



STATUTORY INSTRUMENTS.

S.I. No. 143 of 2014



EUROPEAN COMMUNITIES (CERTAIN CONTAMINANTS IN
FOODSTUFFS) (AMENDMENT) REGULATIONS 2014

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I, JAMES REILLY, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Commission Regulation (EU) No. 1067/2013 of 30 October 2013¹ hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2014.

(2) The Principal Regulations, the Regulations of 2012, the Regulations of 2013 and these Regulations may be cited together as the European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 to 2014.

2. In these Regulations—

“Principal Regulations” means the European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010);

“Regulations of 2012” means the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2012 (S.I. No. 276 of 2012) and the European Communities (Certain Contaminants in Foodstuffs) (Amendment) (No. 2) Regulations 2012 (S.I. No. 348 of 2012);

“Regulations of 2013” means the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2013 (S.I. No. 380 of 2013).

3. The Principal Regulations are amended—

(a) in Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2013) by substituting for the definition of “Commission Regulation (EC) No. 1881/2006” the following—

“‘Commission Regulation (EC) No. 1881/2006’ means Commission Regulation (EC) No. 1881/2006 of 19 December 2006² regarding setting maximum levels for certain contaminants in foodstuffs, as amended by Commission Regulation (EC) No. 1126/2007 of 28 September 2007³, Commission Regulation (EC) No. 565/2008 of 18 June 2008⁴, Commission Regulation (EC) No. 629/2008 of 2 July 2008⁵, Commission Regulation (EU) No. 105/2010 of 5 February

¹OJ No. L. 289, 31.10.2013, p. 56.

²OJ No. L. 364, 20.12.2006, p. 5.

³OJ No. L. 255, 29.9.2007, p. 14.

⁴OJ No. L. 160, 19.6.2008, p. 20.

⁵OJ No. L. 173, 3.7.2008, p. 6.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st March, 2014.*

2010⁶, Commission Regulation (EU) No. 165/2010 of 26 February 2010⁷, Commission Regulation (EU) No. 420/2011 of 29 April 2011⁸ as affected by Corrigendum to Commission Regulation (EU) No. 420/2011 of 29 April 2011⁹, Commission Regulation (EU) No. 835/2011 of 19 August 2011¹⁰, Commission Regulation (EU) No. 1258/2011 of 2 December 2011¹¹, Commission Regulation (EU) No. 1259/2011 of 2 December 2011¹², Commission Regulation (EU) No. 594/2012 of 5 July 2012¹³, Commission Regulation (EU) No. 1058/2012 of 12 November 2012¹⁴ and Commission Regulation (EU) No. 1067/2013 of 30 October 2013¹”.

- (b) in Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2013) by substituting for the definition of “EU Regulations” the following—

“‘EU Regulations’ means Council Regulation (EEC) No. 315/93 of 8 February 1993¹⁵ laying down Community procedures for contaminants in food, Commission Regulation (EC) No. 1881/2006 of 19 December 2006² regarding setting maximum levels for certain contaminants in foodstuffs, as amended by Commission Regulation (EC) No. 1126/2007 of 28 September 2007³, Commission Regulation (EC) No. 565/2008 of 18 June 2008⁴, Commission Regulation (EC) No. 629/2008 of 2 July 2008⁵, Commission Regulation (EU) No. 105/2010 of 5 February 2010⁶, Commission Regulation (EU) No. 165/2010 of 26 February 2010⁷, Commission Regulation (EU) No. 420/2011 of 29 April 2011⁸ as affected by Corrigendum to Commission Regulation (EU) No. 420/2011 of 29 April 2011⁹, Commission Regulation (EU) No. 835/2011 of 19 August 2011¹⁰, Commission Regulation (EU) No. 1258/2011 of 2 December 2011¹¹, Commission Regulation (EU) No. 1259/2011 of 2 December 2011¹², Commission Regulation (EU) No. 594/2012 of 5 July 2012¹³, Commission Regulation (EU) No. 1058/2012 of 12 November 2012¹⁴ and Commission Regulation (EU) No. 1067/2013 of 30 October 2013¹, and, as regards laying down methods of sampling and analysis for the official control of the levels of certain contaminants in foodstuffs, Commission Regulation (EC) No. 401/2006 of 23 February 2006¹⁶ as amended by Commission Regulation (EU) No. 178/2010 of 2 March 2010¹⁷, Commission Regulation (EC) No. 1882/2006 of 19 December 2006¹⁸ laying down methods of sampling and analysis for the official control of the levels of nitrates

⁶OJ No. L. 35, 6.2.2010, p. 7.

