

Official Journal of the European Union

L 240



English edition

Legislation

Volume 62

18 September 2019

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) 2019/1561 of 17 September 2019 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlormequat in cultivated fungi ⁽¹⁾ 1**

DECISIONS

- ★ **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-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as their derived products (notified under document C(2019) 6524) 13**

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2019/1561

of 17 September 2019

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlormequat in cultivated fungi**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) and Article 16(1)(a) thereof,

Whereas:

- (1) For chlormequat, maximum residue levels (MRLs) are set in Annex II to Regulation (EC) No 396/2005.
- (2) The MRLs for chlormequat were recently modified by Commission Regulation (EU) 2017/693 ⁽²⁾ in accordance with Article 12(1) of Regulation (EC) No 396/2005. In that framework, a temporary MRL for cultivated fungi was set at 0,9 mg/kg due to monitoring data showing that residues occurred on untreated cultivated fungi at a level higher than the limit of determination where such residues may result from cross-contamination of cultivated fungi with straw lawfully treated with chlormequat.
- (3) Mushroom growers submitted to the Commission recent monitoring data specifically on oyster mushrooms showing that residues occur in those products at higher levels than the current temporary MRL set for cultivated fungi. Those residues result from a cross-contamination of cultivated fungi with straw lawfully treated with chlormequat. Several Member States submitted additional monitoring data from official controls performed specifically on oyster mushrooms, which confirmed those findings.
- (4) Germany compiled and evaluated an application for modification of the existing MRL in accordance with Article 6(3) of Regulation (EC) No 396/2005 and forwarded the evaluation report to the Commission.
- (5) The European Food Safety Authority ('the Authority') assessed the application and the evaluation report, examining in particular the risks to consumers and, where relevant, to animals and gave a scientific statement on the proposed MRL ⁽³⁾. It forwarded that statement to the applicant, the Commission and the Member States and made it available to the public.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EU) 2017/693 of 7 April 2017 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bitertanol, chlormequat and tebufenpyrad in or on certain products (OJ L 101, 13.4.2017, p. 1).

⁽³⁾ EFSA scientific reports available online: <http://www.efsa.europa.eu>:

Statement on the dietary risk assessment for the proposed temporary maximum residue level for chlormequat in oyster mushrooms. *EFSA Journal* 2019;17(5):5707.

- (6) The Authority concluded in its scientific statement that the modification to the MRL requested by Germany was acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. The Authority took into account the most recent information on the toxicological properties of the substance. Neither the lifetime exposure to this substance via consumption of all food products that may contain it, nor the short-term exposure due to high consumption of the relevant products showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (7) In light of the Authority's conclusions on risk to consumers, the MRL for oyster mushrooms should be set at the level corresponding to the 95th percentile of all the sample results while maintaining the existing MRL for other cultivated fungi. That MRL will be reviewed; the review will take into account the information available within 13 April 2021.
- (8) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 September 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annexes II and III to Regulation (EC) No 396/2005 are amended as follows:

- (1) in Annex II, the column for chlormequat is deleted;
- (2) in Part A of Annex III, the following column for chlormequat is added:

Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Chlormequat (sum of chlormequat and its salts, expressed as chlormequat-chloride)
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,01 (*)
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others (2)	
0120000	Tree nuts	0,01 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others (2)	
0130000	Pome fruits	
0130010	Apples	0,01 (*)
0130020	Pears	0,07 (+)
0130030	Quinces	0,01 (*)
0130040	Medlars	0,01 (*)
0130050	Loquats/Japanese medlars	0,01 (*)
0130990	Others (2)	0,01 (*)

(1)	(2)	(3)
0140000	Stone fruits	0,01 (*)
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others (2)	
0150000	Berries and small fruits	
0151000	(a) <i>grapes</i>	0,05
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	0,01 (*)
0153000	(c) <i>cane fruits</i>	0,01 (*)
0153010	Blackberries	
0153020	Dewberries	
0153030	Raspberries (red and yellow)	
0153990	Others (2)	
0154000	(d) <i>other small fruits and berries</i>	0,01 (*)
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others (2)	
0160000	Miscellaneous fruits with	0,01 (*)
0161000	(a) <i>edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats	
0161050	Carambolas	
0161060	Kaki/Japanese persimmons	
0161070	Jambuls/jambolans	
0161990	Others (2)	
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	
0162020	Litchis/lychees	
0162030	Passionfruits/maracujas	
0162040	Prickly pears/cactus fruits	
0162050	Star apples/cainitos	

