it should be done on a case-by-case basis.

The Commission recognizes that “**although no evidence has been found for a link between them and bees and bees health, will continue to closely follow any developments closely in this area**” (COM (2010) 714)

As a result, the European beekeepers call to evaluate rigorously the impact of GMO crops on the apiaries, specially on larva, queen bees and winter bees, and to publish scientific protocols and the research findings.

4. Bees are a problem for the **coexistence rules** (distances) between GMO crops and conventional and organic crops that the Commission wishes to propose to the Member States. It is a common knowledge that bees can carry pollen across great distances (Km).

Does the Commission consider that all of this may mean the removal of bees and beekeepers from their land and serious damages to the farmers who need bees to pollinate their fields?

Are the Commission or Member states thinking about sacrifice the beekeeping sector alleging economic or general “benefits”?

CONCLUSION

The European consumers reject by majority transgenic crops. The European consumer demands food security, nutritional quality, a production linked to the environment, to the animal welfare, an agriculture that creates job and living conditions in the countryside. To sum up, he asks for a more sustainable agriculture that provides services to society (*public goods*), being clear that the industrial and transgenic agriculture are the opposite to all this claims and challenges.

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COAG opposes to consolidate within the European market honey with traits or presence of pollen from GMO crops.

The European beekeepers cannot be considered as the "victims" of a problem they did not cause and in respect of which they are not responsible.

The right to produce with transgenic, put forward by many interested, involves the respect the right from those who do not want to do it and ensuring that those who were already producing without GMO continue to do it, all the more so because many consumers demand it.

The complexity of the problems outlined by the ECJ's ruling (case C-442/09) cannot be tackled with a simplistic approach as the Commission carries out in its proposal of Directive of the European Parliament and the Council modifying the Directive 2001/110/EC, related to honey.

Because of that, COAG, in opposition to the Commission recognition that "*there are not possible alternatives*" asks the European Parliament and the Council **to reject the Commission's document and asks it to work in a way to allow us to find solutions to the problems caused by GMO crops in the European beekeeping sector.**