STATUTORY INSTRUMENTS.

S.I. No. 568 of 2018

FOOD SAFETY AUTHORITY OF IRELAND ACT 1998 (AMENDMENT OF FIRST SCHEDULE) ORDER 2018
I, CATHERINE BYRNE, Minister of State at the Department of Health, in exercise of the powers conferred on me by section 5 of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998) (as adapted by the Health and Children (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 219 of 2011)) and the Health (Delegation of Ministerial Functions) (No. 4) Order 2017 (S.I. No. 339 of 2017), after consultation with the Minister for Agriculture, Food and the Marine, hereby order as follows:

1. This Order may be cited as the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2018.

2. In this Order—

“Act” means the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998);


3. Part II (as amended by Article 3 of the Order of 2017) of the First Schedule to the Act is amended—

(a) by deleting the following statutory instrument:


(b) by inserting after “European Union (Plastics and other materials) (Contact with food) Regulations 2017 (S.I. No. 49 of 2017).” the following statutory instrument:

“European Union (Organic Farming) Regulations 2016 (S.I. No. 683 of 2016).”.

4. Part III (as amended by Article 4 of the Order of 2017) of the First Schedule to the Act is amended—

(a) by deleting the following Regulations:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st January, 2019.


“Commission Regulation (EC) No. 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (Title II, Chapter 3, Chapter 4 (Except Article 32) and Title III, Chapter 1, Chapter 3, Article 62).”,


“Commission Regulation (EC) No. 537/2009 of 19 June 2009 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Community.”,


“Commission Regulation (EU) No. 471/2010 of 31 May 2010 amending Regulation (EC) No. 1235/2008, as regards the list of third countries from which certain agricultural products obtained by organic production must originate to be marketed within the Union.”,


834/2007 as regards the arrangements for imports of organic products from third countries.”,


Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries.”,


“Commission Regulation (EU) 2015/2314 of 7 December 2015 authorising a health claim made on foods, other than those referring to the
reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.”,


“Commission Implementing Regulation (EU) 2016/166 of 8 February 2016 laying down specific conditions applicable to the import of foodstuffs containing or consisting of betel leaves (‘Piper betle’) from India and amending Regulation (EC) No. 669/2009.”,


“Commission Regulation (EU) 2016/479 of 1 April 2016 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the use of steviol glycosides (E 960) as a sweetener in certain energy-reduced or with no added sugars beverages.”,


“Commission Implementing Regulation (EU) 2016/854 of 30 May 2016 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.”,


“Commission Regulation (EU) 2016/1389 of 17 August 2016 authorising a health claim made on foods and referring to children’s development and health.”, and

“Commission Regulation (EU) 2016/1413 of 24 August 2016 amending Regulation (EU) No. 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children’s development and health.”, and

(b) by inserting after “Commission Implementing Regulation (EU) 2016/1444 of 31 August 2016 amending Regulation (EU) No. 37/2010 as regards the substance hydrocortisone aceponate.” the following Regulations:

Commission Regulation (EC) No. 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements.

Commission Regulation (EC) No. 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements.


Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No. 2074/2005 and repealing Decision 2003/812/EC.


Commission Implementing Regulation (EU) 2016/1793 of 10 October 2016 amending Implementing Regulation (EU) 2016/759 as regards the introduction into the Union of gelatine and collagen and treated raw materials for these products from Taiwan.


the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements.


Commission Implementing Regulation (EU) 2017/481 of 20 March 2017 amending Annex I to Regulation (EC) No. 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza.


Commission Implementing Regulation (EU) 2017/660 of 6 April 2017 concerning a coordinated multiannual control programme of the Union for 2018, 2019 and 2020 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.


Commission Implementing Regulation (EU) 2017/672 of 7 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.

Commission Implementing Regulation (EU) 2017/676 of 10 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.


Commission Delegated Regulation (EU) 2017/1091 of 10 April 2017 amending the Annex to Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the list of substances that may be added to processed cereal-based food and baby food and to food for special medical purposes.


products caught by vessels flying the flag of a Member State and introduced into Union after being transferred in third countries and establishing a model health certificate for those products.


Commission Implementing Regulation (EU) 2017/2058 of 10 November 2017 amending Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station.

Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.


2-phenylphenol, bensulfuron-methyl, dimethachlor and lufenuron in or on certain products.


