STATUTORY INSTRUMENTS.

S.I. No. 222 of 2023

FOOD SAFETY AUTHORITY OF IRELAND ACT 1998 (AMENDMENT OF FIRST SCHEDULE) ORDER 2023
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FOOD SAFETY AUTHORITY OF IRELAND ACT 1998 (AMENDMENT OF FIRST SCHEDULE) ORDER 2023

I, HILDEGARDE NAUGHTON, 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 Agriculture, Fisheries and Food (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 455 of 2011)) and the Health (Delegation of Ministerial Functions) (No. 3) Order 2023 (S.I. No. 157 of 2023), 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 2023.


3. Part II of the First Schedule (as amended by Article 3 of the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2021 (S.I. No. 152 of 2021)) to the Act is amended—

   (a) by deleting the following statutory instruments:

   “European Communities (Vinyl Chloride in Food) (Method of Analysis) Regulations 1984 (S.I. No. 92 of 1984)”;

   “European Communities (Flavourings for Use in Foodstuffs for Human Consumption) Regulations 1992 (S.I. No. 22 of 1992)”;

   “European Communities (Certification of Animals and Animal Products) Regulations 1999 (S.I. No. 380 of 1999)”;

   “European Communities (Control on Imports of Animal Products from China) Regulations 2002 (S.I. No. 141 of 2002)”;

   “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 (Registration of Importers of Animal Products) Regulations 2004 (S.I. No. 269 of 2004)”;

   and

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

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th May, 2023.
(b) by inserting after “European Union (Imports of Animals and Animal Products from Third Countries) Regulations 2020 (S.I. No. 656 of 2020).” the following statutory instruments:


4. Part III of the First Schedule (as amended by Article 2 of the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2022 (S.I. No. 310 of 2022)) to the Act is amended—

(a) by deleting the following Regulations:

“Commission Regulation (EEC) 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis,“;


the relevant methods of analysis (OJ No. L 176, 20.07.1993, p. 26).”;


“Commission Implementing Regulation (EU) 2016/1784 of 30 September 2016 amending Regulation (EEC) No. 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis.”;


labelling of organic products with regard to organic production, labelling and control.”;


“Commission Implementing Regulation (EU) 2020/464 of 26 March 2020 laying down certain rules for the application of Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the documents needed for the retroactive recognition of periods for the purpose of conversion, the production of organic products and information to be provided by Member States.”;

“Commission Implementing Regulation (EU) 2020/585 of 27 April 2020 concerning a coordinated multiannual control programme of the Union for 2021, 2022 and 2023 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 Delegated Regulation (EU) 2021/571 of 20 January 2021 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 infant and follow-on formula, baby food and processed cereal-based food.”;


“Commission Implementing Regulation (EU) 2021/686 of 23 April 2021 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.”;


of the certificate attesting compliance with the rules on organic production.”;

“Commission Delegated Regulation (EU) 2021/1040 of 16 April 2021 amending Delegated Regulation (EU) 2016/128 as regards the requirements on pesticides in food for special medical purposes developed to satisfy the nutritional requirements of infants and young children.”;

“Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists.”;


“Commission Delegated Regulation (EU) 2021/1342 of 27 May 2021 supplementing Regulation (EU) 2018/848 of the European Parliament and of the Council with rules on the information to be sent by third countries and by control authorities and control bodies for the purpose of supervision of their recognition under Article 33(2) and (3) of Council Regulation (EC) No. 834/2007 for imported organic products and the measures to be taken in the exercise of that supervision.”;

“Commission Implementing Regulation (EU) 2021/1378 of 19 August 2021 laying down certain rules concerning the certificate issued to operators, groups of operators and exporters in third countries involved in the imports of organic and in-conversion products into the Union and establishing the list of recognised control authorities and control bodies in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council.”;


“Commission Delegated Regulation (EU) 2021/1697 of 13 July 2021 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards the criteria for the recognition of control authorities and control bodies that are competent to carry out controls on organic products in third countries, and for the withdrawal of their recognition.”;


“Commission Implementing Regulation (EU) 2021/601 of 13 April 2021 concerning a coordinated multiannual control programme of the Union for 2022, 2023 and 2024 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) 2022/34 of 22 December 2021 amending Annexes III, VIII, IX and XI to Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of certain wild game birds intended for human consumption, of consignments of certain bivalve molluscs, echinoderms, tunicates and marine gastropods, of certain fishery products, and of frogs’ legs and snails, and repealing Decision 2007/82/EC.