(1)	(2)	(3)
0162060	American persimmons/Virginia kaki	
0162990	Others (2)	
0163000	(c) <i>inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas	
0163030	Mangoes	
0163040	Papayas	
0163050	Granate apples/pomegranates	
0163060	Cherimoyas	
0163070	Guavas	
0163080	Pineapples	
0163090	Breadfruits	
0163100	Durians	
0163110	Soursops/guanabanas	
0163990	Others (2)	
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	0,01 (*)
0211000	(a) <i>potatoes</i>	
0212000	(b) <i>tropical root and tuber vegetables</i>	
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	
0212030	Yams	
0212040	Arrowroots	
0212990	Others (2)	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	
0213020	Carrots	
0213030	Celeriacs/turnip rooted celeries	
0213040	Horseradishes	
0213050	Jerusalem artichokes	
0213060	Parsnips	
0213070	Parsley roots/Hamburg roots parsley	
0213080	Radishes	
0213090	Salsifies	
0213100	Swedes/rutabagas	
0213110	Turnips	
0213990	Others (2)	
0220000	Bulb vegetables	0,01 (*)
0220010	Garlic	
0220020	Onions	
0220030	Shallots	
0220040	Spring onions/green onions and Welsh onions	
0220990	Others (2)	

(1)	(2)	(3)
0230000	Fruiting vegetables	0,01 (*)
0231000	(a) <i>Solanaceae and Malvaceae</i>	
0231010	Tomatoes	
0231020	Sweet peppers/bell peppers	
0231030	Aubergines/eggplants	
0231040	Okra/lady's fingers	
0231990	Others (2)	
0232000	(b) <i>cucurbits with edible peel</i>	
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes	
0232990	Others (2)	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	
0233020	Pumpkins	
0233030	Watermelons	
0233990	Others (2)	
0234000	(d) <i>sweet corn</i>	
0239000	(e) <i>other fruiting vegetables</i>	
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	0,01 (*)
0241000	(a) <i>flowering brassica</i>	
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others (2)	
0242000	(b) <i>head brassica</i>	
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others (2)	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	
0243020	Kales	
0243990	Others (2)	
0244000	(d) <i>kohlrabies</i>	
0250000	Leaf vegetables, herbs and edible flowers	0,01 (*)
0251000	(a) <i>lettuces and salad plants</i>	
0251010	Lamb's lettuces/corn salads	
0251020	Lettuces	
0251030	Escaroles/broad-leaved endives	

(1)	(2)	(3)
0251040	Cresses and other sprouts and shoots	
0251050	Land cresses	
0251060	Roman rocket/rucola	
0251070	Red mustards	
0251080	Baby leaf crops (including brassica species)	
0251990	Others (2)	
0252000	(b) <i>spinaches and similar leaves</i>	
0252010	Spinaches	
0252020	Purslanes	
0252030	Chards/beet leaves	
0252990	Others (2)	
0253000	(c) <i>grape leaves and similar species</i>	
0254000	(d) <i>watercresses</i>	
0255000	(e) <i>witloofs/Belgian endives</i>	
0256000	(f) <i>herbs and edible flowers</i>	
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leaves	
0256100	Tarragon	
0256990	Others (2)	
0260000	Legume vegetables	0,01 (*)
0260010	Beans (with pods)	
0260020	Beans (without pods)	
0260030	Peas (with pods)	
0260040	Peas (without pods)	
0260050	Lentils	
0260990	Others (2)	
0270000	Stem vegetables	0,01 (*)
0270010	Asparagus	
0270020	Cardoons	
0270030	Celeries	
0270040	Florence fennels	
0270050	Globe artichokes	
0270060	Leeks	
0270070	Rhubarbs	
0270080	Bamboo shoots	
0270090	Palm hearts	
0270990	Others (2)	

