



STATUTORY INSTRUMENTS.

S.I. No. 348 of 2012



EUROPEAN COMMUNITIES (CERTAIN CONTAMINANTS IN
FOODSTUFFS) (AMENDMENT) (NO. 2) REGULATIONS 2012

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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. 594/2012 of 5 July 2012¹ hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Certain Contaminants in Foodstuffs) (Amendment) (No. 2) Regulations 2012.

(2) The collective citation “the European Communities (Certain Contaminants in Foodstuffs) Regulations 2010 and 2012” to which Regulation 1(2) of the European Communities (Certain Contaminants in Foodstuffs) (Amendment) Regulations 2012 (S.I. No. 276 of 2012) refers includes these Regulations.

2. In these Regulations—

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

3. The Principal Regulations are amended-

(a) in Regulation 2(1), 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 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

¹OJ No. L 176, 6.7.2012, p. 43.

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.

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.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th September, 2012.

2011¹⁰, Commission Regulation (EU) No. 1258/2011 of 2 December 2011¹¹, Commission Regulation (EU) No. 1259/2011 of 2 December 2011¹² and Commission Regulation (EU) No. 594/2012 of 5 July 2012¹”.

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

“EU Regulations’ means Council Regulation (EEC) No. 315/93 of 8 February 1993¹³ 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 and Commission Regulation (EU) No. 594/2012 of 5 July 2012¹ 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 2006¹⁴ as amended by Commission Regulation (EU) No. 178/2010 of 2 March 2010¹⁵, Commission Regulation (EC) No. 1882/2006 of 19 December 2006¹⁶ laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs, Commission Regulation (EC) No. 333/2007 of 28 March 2007¹⁷, as amended by Commission Regulation (EU) No. 836/2011 of 19 August 2011¹⁸ (including as regards its title, which, from 1 September 2012, will refer 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 2012¹⁹”.

- (c) in Regulation 6(1), by substituting the following—

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 37, 13.2.1993, p. 1.

¹⁴OJ No. L 70, 9.3.2006, p. 12.

¹⁵OJ No. L 52, 3.3.2010, p. 32.

¹⁶OJ No. L 364, 20.12.2006, p. 25.

¹⁷OJ No. L 88, 29.3.2007, p.29.

¹⁸OJ No. L 215, 20.8.2011, p. 9.

¹⁹OJ No. L 84, 23.3.2012, p. 1.

“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 and Commission Regulation (EU) No. 594/2012 of 5 July 2012¹.”.

(d) in Regulation 11 by inserting after paragraph (2) the following—

“(2A) The prohibition in Regulation 6(2) shall not apply to foodstuffs that were placed on the market before:

(a) 1 January 2012 as regards the maximum levels for non dioxin-like PCBs laid down in section 5 of the Annex;

(b) 1 January 2015 as regards the maximum level for Ochratoxin A in *Capsicum* spp. laid down in point 2.2.11. of the Annex,

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.”.



GIVEN under my Official Seal,
14 September 2012.

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 effect to Commission Regulation (EU) No. 594/2012 of 5 July 2012 amending Regulation (EC) 1881/2006 as regards the maximum levels of the contaminants Ochratoxin A, non dioxin-like PCBs and melamine in foodstuffs.

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) (No. 2) Regulations 2012.

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