Commission Implementing Regulation (EU) 2022/35 of 6 January 2022 amending and correcting Implementing Regulation (EU) 2021/404 laying down the lists of third countries or territories, or zones thereof from which the entry into the Union of animals, germinal products and products of


Commission Implementing Regulation (EU) 2022/38 of 12 January 2022 amending Annexes V and XIV to Implementing Regulation (EU) 2021/404 as regards the entries for the United Kingdom in the lists of third countries authorised for the entry into the Union of consignments of poultry, germinal products of poultry and fresh meat of poultry and game birds.


Commission Implementing Regulation (EU) 2022/363 of 24 January 2022 amending and correcting Annex IX to Implementing Regulation (EU) 2021/405 as regards the lists
of third countries or regions thereof authorised for the entry into the Union of certain fishery products.

Corrigendum to Commission Implementing Regulation (EU) 2022/363 of 2 January 2022 amending and correcting Annex IX to Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of certain fishery products (OJ No. L 72, 7.3.2022, p. 8).

Commission Implementing Regulation (EU) 2022/378 of 4 March 2022 amending Implementing Regulation (EU) No. 540/2011 as regards the extension of the approval periods of the active substances abamectin, Bacillus subtilis (Cohn 1872) strain QST 713, Bacillus thuringiensis subsp. Aizawai strains ABTS-1857 and GC-91, Bacillus thuringiensis subsp. Israelensis (serotype H-14) strain AM65-52, Bacillus thuringiensis subsp. Kurstaki strains ABTS 351, PB 54, SA 11, SA12 and EG 2348, Beauveria bassiana strains ATCC 74040 and GHA, clodinafop, Cydia pomonella Granulovirus (CpGV), cyprodinil, dichlorprop-P, fenpyroximate, fosetyl, malathion, mepanipyrim, metconazole, metrafenone, pirimicarb, Pseudomonas chlororaphis strain MA342, pyrimethanil, Pythium oligandrum M1, rimsulfuron, spinosad, Trichoderma asperellum (formerly T. harzianum) strains ICC012, T25 and TV1, Trichoderma atroviride (formerly T. harzianum) strain T11, Trichoderma gamsii (formerly T. viride) strain ICC080, Trichoderma harzianum strains T-22 and ITEM 908, triclopyr, trinexapac, triticonazole and ziram.


Commission Implementing Regulation (EU) 2022/424 of 14 March 2022 amending and correcting Annexes I, IV, XV, XVI, XVII and XXI to Implementing Regulation (EU) 2021/404 as regards the lists of third countries, territories or zones or compartments thereof authorised for the entry into the Union of equine animals, meat products, milk, colostrum, colostrum-based products and dairy products, casings and aquatic animals.

Commission Implementing Regulation (EU) 2022/437 of 16 March 2022 renewing the approval of the active substance carbon dioxide in accordance with Regulation (EC) No.


Commission Implementing Regulation (EU) 2022/478 of 24 March 2022 on maintaining protective measures on imports of bivalve molluscs from Turkey intended for human consumption.


Commission Implementing Regulation (EU) 2022/502 of 29 March 2022 amending Implementing Regulation (EU) No. 1321/2013 as regards the name of the holder of the authorisation for the smoke flavouring primary product ‘Scansmoke PB 1110’.


Commission Implementing Regulation (EU) 2022/634 of 13 April 2022 amending Regulation (EU) No. 37/2010 as regards the classification of the substance bambermycin with respect to its maximum residue limit in foodstuffs of animal origin.


