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COMMISSION IMPLEMENTING DECISION (EU) 2025/2321

of 17 November 2025

amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape, Ms1xRf2 (ACS-BNØØ4-7xACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as for their derived products

(notified under document C(2025) 7640)

(Only the German text is authentic)

(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 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 Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape, Ms1xRf2 (ACS-BNØØ4-7xACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape respectively, as well as their derived products ('GM material').

(2) Those decisions provided for a transitional period of five years during which food and feed containing, consisting of or produced from the GM material were allowed to be placed on the market in proportion no higher than 0,9% and provided that that presence was adventitious or technically unavoidable. The purpose of the 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 the authorisation holder, Bayer CropScience AG, stopped selling seeds derived from the genetically modified organisms and measures were taken to avoid the presence of the GM material in food and feed.

(3) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC also set out measures that Bayer CropScience AG had to take in order to ensure the effective withdrawal from the market of the GM material and laid down reporting obligations on the addressee.

([1]) OJ L 268, 18.10.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/1829/oj.
([2]) Commission Decision 2007/305/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 17, ELI: http://data.europa.eu/eli/dec/2007/305/oj).
([3]) Commission Decision 2007/306/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf2 (ACS-BNØØ4-7xACS-BNØØ2-5) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 20, ELI http://data.europa.eu/eli/dec/2007/306/oj).
([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, ELI: http://data.europa.eu/eli/dec/2007/307/oj).

(4) Commission Implementing Decision 2012/69/EU ([5]) extended the transitional period until 31 December 2016 and reduced the tolerated presence of the GM material in food and feed to 0,1 % mass fraction. Commission Implementing Decision (EU) 2016/2268 ([6]) further extended the transition period until 31 December 2019, Commission Implementing Decision (EU) 2019/1562 ([7]) until 31 December 2022 and Commission Implementing Decision (EU) 2022/736 ([8]) until 31 December 2025.

(5) Commission Implementing Decision (EU) 2019/1117 ([9]) amended Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the addressee, from Bayer CropScience AG to BASF SE.

(6) In November 2024, BASF Belgian Coordination Center CommV, a branch of BASF SE, reported that despite the measures taken, minute traces of the GM material had still been detected, in a further decreasing trend, in oilseed rape commodities in recent years. Such persisting presence of those traces could be explained by the biology of oilseed rapes, since seeds can remain dormant for long periods, as well as by farm practices which have been employed to harvest the seeds and which may have resulted in accidental spillage, the level of which was difficult to estimate at the time of adoption of Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC, and Implementing Decisions 2012/69/EU, (EU) 2016/2268, (EU) 2019/1562 and (EU) 2022/736.

(7) Against this background, it is appropriate to extend the transitional period until 31 December 2028 to allow for the further decrease of the remaining traces of the GM material in the food and feed chains. In order to allow the Commission to reassess the situation before that date, BASF SE should report to the Commission on the implementation of the in-house programme required pursuant to Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC and on the gathered information concerning the presence of the GM material in oilseed rape commodities imported into the Union from Canada, the only country where the GM material was cultivated for commercial purposes.

(8) BASF SE should continue to ensure the continued availability of reference materials to enable control laboratories to perform their analysis during the transitional period.

(9) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC should therefore be amended accordingly.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([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 Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape, Ms1xRf2 (ACS-BNØØ4-7xACS-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, ELI: http://data.europa.eu/eli/dec_impl/2012/69/oj).

([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, ELI: http://data.europa.eu/eli/dec_impl/2016/2268/oj).

([7]) 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 (OJ L 240, 18.9.2019, p. 13, ELI: http://data.europa.eu/eli/dec_impl/2019/1562/oj).

([8]) Commission Implementing Decision (EU) 2022/736 of 11 May 2022 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1xRf1 (ACS-BNØØ4-7xACS-BNØØ1-4) hybrid oilseed rape, Ms1xRf2 (ACS-BNØØ4-7xACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as their derived products (OJ L 136, 13.5.2022, p. 108, ELI: http://data.europa.eu/eli/dec_impl/2022/736/oj).

([9]) 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, ELI: http://data.europa.eu/eli/dec_impl/2019/1117/oj).

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2007/305/EC

Decision 2007/305/EC is amended as follows:

(1) in Article 1, the second paragraph is replaced by the following:

'By 1 January 2028, the addressee shall report to the Commission on the implementation of that programme and on the presence of those genetically modified organisms in the oilseed rape shipments from Canada to the Union.';

(2) in Article 2, paragraph 1 is replaced by the following:

'1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7xACS-BNØØ1-4 oilseed rape in food or feed products notified under Article 8(1), point (a), and Article 20(1), point (a), of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2028, provided that this presence is:

(a) adventitious or technically unavoidable; and

(b) in a proportion no higher than 0,1 % mass fraction.';

(3) the following Article is inserted:

'*Article 2a*

The addressee shall ensure the continued availability of the reference material referred to in point 7 of Annex IV to Directive 2001/18/EC of the European parliament and of the Council (*).

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(*) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1, ELI: http://data.europa.eu/eli/dir/2001/18/oj).'.

Article 2

Amendments to Decision 2007/306/EC

Decision 2007/306/EC is amended as follows:

(1) in Article 1, the second paragraph is replaced by the following:

'By 1 January 2028, the addressee shall report to the Commission on the implementation of that programme and on the presence of those genetically modified organisms in the oilseed rape shipments from Canada to the Union.';

(2) in Article 2, paragraph 1 is replaced by the following:

'1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ2-5 or the hybrid combination ACS-BNØØ4-7xACS-BNØØ2-5 oilseed rape in food or feed products notified under Article 8(1), point (a), and Article 20(1), point (a), of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2028, provided that this presence is:

(a) adventitious or technically unavoidable; and

(b) in a proportion no higher than 0,1 % mass fraction.';

(3) the following Article is inserted:

'*Article 2a*

The addressee shall ensure the continued availability of the reference material referred to in point 7 of Annex IV to Directive 2001/18/EC of the European parliament and of the Council.'.

Article 3

Amendment to Decision 2007/307/EC

Article 1 of Decision 2007/307/EC is amended as follows:

(1) in paragraph 1, the second subparagraph is replaced by the following:
'By 1 January 2028, the addressee shall report to the Commission on the implementation of that programme and on the presence of those genetically modified organisms in the oilseed rape shipments from Canada to the Union.';

(2) paragraph 2 is replaced by the following:

'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), point (a), and Article 20(1), point (a), of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2028, provided that this presence is:

(a) adventitious or technically unavoidable; and

(b) in a proportion no higher than 0,1 % mass fraction.';

(3) the following Article is inserted:

'*Article 2a*

The addressee shall ensure the continued availability of the reference material referred to in point 7 of Annex IV to Directive 2001/18/EC of the European parliament and of the Council.'.

Article 4

Addressee

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

Done at Brussels, 17 November 2025.

For the Commission
Olivér VÁRHELYI
Member of the Commission