

Commission Decision of 25 April 2007 on the withdrawal from the market of Topas 19/2 (ACS-BNØØ7-1) oilseed rape and its derived products (notified under document number C(2007) 1809) (Only the German text is authentic) (2007/307/EC)

COMMISSION DECISION

of 25 April 2007

on the withdrawal from the market of Topas 19/2 (ACS-BNØØ7-1) oilseed rape and its derived products

(notified under document number C(2007) 1809)

(Only the German text is authentic)

(2007/307/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed⁽¹⁾, and in particular Article 8(6) and 20(6) thereof,

Whereas:

- (1) Seeds of oilseed rape (*Brassica napus* L. spp. *oleifera*) derived from traditional breeding crosses between non-genetically modified oilseed rape and a line resulting from transformation event Topas 19/2 (ACS-BNØØ7-1) have been granted consent pursuant to Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms⁽²⁾ by Commission Decision 98/291/EC of 22 April 1998 concerning the placing on the market of genetically modified spring swede rape (*Brassica napus* L. ssp. *oleifera*) pursuant to Council Directive 90/220/EEC⁽³⁾ for handling in the environment during import and before and during storage and processing. Directive 90/220/EEC has been recast and repealed by Directive 2001/18/EC.
- (2) The consent was based on the opinion of 10 February 1998 of the Scientific Committee on Plants established by Commission Decision 97/579/EC⁽⁴⁾.
- (3) Processed oil from seeds of oilseed rape ACS-BNØØ7-1 and all conventional crosses was placed on the market in accordance with Article 5 of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽⁵⁾.
- (4) ACS-BNØØ7-1 oilseed rape and its derived products have subsequently been notified by Bayer CropScience AG (hereafter the notifier) as existing products under Article 8(1) (a) and Article 20(1) of Regulation (EC) No 1829/2003 (hereafter the Regulation) and entered in the Community Register of genetically modified food and feed. The scope

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of the notification covered food (processed oil) produced from seeds of oilseed rape ACS-BNØØ7-1 and all conventional crosses as well as feed containing or consisting of or produced from ACS-BNØØ7-1 oilseed rape for the placing on the market of the product or handling in the environment during import and before and during storage and processing.

- (5) The notifier of oilseed rape ACS-BNØØ7-1, in a letter to the Commission dated 15 November 2005, indicated that varieties containing this event were no longer offered for sale on a global basis and that all inventory seed were recalled and destroyed after the 2003 sales season.
- (6) The notifier has further indicated to the Commission that it has no intention to submit an application for renewal of the authorisation of ACS-BNØØ7-1 oilseed rape under the Regulation in accordance with the first subparagraph of Article 8(4), Article 11, Article 20(4) and Article 23 respectively. Therefore ACS-BNØØ7-1 oilseed rape and its derived products cannot be placed on the market in the Community after 18 April 2007.
- (7) Measures to ensure effective withdrawal from the market of seeds of oilseed rape ACS-BNØØ7-1 for the purpose of cultivation are not necessary since these seeds could never be legally placed on the market in the Community. Since the notifier has stopped selling seeds of oilseed rape ACS-BNØØ7-1 after the 2003 planting season, stocks of products derived from ACS-BNØØ7-1 oilseed rape have been used up and are not expected to be present on the market after 18 April 2007. However, minute traces of ACS-BNØØ7-1 oilseed rape might remain present in food or feed products for a certain period of time.
- (8) For reasons of legal certainty, it is therefore necessary to provide for a transitional period of time within which food and feed products may contain such material without being considered to be in breach of Article 4(2) or Article 16(2) of the Regulation where this presence is adventitious or technically unavoidable.
- (9) The tolerated level and the period of time should be set taking into account the time needed until the effective withdrawal from the market of the seeds produces its effects throughout the food and feed chain. In all cases, the tolerated level shall remain below the labelling and traceability threshold of no higher than 0,9 % provided for by the Regulation for the adventitious or technically unavoidable presence of GM material in food and feed.
- (10) The entries in the Community Register of genetically modified food and feed, as provided for in Article 28 of the Regulation, regarding ACS-BNØØ7-1 oilseed rape should be modified in order to take account of this Decision.
- (11) The notifier has been consulted on the measures provided for in this Decision.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Changes to legislation: There are outstanding changes not yet made to Commission Decision of 25 April 2007 on the withdrawal from the market of Topas 19/2 (ACS-BN007-1) oilseed rape and its derived products (notified under document number C(2007) 1809) (Only the German text is authentic) (2007/307/EC). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