Commission Implementing Regulation (EU) 2022/672 of 22 April 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the novel food galacto-oligosaccharide.

Commission Implementing Regulation (EU) 2022/684 of 28 April 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the novel food sulfoxaflor.

Commission Implementing Regulation (EU) 2022/686 of 28 April 2022 amending Implementing Regulations (EU) 2015/1295 and (EU) No. 540/2011 as regards the conditions of approval of the active substance 2,5-dichlorobenzoic acid methylester, acetic acid, aclofifen, aluminium ammonium sulphate, aluminium phosphide, aluminium silicate, beflubutamid, benthiavacarb, boscalid, calcium carbide, captan, cymoxanil, dimethomorph, dodemorph, ethephon, ethylene, extract from tea tree, fat distillation residues, fatty acids C7 to C20, fluoxastrobin, flurochloridone, folpet, formetanate, gibberellic acid, gibberellins, hydrolysed proteins, iron sulphate, magnesium phosphide, metam, metamitron, metazachlor, metribuzin, milbemectin, phenmedipham, pirimiphos-methyl, plant oils/clove oil, plant oils/rape seed oil, plant oils/spear mint oil, propanocarb, proquinazid, prothioconazole, pyrethrins, quartz sand, fish oil, repellents by smell of animal or plant origin/sheep fat, S-metolachlor,
Straight Chain Lepidopteran Pheromones, sulcotrione, tebuconazole and urea.


Commission Implementing Regulation (EU) 2022/741 of 13 May 2022 concerning a coordinated multiannual control programme of the Union for 2023, 2024 and 2025 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 and repealing Implementing Regulation (EU) 2021/601.


Commission Delegated Regulation (EU) 2022/887 of 28 March 2022 amending Delegated Regulation (EU) 2019/625 as regards Combined Nomenclature and Harmonised System codes and import conditions of certain composite products, amending Delegated Regulation (EU) 2019/2122 as regards certain goods and pet birds exempted from official controls at
border control posts and amending Delegated Regulation (EU) 2021/630 as regards requirements for composite products exempted from official controls at border control posts.


Commission Implementing Regulation (EU) 2022/932 of 9 June 2022 on uniform practical arrangements for the performance of official controls as regards contaminants in food, on specific additional content of multi-annual national control plans and specific additional arrangements for their preparation.


Commission Implementing Regulation (EU) 2022/966 of 21 June 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use, the specific labelling requirements and specifications of the novel food Calanus finmarchicus oil.


Commission Implementing Regulation (EU) 2022/1040 of 29 June 2022 amending Annexes VI and XV to Implementing Regulation (EU) 2021/404 as regards the lists of third countries, territories or zones thereof authorised for the entry into the Union of certain captive birds and germinal products thereof and meat products from poultry.

Commission Implementing Regulation (EU) 2022/1160 of 5 July 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use and the specifications of the novel food nicotinamide riboside chloride.

Commission Implementing Regulation (EU) 2022/1219 of 14 July 2022 amending Annex III to Implementing Regulation (EU) 2020/2235 as regards model certificates for the entry into and transit through the Union of consignments of certain composite products.


Commission Implementing Regulation (EU) 2022/1365 of 4 August 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the novel food Schizochytrium sp. oil rich in DHA and EPA.


Commission Implementing Regulation (EU) 2022/1381 of 8 August 2022 amending Implementing Regulation (EU) 2017/2470 as regards the conditions of use of the novel food galacto-oligosaccharide.

Commission Implementing Regulation (EU) 2022/1389 of 2 August 2022 amending and correcting Annex IX to Implementing Regulation (EU) 2021/405 as regards the lists of third countries or regions thereof authorised for the entry into the Union of certain fishery products.


Commission Regulation (EU) 2022/1439 of 31 August 2022 amending Regulation (EU) No. 283/2013 as regards the information to be submitted for active substances and the specific data requirements for micro-organisms.


of the European Parliament and of the Council as regards the removal of certain flavouring substances from the Union list.