Commission Implementing Regulation (EU) 2018/470 of 21 March 2018 on detailed rules on the maximum residue limit to be considered for control purposes for foodstuffs derived from animals which have been treated in the EU under Article 11 of Directive 2001/82/EC.

Commission Implementing Regulation (EU) 2018/470 of 21 March 2018 on detailed rules on the maximum residue limit to be considered for control purposes for foodstuffs derived from animals which have been treated in the EU under Article 11 of Directive 2001/82/EC.


Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 concerning a coordinated multiannual control programme of the Union for 2019, 2020 and 2021 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.


Commission Implementing Regulation (EU) 2018/700 of 8 May 2018 amending the lists of third country establishments from which imports of specified products of animal origin are permitted, regarding certain establishments from Brazil.


Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.


Commission Implementing Regulation (EU) 2018/981 of 11 July 2018 amending the list of Brazilian establishments from which imports into the Union of fishery products intended for human consumption are permitted.


GIVEN under my hand,
19 December 2018.

CATHERINE BYRNE,
Minister of State at the Department of Health.
EXPLANATORY NOTE

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

This Order amends the First Schedule to the Food Safety Authority of Ireland Act 1998.

This Order may be cited as the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2018.

For ease of reading, a list of all food legislation and official agencies, as contained in the First and Second Schedules to the Food Safety Authority of Ireland Act 1998, is included below:

FOOD SAFETY AUTHORITY OF IRELAND ACT 1998

FIRST SCHEDULE

PART I

ACTS

Abattoirs Act 1988 (No. 8 of 1988).
Animal Remedies Act 1993 (No. 23 of 1993) (other than Sections 4-5).
Butter and Margarine Act 1907 (7 Edw. 7.c.21).
Food Standards Act 1974 (No. 11 of 1974).
Health Act 1947 (No. 28 of 1947).
Margarine Act 1887 (50 & 51 Vict. c.29).
Registration of Potato Growers and Potato Packers Act 1984 (No. 25 of 1984) (Section 3 only).
Sale of Food & Drugs Acts 1875 to 1936.
Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006).

PART II

STATUTORY INSTRUMENTS

European Communities (Trade in Certain Animal Products) Regulations 1996 (S.I. No. 102 of 1996) (Other than Regulations 4, 6, 8-9, 12-13, 15-19).
European Communities (Veterinary Checks on Products Imported from Third Countries) Regulations 2000 (S.I. No. 292 of 2000).
European Communities (Labelling of Beef and Beef Products) Regulations 2000 (S.I. No. 435 of 2000).
European Communities (Suspending the Placing on the Market, the Importation and the Use in Manufacture of Jelly Confectionary containing the Food Additive E425 Konjac) Regulations 2002 (S.I. No. 442 of 2002).
European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003 (S.I. No. 548 of 2003).
Genetically Modified Organisms (Transboundary Movement) Regulations 2004 (S.I. No. 54 of 2004) in respect of genetically modified organisms intended for direct use as food or for processing.
European Communities (Registration of Importers of Animal Products) Regulations 2004 (S.I. No. 269 of 2004).
District Court (Food Safety) Rules 2004 (S.I. No. 700 of 2004).
European Communities (Control of salmonella in breeding flocks of domestic fowl) Regulations 2006 (S.I. No. 706 of 2006).
European Communities (Marketing of Meat of Bovine Animals Aged 12 Months or Less) Regulations 2008 (S.I. No. 245 of 2008).
European Communities (Control of Salmonella in Laying Flocks of Domestic Fowl) Regulations 2008 (S.I. No. 247 of 2008).
European Communities (Control of Salmonella in Broilers) Regulations 2009 (S.I. No. 64 of 2009).
European Communities (Marketing Standards for Eggs) Regulations 2009 (S.I. No. 140 of 2009).
European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009).
European Communities (Control of Salmonella in Turkeys) Regulations 2010 (S.I. No. 99 of 2010).
European Communities (Marketing Standards for Poultry Meats) Regulations 2010 (S.I. No. 328 of 2010).
European Communities (Labelling, Presentation and Marketing of Wines) Regulations 2010 (S.I. No. 507 of 2010).
European Communities (Equine) Regulations 2011 (S.I. No. 357 of 2011).
European Communities (Foodstuffs) (Accession of Bulgaria and Romania) (Amendment) (No. 2) Regulations 2008 (S.I. No. 517 of 2008).
European Union (Transmissible Spongiform Encephalopathies) Regulations 2015 (S.I. No. 532 of 2015) in so far as it relates to food safety.
European Union (Plastics and other materials) (Contact with food) Regulations 2017 (S.I. No. 49 of 2017).