(1)	(2)	(3)
0280000	Fungi, mosses and lichens	
0280010	Cultivated fungi	0,9 (+)
0280020	Wild fungi	0,01 (*)
0280990	Mosses and lichens	0,01 (*)
0290000	Algae and prokaryotes organisms	0,01 (*)
0300000	PULSES	0,01 (*)
0300010	Beans	
0300020	Lentils	
0300030	Peas	
0300040	Lupins/lupini beans	
0300990	Others (2)	
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	
0401010	Linseeds	0,01 (*)
0401020	Peanuts/groundnuts	0,01 (*)
0401030	Poppy seeds	0,01 (*)
0401040	Sesame seeds	0,01 (*)
0401050	Sunflower seeds	0,01 (*)
0401060	Rapeseeds/canola seeds	7 (+)
0401070	Soyabeans	0,01 (*)
0401080	Mustard seeds	0,01 (*)
0401090	Cotton seeds	0,7
0401100	Pumpkin seeds	0,01 (*)
0401110	Safflower seeds	0,01 (*)
0401120	Borage seeds	0,01 (*)
0401130	Gold of pleasure seeds	0,01 (*)
0401140	Hemp seeds	0,01 (*)
0401150	Castor beans	0,01 (*)
0401990	Others (2)	0,01 (*)
0402000	Oil fruits	0,01 (*)
0402010	Olives for oil production	
0402020	Oil palms kernels	
0402030	Oil palms fruits	
0402040	Kapok	
0402990	Others (2)	
0500000	CEREALS	
0500010	Barley	3
0500020	Buckwheat and other pseudocereals	0,01 (*)
0500030	Maize/corn	0,01 (*)
0500040	Common millet/proso millet	0,01 (*)
0500050	Oat	15
0500060	Rice	0,01 (*)
0500070	Rye	8

(1)	(2)	(3)
0500080	Sorghum	0,01 (*)
0500090	Wheat	7
0500990	Others (2)	0,01 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	0,05 (*)
0610000	Teas	
0620000	Coffee beans	
0630000	Herbal infusions from	
0631000	(a) <i>flowers</i>	
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others (2)	
0632000	(b) <i>leaves and herbs</i>	
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others (2)	
0633000	(c) <i>roots</i>	
0633010	Valerian	
0633020	Ginseng	
0633990	Others (2)	
0639000	(d) <i>any other parts of the plant</i>	
0640000	Cocoa beans	
0650000	Carobs/Saint John's breads	
0700000	HOPS	0,05 (*)
0800000	SPICES	
0810000	Seed spices	0,05 (*)
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others (2)	

(1)	(2)	(3)
0820000	Fruit spices	0,05 (*)
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others (2)	
0830000	Bark spices	0,05 (*)
0830010	Cinnamon	
0830990	Others (2)	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 (*)
0840020	Ginger (10)	0,05 (*)
0840030	Turmeric/curcuma	0,05 (*)
0840040	Horseradish (11)	
0840990	Others (2)	0,05 (*)
0850000	Bud spices	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others (2)	
0860000	Flower pistil spices	0,05 (*)
0860010	Saffron	
0860990	Others (2)	
0870000	Aril spices	0,05 (*)
0870010	Mace	
0870990	Others (2)	
0900000	SUGAR PLANTS	0,01 (*)
0900010	Sugar beet roots	
0900020	Sugar canes	
0900030	Chicory roots	
0900990	Others (2)	
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Commodities from	
1011000	(a) <i>swine</i>	
1011010	Muscle	0,3
1011020	Fat	0,15
1011030	Liver	1,5

(1)	(2)	(3)
1011040	Kidney	1,5
1011050	Edible offals (other than liver and kidney)	1,5
1011990	Others (2)	0,01 (*)
1012000	(b) <i>bovine</i>	
1012010	Muscle	0,3
1012020	Fat	0,15
1012030	Liver	1,5
1012040	Kidney	1,5
1012050	Edible offals (other than liver and kidney)	1,5
1012990	Others (2)	0,01 (*)
1013000	(c) <i>sheep</i>	
1013010	Muscle	0,3
1013020	Fat	0,15
1013030	Liver	1,5
1013040	Kidney	1,5
1013050	Edible offals (other than liver and kidney)	1,5
1013990	Others (2)	0,01 (*)
1014000	(d) <i>goat</i>	
1014010	Muscle	0,3
1014020	Fat	0,15
1014030	Liver	1,5
1014040	Kidney	1,5
1014050	Edible offals (other than liver and kidney)	1,5
1014990	Others (2)	0,01 (*)
1015000	(e) <i>equine</i>	
1015010	Muscle	0,3
1015020	Fat	0,15
1015030	Liver	1,5
1015040	Kidney	1,5
1015050	Edible offals (other than liver and kidney)	1,5
1015990	Others (2)	0,01 (*)
1016000	(f) <i>poultry</i>	
1016010	Muscle	0,05
1016020	Fat	0,05
1016030	Liver	0,15
1016040	Kidney	0,15
1016050	Edible offals (other than liver and kidney)	0,15
1016990	Others (2)	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	0,3
1017020	Fat	0,15
1017030	Liver	1,5