Commission Implementing Regulation (EU) 2022/1480 of 7 September 2022 amending Implementing Regulation (EU) No. 540/2011 as regards the extension of the approval periods of the active substances 2-phenylphenol (including its salts such as the sodium salt), 8-hydroxyquinoline, amidosulfuron, bensulfuron, bifenox, chlorimequat, chlorotoluron, clofentezine, clomazone, daminozide, deltamethrin, dicamba, difenoconazole, diflufenican, dimethachlor, esfenvalerate, etofenprox, fenoxaprop-P, fenpropidin, fenpyrazamine, fludioxonil, flufenacet, flumetralin, fosthiazate, lenacil, MCPA, MCPB, nicosulfuron, paraffin oils, paraffin oil, penconazole, picloram, prohexadione, propaquizafop, prosulfocarb, quizalofop-P-ethyl, quizalofop-P-tefuryl, sodium 5-nitroguaiacolate, sodium o-nitrophenolate, sodium p-nitrophenolate, sulphur, tebufenpyrad, tetraconazole, triallate, triflusulfuron and tritosulfuro.


Commission Implementing Regulation (EU) 2022/1646 of 23 September 2022 on uniform practical arrangements for the performance of official controls as regards the use of pharmacologically active substances authorised as veterinary medicinal products or as feed additives and of prohibited or unauthorised pharmacologically active substances and residues thereof, on specific content of multi-annual national control plans and specific arrangements for their preparation.


Commission Implementing Regulation (EU) 2022/2047 of 24 October 2022 correcting Implementing Regulation (EU) 2021/2325 as regards the recognition of certain control authorities and control bodies for the purpose of importing organic products into the Union.

Commission Implementing Regulation (EU) 2022/2049 of 24 October 2022 amending Implementing Regulation (EU) 2021/2325 as regards the recognition of certain control authorities and control bodies for the purpose of importing organic products into the Union.


Commission Implementing Regulation (EU) 2022/2105 of 29 July 2022 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil.


Commission Delegated Regulation (EU) 2022/2182 of 30 August 2022 amending Delegated Regulation (EU) 2017/1798 as regards the lipid and magnesium requirements for total diet replacement for weight control.
Commission Delegated Regulation (EU) 2022/2238 of 22 August 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection and extracts thereof and as regards the transitional provisions for certificates of inspection issued in Ukraine.


Commission Implementing Regulation (EU) 2022/2293 of 18 November 2022 amending Implementing Regulation (EU) 2021/405 as regards the list of third countries with an approved control plan on the use of pharmacologically active substances, the maximum residue limits of pharmacologically active substances and pesticides and the maximum levels of contaminants.


of the European Parliament and of the Council as regards green tea extracts containing (-)-epigallocatechin-3-gallate.


Commission Implementing Regulation (EU) 2022/2418 of 9 December 2022 amending Regulation (EC) No. 333/2007 as regards the methods for analysis for the control of the levels of trace elements and processing contaminants in foodstuffs.


Commission Implementing Regulation (EU) 2022/2504 of 19 December 2022 amending Annexes III and V to Implementing Regulation (EU) 2020/2235 as regards model animal health/official certificates and official certificates for the entry into the Union of consignments of certain fishery products and highly refined products of animal origin, and model private attestation for entering certain composite products into the Union.


Commission Implementing Regulation (EU) 2022/2535 of 21 December 2022 authorising the placing on the market of the freeze-dried powder form of Antrodia camphorata mycelia as a novel food and amending Implementing Regulation (EU) 2017/2470.”.
GIVEN under my hand,
9 May 2023

HILDEGARDE NAUGHTON,
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 2023.

For ease of reference, 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, as well as a list of 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, and Regulations made under the Health Act 1947 as amended by section 25 of the Irish Medicines Board (Miscellaneous Provisions) Act 2006, can be found on the website www.fsai.ie (https://www.fsai.ie/enforcement-and-legislation/enforcement/fsai-act-and-related-legislation)