



STATUTORY INSTRUMENTS.

S.I. No. 400 of 2023

FOOD SAFETY AUTHORITY OF IRELAND ACT 1998 (AMENDMENT
OF FIRST SCHEDULE) (NO. 2) ORDER 2023

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OF FIRST SCHEDULE) (NO. 2) 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 Health (Delegation of Ministerial Functions) (No. 3) Order 2023 (S.I. No. 157 of 2023), hereby order as follows:

1. This Order may be cited as the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) (No. 2) Order 2023.

2. In this Order, “Act” means the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998).

3. Part III of the First Schedule (as amended by Article 4 of the Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2023 (S.I. No. 222 of 2023)) to the Act is amended—

(a) by deleting the following Regulations:

“Commission Regulation (EU) 2017/1237 of 7 July 2017 amending Regulation (EC) No. 1881/2006 as regards a maximum level of hydrocyanic acid in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer.”;

“Commission Regulation (EU) 2018/290 of 26 February 2018 amending Regulation (EC) No. 1881/2006 as regards maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children.”;

“Commission Regulation (EU) 2019/1870 of 7 November 2019 amending and correcting Regulation (EC) No. 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foodstuffs.”;

“Corrigendum to Commission Regulation (EC) No. 2019/1870 of 7 November 2019 amending and correcting Regulation (EC) No. 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foodstuffs (OJ No. L 298, 19.11.2019, p. 12).”;

“Commission Regulation (EU) 2019/1901 of 7 November 2019 amending Regulation (EC) No. 1881/2006 as regards

maximum levels of citrinin in food supplements based on rice fermented with red yeast *Monascus purpureus*.”;

“Commission Regulation (EU) 2020/685 of 20 May 2020 amending Regulation (EC) No. 1881/2006 as regards maximum levels of perchlorate in certain foods.”;

“Commission Regulation (EU) 2020/1255 of 7 September 2020 amending Regulation (EC) No. 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and smoked meat products and traditionally smoked fish and smoked fishery products and establishing a maximum level of PAHs in powders of food of plant origin used for the preparation of beverages.”;

“Commission Regulation (EU) 2020/1322 of 23 September 2020 amending Regulation (EC) No. 1881/2006 as regards maximum levels of 3-monochloropropanediol (3-MCPD), 3-MCPD fatty acid esters and glycidyl fatty acid esters in certain foods.”;

“Commission Regulation (EU) 2020/2040 of 11 December 2020 amending Regulation (EC) No. 1881/2006 as regards maximum levels of pyrrolizidine alkaloids in certain foodstuffs.”;

“Commission Regulation (EU) 2021/1317 of 9 August 2021 amending Regulation (EC) No. 1881/2006 as regards maximum levels of lead in certain foodstuffs.”;

“Commission Regulation (EU) 2021/1323 of 10 August 2021 amending Regulation (EC) No. 1881/2006 as regards maximum levels of cadmium in certain foodstuffs.”;

“Commission Regulation (EU) 2021/1399 of 24 August 2021 amending Regulation (EC) No. 1881/2006 as regards maximum levels of ergot sclerotia and ergot alkaloids in certain foodstuffs.”;

“Commission Regulation (EU) 2021/1408 of 27 August 2021 amending Regulation (EC) No. 1881/2006 as regards maximum levels of tropane alkaloids in certain foodstuffs.”;

“Commission Regulation (EU) 2021/2142 of 3 December 2021 amending Regulation (EC) No. 1881/2006 as regards maximum levels of opium alkaloids in certain foodstuffs.”;

“Commission Regulation (EU) 2022/617 of 12 April 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of mercury in fish and salt.”;

“Commission Regulation (EU) 2022/1364 of 4 August 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of hydrocyanic acid in certain foodstuffs.”;

“Commission Regulation (EU) 2022/1370 of 5 August 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of ochratoxin A in certain foodstuffs.”;

“Commission Regulation (EU) 2022/1393 of 11 August 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of delta-9-tetrahydrocannabinol (Δ 9-THC) in hemp seeds and products derived therefrom.”;

“Commission Regulation (EU) 2022/2002 of 21 October 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of dioxins and dioxin-like PCBs in certain foodstuffs.”; and

“Commission Regulation (EU) 2022/2388 of 7 December 2022 amending Regulation (EC) No. 1881/2006 as regards maximum levels of perfluoroalkyl substances in certain foodstuffs.”, and

- (b) by inserting after “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.” the following Regulation:

“Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No. 1881/2006.”.

GIVEN under my hand,
2 August, 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) (No. 2) 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 \(https://www.fsai.ie/enforcement-and-legislation/enforcement/fsai-act-and-related-legislation\)](https://www.fsai.ie/enforcement-and-legislation/enforcement/fsai-act-and-related-legislation)

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