⁷OJ No. L. 50, 27.2.2010, p. 8.

⁸OJ No. L. 111, 30.4.2011, p. 3.

⁹OJ No. L. 168, 28.6.2011, p. 20.

¹⁰OJ No. L. 215, 20.8.2011, p. 4.

¹¹OJ No. L. 320, 3.12.2011, p. 15.

¹²OJ No. L. 320, 3.12.2011, p. 18.

¹³OJ No. L. 176, 6.7.2012, p. 43.

¹⁴OJ No. L. 313, 13.11.2012, p. 14.

¹⁵OJ No. L. 37, 13.2.1993, p. 1.

¹⁶OJ No. L. 70, 9.3.2006, p. 12.

¹⁷OJ No. L. 52, 3.3.2010, p. 32.

¹⁸OJ No. L. 364, 20.12.2006, p. 25.

in certain foodstuffs, Commission Regulation (EC) No. 333/2007 of 28 March 2007¹⁹, as amended by Commission Regulation (EU) No. 836/2011 of 19 August 2011²⁰ (including as regards its title, which, since 1 September 2012, has referred to “polycyclic aromatic hydrocarbons” instead of “benzo(a)pyrene”) and, as regards laying down methods of sampling and analysis for the official control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EC) No. 1883/2006, Commission Regulation (EU) No. 252/2012 of 21 March 2012²¹.”.

- (c) in Regulation 6(1) (as amended by Regulation 3 of the Regulations of 2013) by substituting the following—

“For the purposes of this Regulation and of Regulations 7 to 11, all references to “the Annex” mean the Annex to Commission Regulation (EC) No. 1881/2006 of 19 December 2006², as amended by Commission Regulation (EC) No. 1126/2007 of 28 September 2007³, Commission Regulation (EC) No. 565/2008 of 18 June 2008⁴, Commission Regulation (EC) No. 629/2008 of 2 July 2008⁵, Commission Regulation (EU) No. 105/2010 of 5 February 2010⁶, Commission Regulation (EU) No. 165/2010 of 26 February 2010⁷, Commission Regulation (EU) No. 420/2011 of 29 April 2011⁸ as affected by Corrigendum to Commission Regulation (EU) No. 420/2011 of 29 April 2011⁹, Commission Regulation (EU) No. 835/2011 of 19 August 2011¹⁰, Commission Regulation (EU) No. 1258/2011 of 2 December 2011¹¹, Commission Regulation (EU) No. 1259/2011 of 2 December 2011¹², Commission Regulation (EU) No. 594/2012 of 5 July 2012¹³, Commission Regulation (EU) No. 1058/2012 of 12 November 2012¹⁴ and to Commission Regulation (EU) No. 1067/2013 of 30 October 2013¹.”.

- (d) in Regulation 11 (as last amended by Regulation 3 of the Regulations of 2012) by inserting after paragraph (2A) the following—

“(2B) The prohibition in Regulation 6(2) shall not apply to foodstuffs and derived products referred to in section 5.2 of the Annex with regard to the maximum levels for dioxins, dioxin-like PCBs and non-dioxin-like PCBs laid down in the said section 5.2 and that were placed on the market before 1 January 2014, provided that, in all such cases, such products were placed on the market in conformity with the provisions applicable thereto at the date of their placing on the market.”.

- (e) in Regulation 12 by substituting the following—

12. (1) The Minister, after consultation with the Authority, may, by notice in writing, temporarily suspend or restrict the application of

¹⁹OJ No. L. 88, 29.3.2007, p. 29.

²⁰OJ No. L. 215, 20.8.2011, p. 9.

²¹OJ No. L. 84, 23.3.2012, p. 1.

these Regulations where, as a result of new information or of a reassessment of existing information, there is reason to suspect that a contaminant in food, although complying with these Regulations, constitutes a health risk.

(2) The Minister, after consultation with the Authority, may, by notice in writing, temporarily suspend or restrict the placing on the market or sale of a particular food, or both such placing and sale, where, as a result of new information or of a reassessment of existing information, there is reason to suspect that a contaminant present therein, although complying with these Regulations and the EU Regulations, constitutes a health risk.

(3) Any notice issued under this Regulation shall be published in *Iris Oifigiúil*.



GIVEN under my Official Seal,
13 March 2014.

JAMES REILLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations give further effect to Commission Regulation (EU) No. 1067/2013 of 30 October 2013 amending Regulation (EC) No. 1881/2006 as regards maximum levels of the contaminants dioxins, dioxin-like PCBs and non-dioxin-like PCBs in the liver of terrestrial animals.

These Regulations amend the European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2014.

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