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WELSH STATUTORY
INSTRUMENTS

2014 Rhif 3079 (Cy. 304)

2014 No. 3079 (W. 304)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Labelu Pysgod (Cymru)
(Diwygio) 2014

The Fish Labelling (Wales)
(Amendment) Regulations 2014

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Labelu Pysgod (Cymru) 2013 ("Rheoliadau 2013") er mwyn gorfodi gofynion gwybodaeth i ddefnyddwyr Pennod IV o Reoliad (EU) Rhif 1379/2013 Senedd Ewrop a'r Cyngor ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a dyframaethu (OJ Rhif L 354, 28.12.2013, t 1) fel y'i darllenir ar y cyd â Rheoliad y Cyngor (EC) Rhif 1224/2009 (OJ Rhif L 343, 22.12.2009, t 1).

These Regulations amend the Fish Labelling (Wales) Regulations 2013 ("the 2013 Regulations") in order to enforce the consumer information requirements of Chapter IV of Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (OJ No L 354, 28.12.2013, p 1) as read with Council Regulation (EC) No 1224/2009 (OJ No L 343, 22.12.2009, p 1).

Mae rheoliad 2 yn diwygio rheoliad 2 o Reoliadau 2013 i ddileu'r cyfeiriadau at Reoliad y Cyngor (EC) Rhif 104/2000 a Rheoliad Gweithredu'r Comisiwn (EC) Rhif 2065/2001 a'r diffiniadau ohonynt. Mae Rheoliadau (EC) Rhif 104/2000 ac (EC) Rhif 2065/2001 wedi eu diddymu gan Reoliad (EU) Rhif 1379/2013 (OJ Rhif L 354, 28.12.2013, t 1) a Rheoliad Gweithredu'r Comisiwn (EU) Rhif 1420/2013 (OJ Rhif L 353, 28.12.2013, t 48).

Regulation 2 amends regulation 2 of the 2013 Regulations to remove references to, and the definitions of, Council Regulation (EC) No 104/2000 and Commission Implementing Regulation (EC) No 2065/2001. Regulations (EC) No 104/2000 and (EC) No 2065/2001 have been repealed by Regulation (EU) No 1379/2013 (OJ No L 354, 28.12.2013, p 1) and Commission Implementing Regulation (EU) No 1420/2013 (OJ No L 353, 28.12.2013, p 48).

Mae rheoliad 2 hefyd yn darparu bod "gofyniad gwybodaeth i ddefnyddwyr" at ddiben Rhan 2 o Reoliadau 2013 yn ofyniad a bennir yn Erthygl 35 o Reoliad (EU) Rhif 1379/2013 (gwybodaeth fandadol i'w darparu i ddefnyddwyr) fel y'i darllenir ar y cyd ag Erthygl 38 (mynegiad o gylch y ddalfa neu'r ardal gynhyrchu) ac Erthygl 39 (darparu gwybodaeth wirfoddol) o'r Rheoliad hwnnw.

Regulation 2 also provides that a "consumer information requirement" for the purpose of Part 2 of the 2013 Regulations is a requirement specified in Article 35 of Regulation (EU) No 1379/2013 (mandatory information to be provided to consumers) as read with Article 38 (indication of catch or production area) and Article 39 (provision of voluntary information) of that Regulation.

Mae'r wybodaeth sydd i'w darparu yn galluogi defnyddwyr i ddeall pa rywogaethau o bysgod y maent yn eu prynu, pa un a oedd y pysgod wedi eu dal neu eu ffermio, ac ymhle y cafodd y pysgod eu dal neu eu ffermio. Mae'r wybodaeth hefyd yn dangos os yw'r pysgod neu gynnyrch pysgod wedi eu dadmer a pharhauster lleiaf y cynnyrch. Yn ogystal, mae'n sicrhau bod unrhyw wybodaeth a ddarperir yn wirfoddol yn glir ac yn ddiamwys ac y gellir ei dilysu.