PART III

REGULATIONS OF AN INSTITUTION OF THE EUROPEAN UNION


Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (Part II, Title II, Chapter 1, Section I, Ia, Subsection 1, Subsection II and Section Ib).


Council Regulation (EC) No. 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station.

Commission Regulation (EC) No. 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements.


Commission Regulation (EC) No. 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements.

Commission Regulation (EC) No. 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed.


Commission Regulation (EU) No. 16/2011 of 10 January 2011 laying down implementing measures for the Rapid alert system for food and feed (in so far as it relates to food).


Commission Regulation (EU) No. 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People’s Republic of China and Hong Kong Special Administrative Region, China.


Commission Implementing Regulation (EU) No. 468/2012 of 1 June 2012 amending Regulation (EU) No. 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products.

Commission Regulation (EU) No. 610/2012 of 9 July 2012 amending Regulation (EC) No. 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed.


Commission Implementing Regulation (EU) No. 489/2013 of 27 May 2013 amending the Annex to Regulation (EU) No. 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance double stranded ribonucleic acid homologous to viral ribonucleic acid coding for part of the coat protein and part of the intergenic region of the Israel Acute Paralysis Virus.


(EEC) No. 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007 (Title II, Chapter 1, Section 1, 2, & 3.).

Commission Implementing Regulation (EU) No. 1321/2013 of 10 December 2013 establishing the Union list of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings.


Commission Implementing Regulation (EU) No. 347/2014 of 4 April 2014 amending Regulation (EC) No. 606/2009 as regards the increase in the maximum total sulphur dioxide content where the climate conditions make this necessary.


Commission Implementing Regulation (EU) 2015/949 of 19 June 2015 approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins.


Commission Regulation (EU) 2015/1474 of 27 August 2015 concerning the use of recycled hot water to remove microbiological surface contamination from carcases.


Regulation (EC) No. 436/2009 as regards the registering of those practices in the wine sector registers.


Commission Implementing Regulation (EU) 2016/6 of 5 January 2016 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No. 322/2014.

Commission Implementing Regulation (EU) 2016/759 of 28 April 2016 drawing up lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption, laying down certificate requirements, amending Regulation (EC) No. 2074/2005 and repealing Decision 2003/812/EC.


Commission Implementing Regulation (EU) 2016/1793 of 10 October 2016 amending Implementing Regulation (EU) 2016/759 as regards the introduction into the Union of gelatine and collagen and treated raw materials for these products from Taiwan.


Commission Implementing Regulation (EU) 2017/151 of 27 January 2017 amending Annex I to Regulation (EC) No. 798/2008, as regards the entries in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Union and the veterinary certification requirements.


Commission Implementing Regulation (EU) 2017/481 of 20 March 2017 amending Annex I to Regulation (EC) No. 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza.


Commission Implementing Regulation (EU) 2017/660 of 6 April 2017 concerning a coordinated multiannual control programme of the Union for 2018, 2019 and 2020 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.


Commission Implementing Regulation (EU) 2017/672 of 7 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.

Commission Implementing Regulation (EU) 2017/676 of 10 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health and amending Regulation (EU) No. 432/2012.


Commission Delegated Regulation (EU) 2017/1091 of 10 April 2017 amending the Annex to Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the list of substances that may be added to processed cereal-based food and baby food and to food for special medical purposes.


Commission Regulation (EU) 2017/1973 of 30 October 2017 amending Regulation (EC) No. 2074/2005 as regards official controls on fishery products caught by vessels flying the flag of a Member State and introduced into Union after being transferred in third countries and establishing a model health certificate for those products.


Commission Implementing Regulation (EU) 2017/2058 of 10 November 2017 amending Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station.

Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.


Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 concerning a coordinated multiannual control programme of the Union for 2019, 2020 and 2021 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin.


Commission Implementing Regulation (EU) 2018/700 of 8 May 2018 amending the lists of third country establishments from which imports of specified products of animal origin are permitted, regarding certain establishments from Brazil.


Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying down rules for the application of Article 26(3) of Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food.


the Council as regards maximum residue levels for cyantraniliprole, cymoxanil, deltamethrin, difenoconazole, fenamidone, flubendiamide, fluopicolide, folpet, fosetyl, mandestrobin, mepiquat, metazachlor, propamocarb, propargite, pyrimethanil, sulfoxaflor and trifloxystrobin in or on certain products.


Commission Implementing Regulation (EU) 2018/981 of 11 July 2018 amending the list of Brazilian establishments from which imports into the Union of fishery products intended for human consumption are permitted.


SECOND SCHEDULE

OFFICIAL AGENCIES

Each of the following shall be an official agency for the purposes of this Act:
the Environmental Protection Agency,
the Health Service Executive,
a local authority,
the Marine Institute,
the Minister for Agriculture, Food and the Marine,
the Minister for Health,
the National Standards Authority of Ireland,
the Sea-Fisheries Protection Authority,
the State Laboratory.

**Regulations made under the European Communities Act 1972 and Deemed to be Food Legislation for the purposes of the Food Safety Authority of Ireland Act 1998.**

European Communities (Foodstuffs Treated with Ionising Radiation) Regulations 2000 (S.I. No. 297 of 2000).
European Communities (Suspending the Placing on the Market, the Importation and the use in Manufacture of Jelly Confectionery Containing the Food Additive E 425 Konjac) Regulations 2002 (S.I. No. 442 of 2002).
European Communities (Dehydrated Preserved Milk) Regulations 2003 (S.I. No. 298 of 2003).
European Communities (Hygiene of Foodstuffs) Regulations 2006 (S.I. No. 369 of 2006).
European Communities (Food Supplements) Regulations 2007 (S.I. No. 506 of 2007).
European Communities (General Food Law) Regulations 2007 (S.I. No. 747 of 2007).
European Communities (Processed Cereal-Based Foods and Baby Foods for Infants and Young Children) Regulations 2007 (S.I. No. 776 of 2007).
European Communities (Foods Intended for Use in Energy-Restricted Diets for Weight Reduction) Regulations 2007 (S.I. No. 784 of 2007).
European Communities (Official Control of Foodstuffs) Regulations 2010 (S.I. No. 117 of 2010).
European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010 (S.I. No. 119 of 2010).
European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 (S.I. No. 218 of 2010).
European Union (Foodstuffs Intended for Particular Nutritional Uses) Regulations 2012 (S.I. No. 169 of 2012).
European Union (Microbiological Criteria for Foodstuffs) Regulations 2012 (S.I. No. 474 of 2012).
European Union (Genetically Modified Foodstuffs) Regulations 2013 (S.I. No. 268 of 2013).
European Union (Marketing of fruit juices and certain similar products) Regulations 2013 (S.I. No. 410 of 2013).
European Union (Special Conditions Governing the Import of Certain Food from Certain Third Countries Due to Contamination Risk by Aflatoxins) Regulations 2015 (S.I. No. 250 of 2015).
European Union (Quality Schemes for Agricultural Products and Foodstuffs) Regulations 2015 (S.I. No. 296 of 2015)
European Communities (Spirits Drinks) Regulations 2015 (S.I. No. 316 of 2015).
European Union (Special Conditions Applicable to the Import of Guar Gum Originating in or Consigned from India due to Contamination Risks by Pentachlorophenol and Dioxins) Regulations 2015 (S.I. No. 459 of 2015).
European Union (Labelling of Fishery and Aquaculture Products) Regulations 2016 (S.I. No. 121 of 2016).
European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 (S.I. No. 282 of 2016).
European Union (Temporary Suspension of Imports from Bangladesh of Foodstuffs Containing or Consisting of Betel Leaves) Regulations 2016 (S.I. No. 553 of 2016).
European Union (Specific Conditions Applicable to the Introduction into the Union of Consignments from Certain Third Countries due to Microbiological Contamination) Regulations 2017 (S.I. No. 325 of 2017).


Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010 (S.I. No. 340 of 2010).
Health (Definition of Marginal, Localised and Restricted Activity) (Retail Catering Establishments) Regulations 2012 (S.I. No. 168 of 2012).
Health (Provision of Food Allergen Information to Consumers in respect of Non-Prepacked Food) Regulations 2014 (S.I. No. 489 of 2014).