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To:	General Secretariat of the Council

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Subject:	COMMISSION REGULATION (EU) .../... of XXX correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for flupyradifurone and potassium phosphonate in or on certain products

Delegations will find attached document D110023/02.

Encl.: D110023/02



Brussels, **XXX**
PLAN/2025/1930
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D110023/02
[...](2025) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

**correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council
as regards maximum residue levels for flupyradifurone and potassium phosphonate in
or on certain products**

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

correcting Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for flupyradifurone and potassium phosphonate in or on certain products

(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/EEC¹, and in particular Article 14(1), point (a), thereof,

Whereas:

- (1) For the active substances flupyradifurone and potassium phosphonate, maximum residue levels ('MRLs') were set in Annex II to Regulation (EC) No 396/2005.
- (2) Commission Regulation (EU) 2025/581², which applies from 17 April 2025, amended Regulation (EC) No 396/2005 by establishing the MRLs of flupyradifurone in pineapple and sunflower seeds. However, those MRLs set out in Regulation (EU) 2025/581 were superseded by the MRLs set out in Commission Regulation (EU) 2024/2640³, which, although adopted before Regulation (EU) 2025/581, applies from 30 April 2025. This was due to a clerical error in the sequence of the dates of application of Regulation (EU) 2025/581 and Regulation (EU) 2024/2640.
- (3) Regulation (EU) 2025/581 also amended Regulation (EC) No 396/2005 by establishing the MRLs of potassium phosphonate in 'lettuces and salad plants', lamb's lettuce/corn salads, escaroles/broad-leaved endives, cresses and other sprouts and shoots, land cresses, roman rocket/rucola, red mustards, baby leaf crops (including brassica species), 'lettuces and salad plants, others', 'spinaches and similar leaves' purslanes, chards/beet leaves, 'spinaches and similar leaves, others', watercresses, globe artichokes, poppy seeds, barley, oat and rye. However, those MRLs set out in Regulation (EU) 2025/581 were superseded by the MRLs set out in Regulation (EU)

¹ OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>.

² Commission Regulation (EU) 2025/581 of 27 March 2025 amending Annexes II and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cycloxydim, dichlorprop-P, flupyradifurone, methyl nonyl ketone, plant oils/citronella oil, potassium sorbate and potassium phosphonate in or on certain products (OJ L, 2025/581, 28.3.2025, ELI: <http://data.europa.eu/eli/reg/2025/581/oj>).

³ Commission Regulation (EU) 2024/2640 of 9 October 2024 amending and correcting Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 1,4-dimethylnaphthalene, difluoroacetic acid (DFA), fluopyram and flupyradifurone in or on certain products (OJ L, 2024/2640, 10.10.2024, ELI: <http://data.europa.eu/eli/reg/2024/2640/oj>).

2024/2619⁴ of 8 October 2024 which, although adopted before Regulation (EU) 2025/581, applies from 29 April 2025. This was due to a clerical error in the sequence of the dates of application of Regulation (EU) 2025/581 and Regulation (EU) 2024/2619.

- (4) Regulation (EC) No 396/2005 should therefore be corrected accordingly.
- (5) 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

Annex II to Regulation (EC) No 396/2005 is corrected in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third 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,

For the Commission
The President
Ursula VON DER LEYEN

⁴ Commission Regulation (EU) 2024/2619 of 8 October 2024 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 fosetyl, potassium phosphonates and disodium phosphonate in or on certain products (OJ L, 2024/2619, 9.10.2024, ELI: <http://data.europa.eu/eli/reg/2024/2619/oj>).