Mae rheoliad 2 hefyd yn diwygio'r diffiniad o "gofyniad gallu i olrhain" at ddiben Rhan 2 o Reoliadau 2013 i roi sylw i'r gofyniad yn Erthygl 58(5) o Reoliad (EC) Rhif 1224/2009, fel y'i diwygiwyd gan Erthygl 45(2) o Reoliad (EU) Rhif 1379/2013, i roi'r wybodaeth sy'n ofynnol o dan Erthygl 35 o'r Rheoliad hwnnw.

Mae rheoliad 3 yn sicrhau bod y cyfeiriadau at Reoliadau 2013 yn yr addasiadau a wnaed gan y Rheoliadau hynny i ddarpariaethau Deddf Diogelwch Bwyd 1990 (fel y maent yn gymwys at ddibenion y Rheoliadau hynny) yn gyfeiriadau at Reoliadau 2013 fel y'u diwygir gan y Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Asiantaeth Safonau Bwyd yn: Asiantaeth Safonau Bwyd Cymru, Llawr 11, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW neu ar wefan yr Asiantaeth yn <http://www.food.gov.uk/wales/about-fsa-wales/cymru>.

The information to be provided allows consumers to understand what species of fish they are buying, whether the fish was caught or farmed, and where the fish was caught or farmed. The information also shows whether the fish or fish product has been defrosted and the minimum durability of the product. In addition it ensures that any information provided voluntarily is clear and unambiguous and can be verified.

Regulation 2 also amends the definition of "traceability requirement" for the purpose of Part 2 of the 2013 Regulations to take account of the requirement in Article 58(5) of Regulation (EC) No 1224/2009, as amended by Article 45(2) of Regulation (EU) No 1379/2013, to give the information required under Article 35 of that Regulation.

Regulation 3 ensures that the references to the 2013 Regulations in the modifications made by those Regulations to the provisions of the Food Safety Act 1990 (as they apply for the purposes of those Regulations) are references to the 2013 Regulations as amended by these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW or from the Agency's website at www.food.gov.uk/wales.

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BWYD, CYMRU

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**Rheoliadau Labelu Pysgod (Cymru)
(Diwygio) 2014**

**The Fish Labelling (Wales)
(Amendment) Regulations 2014**

Gwnaed 19 Tachwedd 2014

Made 19 November 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Tachwedd 2014

*Laid before the National Assembly for
Wales* 20 November 2014

Yn dod i rym 13 Rhagfyr 2014

Coming into force 13 December 2014

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â mesurau sy'n ymwneud â bwyd(2) ac mewn perthynas â'r polisi amaethyddol cyffredin(3), ac yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(4), 17(2)(5), 26(1)(a) a (3)(6) a 48(1)(7) o Ddeddf Diogelwch Bwyd 1990(8), a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(9).

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to food(2) and in relation to the common agricultural policy(3), and make these Regulations in exercise of the powers conferred by sections 16(1)(4), 17(2)(5), 26(1)(a) and (3)(6) and 48(1)(7) of the Food Safety Act 1990(8), and paragraph 1A of Schedule 2 to the European Communities Act 1972(9).

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- (1) Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi.
 - (2) O.S. 2005/1971. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraffau 28 a 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).
 - (3) O.S. 2010/2690.
 - (4) Diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28), a pharagraffau 7 ac 8 o Atodlen 5 iddi.
 - (5) Diwygiwyd adran 17(2) gan adran 40(1) o Ddeddf Safonau Bwyd 1999, a pharagraffau 7, 8 a 12 o Atodlen 5 iddi, ac O.S. 2011/1043.
 - (6) Diddymwyd adran 26(3) yn rhannol gan adran 40(4) o Ddeddf Safonau Bwyd 1999 ac Atodlen 6 iddi.
 - (7) Diwygiwyd adran 48(1) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 a pharagraffau 7 ac 8 o Atodlen 5 iddi.
 - (8) 1990 p. 16. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir ar y cyd ag adran 40(3) o Ddeddf Safonau Bwyd 1999, ac fe'u trosglwyddwyd wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi.
 - (9) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006.