(1)	(2)	(3)
1017040	Kidney	1,5
1017050	Edible offals (other than liver and kidney)	1,5
1017990	Others (2)	0,01 (*)
1020000	Milk	0,5
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others (2)	
1030000	Birds eggs	0,15
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others (2)	
1040000	Honey and other apiculture products (7)	0,05 (*)
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,3
1100000	PRODUCTS OF ANIMAL ORIGIN - FISH, FISHPRODUCTS AND ANY OTHER MARINE AND FRESHWATER FOOD PRODUCTS (8)	
1200000	PRODUCTS OR PART OF PRODUCTS EXCLUSIVELY USED FOR ANIMAL FEED PRODUCTION (8)	
1300000	PROCESSED FOOD PRODUCTS (9)	

(*) Limit of analytical determination

(e) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Chlormequat (sum of chlormequat and its salts, expressed as chlormequat-chloride)

- (+) Recent monitoring data show that chlormequat levels in pears are declining but still occur at levels above the limit of determination due to former uses. It is therefore appropriate to set a temporary MRL at a value of 0,07 mg/kg pending the submission of further monitoring data. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 13 April 2021, or, if that information is not submitted by that date, the lack of it.

0130020 Pears

- (+) The following MRL applies to oyster mushrooms: 6 mg/kg. Monitoring data show that cross-contamination of untreated cultivated fungi may occur with straw lawfully treated with chlormequat. When reviewing the MRL, the Commission will take into account the information, if it is submitted by 13 April 2021, or, if that information is not submitted by that date, the lack of it.

0280010 Cultivated fungi

- (+) The European Food Safety Authority identified some information on crop metabolism as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 13 April 2019, or, if that information is not submitted by that date, the lack of it.

0401060 Rapeseeds/canola seeds'

DECISIONS

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-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as their derived products

(notified under document C(2019) 6524)

(Only the German text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 Article 20(6) thereof,

Whereas:

- (1) Commission Decisions 2007/305/EC ⁽²⁾, 2007/306/EC ⁽³⁾ and 2007/307/EC ⁽⁴⁾ lay down the rules for the withdrawal from the market of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape respectively, as well as their derived products ('GM material'). Those decisions have been adopted after the authorisation holder, the company Bayer CropScience AG, indicated to the Commission that it had no intention of submitting an application for the renewal of the authorisation of that GM material in accordance with the first subparagraph of Article 8(4), Article 11, Article 20(4) and Article 23 of Regulation (EC) No 1829/2003.
- (2) All three Decisions provided for an initial transitional period of five years during which food and feed containing, consisting of or produced from this GM material were allowed to be placed on the market in a proportion no higher than 0,9 % and provided that that presence was adventitious or technically unavoidable. The purpose of that transitional period was to take into account the fact that minute traces of that GM material could sometimes be present in the food and feed chains, even after Bayer CropScience AG had decided to stop selling seeds derived from those genetically modified organisms and even if all measures were taken to avoid the presence of that GM material.
- (3) Despite the measures taken by Bayer CropScience AG to prevent the presence of those genetically modified organisms in accordance with Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC, minute traces have been still detected in oilseed rape commodities. Commission Implementing Decision 2012/69/EU ⁽⁵⁾ amended all three Decisions in order to extend the transition period until 31 December 2016, and reduced the tolerated presence of that GM material in food and feed to 0,1 % mass fraction. The three Decisions have been further amended by Commission Implementing Decision (EU) 2016/2268 ⁽⁶⁾ in order to extend the transition period until 31 December 2019.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ Commission Decision 2007/305/EC of 25 April 2007 on the withdrawal from the market of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 17).

