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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 797/2004

of 26 April 2004

on measures improving general conditions for the production and marketing of apiculture products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament, ([1])

Having regard to the Opinion of the European Economic and Social Committee, ([2])

Whereas:

(1) Following the Communication from the Commission to the Council and the European Parliament on European apiculture in 1994, the Council concluded that proposals were required for a framework Regulation on beekeeping.

(2) Thus by Regulation (EC) No 1221/97 ([3]), the Council laid down general rules on measures to improve the production and marketing of honey.

(3) Since then, the Commission has sent the Council and the European Parliament reports on the implementation of Regulation (EC) No 1221/97 in February 2001 and January 2004. The conclusions drawn from these reports show that the measures provided for by Regulation (EC) No 1221/97 should be adapted to the current situation in the Community beekeeping sector. That Regulation should therefore be repealed and replaced by a new one.

(4) Beekeeping is a sector of agriculture, the main functions of which are economic activity and rural development, the production of honey and other products of the hive and the maintenance of ecological balance.

(5) The sector is characterised by diversity of production conditions and yields, and by the dispersion and variety of economic operators, both at the production and marketing stage.

(6) In view of the spread of varroasis in several Member States in recent years and the problems which this disease causes for honey production, action by the Community is necessary as varroasis cannot be completely eradicated and is to be treated with approved products.

(7) Given these circumstances and in order to improve the production and marketing of apiculture products in the Community, national programmes should be drawn up every three years comprising technical assistance, control of varroasis, rationalisation of transhumance, management of the restocking of hives in the Community, and cooperation on research programmes on beekeeping and apiculture products.

(8) In order to supplement the statistical data on beekeeping, Member States should carry out studies on the structure of the sector, covering production, marketing and price formation.

(9) Expenditure by the Member States in fulfilment of the obligations arising from this Regulation should be borne by the Community in accordance with Article 2(2) and (3) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ([4]).

(10) The competition rules governing State aid in the field of beekeeping should apply. Nevertheless, an exemption from the rules on State aids should be made with regard to financial contributions provided by Member States for measures subject to Community support in accordance with this Regulation as well as with regard to specific national aids for the protection of apiaries disadvantaged by structural or natural conditions or under economic development programmes, except for those granted for production or trade; special rules should be established for such State aid.

([1]) Opinion delivered on 22 April 2004 (not yet published in the Official Journal).

([2]) Opinion delivered on 1 April 2004 (not yet published in the Official Journal).

([3]) Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey (OJ L 173, 1.7.1997, p. 1). Regulation as last amended by Regulation (EC) No 2070/98 (OJ L 265, 30.9.1998, p. 1).

([4]) OJ L 160, 26.6.1999, p. 103.