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- (1) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
 - (2) S.I. 2005/1971. Functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
 - (3) S.I. 2010/2690.
 - (4) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28).
 - (5) Section 17(2) was amended by section 40(1) of, and paragraphs 7, 8 and 12 of Schedule 5 to, the Food Standards Act 1999 and S.I. 2011/1043.
 - (6) Section 26(3) was partially repealed by section 40(4) of, and Schedule 6 to, the Food Standards Act 1999.
 - (7) Section 48(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999.
 - (8) 1990 c. 16. Functions formerly exercisable by "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the Food Standards Act 1999, and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
 - (9) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006.

I'r graddau y mae'r Rheoliadau hyn wedi eu gwneud drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A) o'r Ddeddf honno(1).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau at y Rheoliadau a ganlyn yn y Rheoliadau hyn gael eu dehongli fel cyfeiriadau at y Rheoliadau hynny fel y'u diwygir o bryd i'w gilydd—

- (a) Rheoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin(2);
- (b) Rheoliad Gweithredu'r Comisiwn (EU) Rhif 404/2011 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin(3); ac
- (c) Rheoliad (EU) Rhif 1379/2013 Senedd Ewrop a'r Cyngor ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a dyframaethu, sy'n diwygio Rheoliadau'r Cyngor (EC) Rhif 1184/2006 ac (EC) Rhif 1224/2009 ac sy'n diddymu Rheoliad y Cyngor (EC) Rhif 104/2000(4).

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(5), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio a gwerthuso'r Rheoliadau hyn.

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(1).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for references in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

- (a) Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(2);
- (b) Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(3); and
- (c) Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000(4).

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(5), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(1) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 a pharagraffau 7 ac 21 o Atodlen 5 iddi.
(2) OJ Rhif L 343, 22.12.2009, t 1 fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 149, 20.05.2014, t 1.
(3) OJ Rhif L 112, 30.4.2011, t 1.
(4) OJ Rhif L 354, 28.12.2013, t 1, fel y'i diwygiwyd gan OJ Rhif L 354, 28.12.2013, t 86.
(5) OJ Rhif L 31, 1.2.2002, t 1, fel y'i diwygiwyd ddiwethaf gan OJ Rhif L 189, 27.06.2014, t 1.

(1) Section 48(4A) was inserted by section 40(1) of, and paragraphs 7 and 21 of Schedule 5 to, the Food Standards Act 1999.
(2) OJ No L 343, 22.12.2009, p 1, as last amended by OJ No L 149, 20.5.2014, p 1.
(3) OJ No L 112, 30.4.2011, p 1.
(4) OJ No L 354, 28.12.2013, p 1, as amended by OJ No L 354, 28.12.2013, p 86.
(5) OJ No L 31, 1.2.2002, p 1, as last amended by OJ No L 189, 27.06.2014, p 1.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Labelu Pysgod (Cymru) (Diwygio) 2014.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 13 Rhagfyr 2014.

Diwygio Rheoliadau Labelu Pysgod (Cymru) 2013

2.—(1) Mae Rheoliadau Labelu Pysgod (Cymru) 2013(1) wedi eu diwygio yn unol â pharagraffau (2) a (3).

(2) Yn lle rheoliad 2(1), rhodder—

“2.—(1) Yn y Rheoliadau hyn—

ystyr “Rheoliadau'r UE” (*“the EU Regulations”*) yw Rheoliad 1224/2009, Rheoliad 404/2011 a Rheoliad 1379/2013;

ystyr “Rheoliad 1224/2009” (*“Regulation 1224/2009”*) yw Rheoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin;

ystyr “Rheoliad 404/2011” (*“Regulation 404/2011”*) yw Rheoliad Gweithredu'r Comisiwn (EU) Rhif 404/2011 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 1224/2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin;

ystyr “Rheoliad 1379/2013” (*“Regulation 1379/2013”*) yw Rheoliad (EU) Rhif 1379/2013 Senedd Ewrop a'r Cyngor ar gyd-drefniadaeth y marchnadoedd mewn cynhyrchion pysgodfeydd a dyframaethu.”

(3) Yn rheoliad 4 (gofynion gwybodaeth i ddefnyddwyr a gallu i olrhain)—

(a) ym mharagraff (1)(a), yn lle “(4) i” rhodder “(6) a”;

(b) ym mharagraff (2), yn lle is-baragraff (a) rhodder—

Title, application and commencement

1.—(1) The title of these Regulations is the Fish Labelling (Wales) (Amendment) Regulations 2014.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 13 December 2014.

