



STATUTORY INSTRUMENTS.

S.I. No. 377 of 2017



EUROPEAN COMMUNITIES (CERTAIN CONTAMINANTS IN
FOODSTUFFS) (AMENDMENT) REGULATIONS 2017

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I, SIMON HARRIS, 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 (EC) No. 1881/2006 of 19 December 2006¹ and effect to Commission Regulation (EU) 2016/582 of 15 April 2016², hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2017.

(2) The Principal Regulations, the Regulations of 2012, the Regulations of 2013, the Regulations of 2014, the Regulations of 2016 and these Regulations may be cited together as the European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 to 2017.

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);

“Regulations (No. 2) of 2012” means 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);

“Regulations of 2014” means the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2014 (S.I. No. 143 of 2014);

“Regulations of 2016” means the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2016 (S.I. No. 329 of 2016).

3. The Principal Regulations are amended—

(a) in Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2012) by substituting for the definition of “Commission Regulation (EC) No. 333/2007” the following—

¹OJ No. L 364, 20.12.2006, p.5.

²OJ No. L 101, 16.4.2016, p. 3.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th August, 2017.

“‘Commission Regulation (EC) No. 333/2007’ means Commission Regulation (EC) No. 333/2007 of 28 March 2007³ laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs as amended by Commission Regulation (EU) No. 836/2011 of 19 August 2011⁴ and Commission Regulation (EU) 2016/582 of 15 April 2016² (Article 1(1) of the latter replaced the previously amended title of Commission Regulation (EC) No. 333/2007, with effect from 6 May 2016, with ‘laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs’).”

- (b) in Regulation 2(1) (as amended by Regulation 3 of the Regulations of 2016) by substituting for the definition of “EU Regulations” the following—

“‘EU Regulations’ means Council Regulation (EEC) No. 315/93 of 8 February 1993⁵ laying down Community procedures for contaminants in food, Commission Regulation (EC) No. 1881/2006 of 19 December 2006¹ regarding setting maximum levels for certain contaminants in foodstuffs, as amended by Commission Regulation (EC) No. 1126/2007 of 28 September 2007⁶, Commission Regulation (EC) No. 565/2008 of 18 June 2008⁷, Commission Regulation (EC) No. 629/2008 of 2 July 2008⁸, Commission Regulation (EU) No. 105/2010 of 5 February 2010⁹, Commission Regulation (EU) No. 165/2010 of 26 February 2010¹⁰, Commission Regulation (EU) No. 420/2011 of 29 April 2011¹¹, as affected by Corrigendum to Commission Regulation (EU) No. 420/2011 of 29 April 2011¹², Commission Regulation (EU) No. 835/2011 of 19 August 2011¹³, Commission Regulation (EU) No. 1258/2011 of 2 December 2011¹⁴, Commission Regulation (EU) No. 1259/2011 of 2 December 2011¹⁵, Commission Regulation (EU) No. 594/2012 of 5 July 2012¹⁶, Commission Regulation (EU) No. 1058/2012 of 12 November 2012¹⁷, Commission Regulation (EU) No. 1067/2013 of 30 October 2013¹⁸, Commission Regulation (EU) No. 212/2014 of 6 March 2014¹⁹, Commission Regulation (EU) No. 488/2014 of 12 May 2014²⁰, Commission Regulation (EU) No. 696/2014 of 24 June 2014²¹,

³OJ No. L 88, 29.3.2007, p. 29.

⁴OJ No. L 215, 20.8.2011, p. 9.

⁵OJ No. L 37, 13.2.1993, p. 1.

⁶OJ No. L 255, 29.9.2007, p. 14.

⁷OJ No. L 160, 19.6.2008, p. 20.

⁸OJ No. L 173, 3.7.2008, p. 6.

⁹OJ No. L 35, 6.2.2010, p. 7.

¹⁰OJ No. L 50, 27.2.2010, p. 8.

¹¹OJ No. L 111, 30.4.2011, p. 3.

¹²OJ No. L 168, 28.6.2011, p. 20.

¹³OJ No. L 215, 20.8.2011, p. 4.

¹⁴OJ No. L 320, 3.12.2011, p. 15.

¹⁵OJ No. L 320, 3.12.2011, p. 18.

¹⁶OJ No. L 176, 6.7.2012, p. 43.

¹⁷OJ No. L 313, 13.11.2012, p. 14.

¹⁸OJ No. L 289, 31.10.2013, p. 56.

¹⁹OJ No. L 67, 7.3.2014, p. 3.

²⁰OJ No. L 138, 13.5.2014, p. 75.

²¹OJ No. L 184, 25.6.2014, p. 1.