^{F1}Article 1

1 The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS- BN007-1 oilseed rape in breeding and seed production and shall gather data on the presence of that genetically modified organism in the oilseed rape shipments to the Union from Canada.

By 1 January 2022, the addressee shall report to the Commission on the implementation of this program and on the presence of those genetically modified organisms in the oilseed rape shipments from Canada to the Union.

2 The presence of material which contains, consists of or is produced from ACS-BN007-1 oilseed rape in food or feed products notified under Article 8(1)(a) and Article 20(1) (a) of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2022, provided that this presence:

- a is adventitious or technically unavoidable; and
- b is in a proportion no higher than 0,1 % mass fraction.

3 The addressee shall ensure the availability of certified reference material for ACS-BN007-1 oilseed rape via the American Oil Chemists Society at <https://www.aocs.org/crm.>]

Textual Amendments

- F1** Substituted by [Commission Implementing Decision \(EU\) 2019/1562 of 16 September 2019 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1×Rf1 \(ACS-BN004-7×ACS-BN001-4\) hybrid oilseed rape, Ms1×Rf2 \(ACS-BN004-7×ACS-BN002-5\) hybrid oilseed rape and Topas 19/2 \(ACS-BN007-1\) oilseed rape, as well as their derived products \(notified under document C\(2019\) 6524\) \(Only the German text is authentic\).](#)

Article 2

The entries in the Community Register of genetically modified food and feed, as provided for in Article 28 of the Regulation, regarding ACS-BN007-1 oilseed rape shall be modified in order to take account of this Decision.

Article 3

This Decision is addressed to [^{F2}BASF SE, Carl-Bosch-Str. 38, 67063 Ludwigshafen, Germany].

Textual Amendments

- F2** Substituted by [Commission Implementing Decision \(EU\) 2019/1117 of 24 June 2019 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards a change of the addressee of the Decisions \(notified under document C\(2019\) 4523\) \(Only the German text is authentic\).](#)

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- (1) [OJ L 268, 18.10.2003, p. 1](#). Regulation as amended by Commission Regulation (EC) No 1981/2006 ([OJ L 368, 23.12.2006, p. 99](#)).
- (2) [OJ L 117, 8.5.1990, p. 15](#). Directive as repealed by Directive 2001/18/EC of the European Parliament and of the Council ([OJ L 106, 17.4.2001, p. 1](#)).
- (3) [OJ L 131, 5.5.1998, p. 26](#).
- (4) [OJ L 237, 28.8.1997, p. 18](#).
- (5) [OJ L 43, 14.2.1997, p. 1](#). Regulation as last amended by Regulation (EC) No 1882/2003 ([OJ L 284, 31.10.2003, p. 1](#)).

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Changes and effects yet to be applied to :

- Art. 1 words omitted by virtue of S.I. 2019/705, reg. 69(b) (as substituted) by [S.I. 2020/1504 reg. 17\(13\)](#)
- Art. 1 words substituted by S.I. 2019/705, reg. 69(a) (as substituted) by [S.I. 2020/1504 reg. 17\(13\)](#)
- Art. 1(1) words omitted by [S.I. 2019/705 reg. 69\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 69 substituted immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 17(13))
- Art. 1(1) words substituted by [S.I. 2019/705 reg. 69\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 69 substituted immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 17(13))
- Art. 1(2) word substituted by [S.I. 2022/1351 reg. 13](#)
- Art. 2 word omitted by [S.I. 2019/705 reg. 70](#)