⁽³⁾ Commission Decision 2007/306/EC of 25 April 2007 on the withdrawal from the market of Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 20).

⁽⁴⁾ Commission Decision 2007/307/EC of 25 April 2007 on the withdrawal from the market of Topas 19/2 (ACS-BNØØ7-1) oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 23).

⁽⁵⁾ Commission Implementing Decision 2012/69/EU of 3 February 2012 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as of their derived products (OJ L 34, 7.2.2012, p. 12).

⁽⁶⁾ Commission Implementing Decision (EU) 2016/2268 of 14 December 2016 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as their derived products (OJ L 342, 16.12.2016, p. 34).

- (4) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC also set out a series of measures that Bayer CropScience AG had to take in order to ensure the effective withdrawal from the market of this GM material and laid down reporting obligations on the addressee.
- (5) Furthermore, Commission Implementing Decision (EU) 2019/1117 ⁽⁷⁾ amended the three Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the addressee, following a request submitted on 1 August 2018 by Bayer CropScience AG to transfer its rights and obligations, pertaining to all its notifications, applications and authorisations for genetically modified products, to BASF Agricultural Solutions Seed US LLC, being represented in the Union by BASF SE (Germany). Therefore, Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC should be addressed to BASF SE.
- (6) In October 2018, BASF SE reported that despite the measures taken, minute traces have been still detected, in a further decreasing trend, in oilseed rape commodities in recent years. This persisting presence of traces can be explained by the biology of oilseed rapes which can remain dormant for long periods as well as by farm practices which have been employed to harvest the seeds which may have resulted in accidental spillage, the level of which was difficult to estimate at the dates of adoption of Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC, and Implementing Decisions 2012/69/EU and (EU) 2016/2268.
- (7) Against this background, it is appropriate to extend the transitional period for another three years until 31 December 2022 to allow for the complete removal of the remaining traces of Ms1×Rf1, Ms1×Rf2 and Topas 19/2 oilseed rapes in the food and feed chain.
- (8) In order to further contribute to the removal of that GM material, it is also appropriate that the addressee continues to implement the in-house programme required in accordance with Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC and to gather data on the presence of such material in oilseed rape commodities imported into the Union from Canada, the only country where those oilseed rapes were cultivated for commercial purposes. BASF SE should report to the Commission on both aspects by 1 January 2022.
- (9) BASF SE should ensure the continued availability of certified reference materials to enable control laboratories to perform their analysis during that transitional period.
- (10) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/305/EC is amended as follows:

- (1) Article 1 is replaced by the following:

‘Article 1

The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS-BNØØ4-7, ACS-BNØØ1-4 and of the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape in breeding and seed production and shall gather data on the presence of those genetically modified organisms 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.’

⁽⁷⁾ 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 (OJ L 176, 1.7.2019, p. 59).

(2) Article 2 is replaced by the following:

'Article 2

1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 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.

2. The addressee shall ensure the availability of certified reference material for ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape via the American Oil Chemists Society at <https://www.aocs.org/crm>.'

Article 2

Decision 2007/306/EC is amended as follows:

(1) Article 1 is replaced by the following:

'Article 1

The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS-BNØØ4-7, ACS-BNØØ2-5 and of the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape in breeding and seed production and shall gather data on the presence of those genetically modified organisms 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) Article 2 is replaced by the following:

'Article 2

1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ2-5 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 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.

2. The addressee shall ensure the availability of certified reference material for ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape via the American Oil Chemists Society at <https://www.aocs.org/crm>.'

Article 3

Article 1 of Decision 2007/307/EC is replaced by the following:

'Article 1

1. The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS- BNØØ7-1 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-BNØØ7-1 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- BNØØ7-1 oilseed rape via the American Oil Chemists Society at <https://www.aocs.org/crm>.'

Article 4

The entries in the Community Register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003, regarding ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape, ACS-BNØØ4-7, ACS-BNØØ2-5 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape, and ACS-BNØØ7-1 oilseed rape shall be modified in order to take account of this Decision.

Article 5

This Decision is addressed to BASF SE, Carl-Bosch-Str. 38, D-67063 Ludwigshafen, Germany.

Done at Brussels, 16 September 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