Commission Regulation (EU) No. 1327/2014 of 12 December 2014²², Commission Regulation (EU) 2015/704 of 30 April 2015²³, Commission Regulation (EU) 2015/1005 of 25 June 2015²⁴, Commission Regulation (EU) 2015/1006 of 25 June 2015²⁵, Commission Regulation (EU) 2015/1125 of 10 July 2015²⁶, Commission Regulation (EU) 2015/1137 of 13 July 2015²⁷, Commission Regulation (EU) 2015/1933 of 27 October 2015²⁸, Commission Regulation (EU) 2015/1940 of 28 October 2015²⁹ and by Commission Regulation (EU) 2016/239 of 19 February 2016³⁰, and, as regards laying down methods of sampling and analysis for the official control of the levels of certain contaminants in foodstuffs, by Commission Regulation (EC) No. 401/2006 of 23 February 2006³¹, as amended by Commission Regulation (EU) No. 178/2010 of 2 March 2010³² and Commission Regulation (EU) No. 519/2014 of 16 May 2014³³, and, as regards laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs, by Commission Regulation (EC) No. 1882/2006 of 19 December 2006³⁴, and, as regards laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs, by Commission Regulation (EC) No. 333/2007 of 28 March 2007³, as amended by Commission Regulation (EU) No. 836/2011 of 19 August 2011⁴ and Commission Regulation (EU) 2016/582 of 15 April 2016² (which, since 6 May 2016, replaced the previously amended title of Commission Regulation (EC) No. 333/2007 with that of ‘laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs’), 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 (EU) No. 252/2012, Commission Regulation (EU) No. 589/2014 of 2 June 2014³⁵, and, as regards laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs and repealing Commission Directive 80/891/EEC, Commission Regulation (EU) 2015/705 of 30 April 2015³⁶.”.

(c) in Regulation 16, (as amended by Regulation 3 of the Regulations of 2012) by substituting the following—

²²OJ No. L 358, 13.12.2014, p. 13.

²³OJ No. L 113, 1.5.2015, p. 27.

²⁴OJ No. L 161, 26.6.2015, p. 9.

²⁵OJ No. L 161, 26.6.2015, p. 14.

²⁶OJ No. L 184, 11.7.2015, p. 7.

²⁷OJ No. L 185, 14.7.2015, p. 11.

²⁸OJ No. L 282, 28.10.2015, p. 11.

²⁹OJ No. L 283, 29.10.2015, p. 3.

³⁰OJ No. L 45, 20.2.2016, p. 3.

³¹OJ No. L 70, 9.3.2006, p. 12.

³²OJ No. L 52, 3.3.2010, p. 32.

³³OJ No. L 147, 17.5.2014, p. 29.

³⁴OJ No. L 364, 20.12.2006, p. 25.

³⁵OJ No. L 164, 3.6.2014, p. 18.

³⁶OJ No. L 113, 1.5.2015, p. 29.

“Sampling and analysis for the control of the levels of lead, cadmium, mercury, inorganic tin, inorganic arsenic, 3-MCPD and polycyclic aromatic hydrocarbons (“PAH”) listed in Sections 3, 4 and 6 of the Annex to Regulation (EC) No. 1881/2006 shall be carried out in accordance with the Annex to Commission Regulation (EC) No. 333/2007, but without prejudice to the provisions of the Official Controls Regulation.”

(d) in Regulation 20(7) by substituting the following—

“the enforcement sample, the trade (defence) sample and the referee sample shall be marked in such a way as to identify them as a part of the sample taken by the authorised officer and the food business operator, or the person in apparent charge or control of such foodstuffs, shall be advised in writing by the approved examiner, by notification sent by registered post, or by such other method as may be agreed with the relevant food business operator or the person in apparent charge or control of such foodstuffs, that the trade (defence) sample is available to the said operator or person for inspection or supplementary expert analysis in such a way that the integrity of the sample is not compromised.”.



GIVEN under my Official Seal,
16 August 2017.

SIMON HARRIS,
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 (EC) No. 1881/2006 of 19 December 2006 and effect to Commission Regulation (EU) 2016/582 of 15 April 2016 amending Regulation (EC) No. 333/2007 as regards the analysis of inorganic arsenic, lead and polycyclic aromatic hydrocarbons and certain performance criteria for analysis.

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, particularly as regards the methods of sample preparation for the official control of the levels of certain contaminants in foodstuffs which are set out in the Annexes to Commission Regulation (EC) No. 401/2006, as amended, Commission Regulation (EC) No. 1882/2006, Commission Regulation (EC) No. 333/2007, as amended, Commission Regulation (EU) No. 589/2014, and Commission Regulation (EU) 2015/705.

These Regulations also give effect to Commission Regulation (EU) 2016/582 amending Regulation (EC) No. 333/2007 as regards the analysis of inorganic arsenic, lead and polycyclic aromatic hydrocarbons and certain performance criteria for analysis.

These Regulations may be cited as the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2017.

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