Amendments to the Fish Labelling (Wales) Regulations 2013

2.—(1) The Fish Labelling (Wales) Regulations 2013(1) are amended in accordance with paragraphs (2) and (3).

(2) For regulation 2(1) substitute—

“2.—(1) In these Regulations—

“the EU Regulations” (*“Rheoliadau'r UE”*) means Regulation 1224/2009, Regulation 404/2011 and Regulation 1379/2013;

“Regulation 1224/2009” (*“Rheoliad 1224/2009”*) means Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

“Regulation 404/2011” (*“Rheoliad 404/2011”*) means Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy;

“Regulation 1379/2013” (*“Rheoliad 1379/2013”*) means Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products.”

(3) In regulation 4 (consumer information and traceability requirements)—

(a) in paragraph (1)(a), for “(4) to” substitute “(6) and”;

(b) in paragraph (2), for sub-paragraph (a) substitute—

(1) O.S. 2013/2139 (Cy. 209).

(1) S.I. 2013/2139 (W. 209).

“(a) gofyniad a bennir yn Erthygl 35 o Reoliad 1379/2013 (darparu gwybodaeth i ddefnyddwyr) fel y’i darllenir ar y cyd ag Erthygl 38 o’r Rheoliad hwnnw, a gofyniad fel a bennir yn Erthygl 39(3) neu (4) o Reoliad 1379/2013 fel y’i darllenir ar y cyd â pharagraff (1) o’r Erthygl honno;”;

(c) ym mharagraff (3), yn lle “ac Erthygl 67(1) i (3) a (5) i (13) o Reoliad 404/2011” rhodder “, Erthygl 67(1) i (3) a (5) i (13) o Reoliad 404/2011 ac Erthyglau 35(1)(c) a 38 o Reoliad 1379/2013”;

(d) hepgorer paragraffau (4) a (5);

(e) yn lle paragraff (6) rhodder—

“(6) Nid yw’r gofyniad y cyfeirir ato ym mharagraff (2)(a) yn gymwys o dan yr amgylchiadau a ddisgrifir yn Erthygl 35(4) o Reoliad 1379/2013, fel y’i darllenir ar y cyd ag Erthygl 58(8) o Reoliad 1224/2009.”

“(a) a requirement specified in Article 35 of Regulation 1379/2013 (provision of consumer information) as read with Article 38 of that Regulation, and a requirement as specified in Article 39(3) or (4) of Regulation 1379/2013 as read with paragraph (1) of that Article;”;

(c) in paragraph (3), for “and Article 67(1) to (3) and (5) to (13) of Regulation 404/2011” substitute “, Article 67(1) to (3) and (5) to (13) of Regulation 404/2011 and Articles 35(1)(c) and 38 of Regulation 1379/2013”;

(d) omit paragraphs (4) and (5);

(e) for paragraph (6) substitute—

“(6) The requirement referred to in paragraph (2)(a) does not apply in circumstances described in Article 35(4) of Regulation 1379/2013 as read with Article 58(8) of Regulation 1224/2009.”

Cyfeiriadau at Reoliadau Labelu Pysgod (Cymru) 2013

3. Mae’r cyfeiriadau at Reoliadau Labelu Pysgod (Cymru) 2013 yn rheoliadau 5(3), 6(2) a 7(2) o’r Rheoliadau hynny, a pharagraffau 1 a 2(b) o’r Atodlen iddynt, i’w dehongli fel cyfeiriadau at Reoliadau Labelu Pysgod (Cymru) 2013 fel y’u diwygir gan y Rheoliadau hyn.

References to the Fish Labelling (Wales) Regulations 2013

3. The references to the Fish Labelling (Wales) Regulations 2013 in regulations 5(3), 6(2) and 7(2) of, and in paragraphs 1 and 2(b) of the Schedule to, those Regulations are to be construed as references to the Fish Labelling (Wales) Regulations 2013 as amended by these Regulations.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

19 Tachwedd 2014

Minister for Health and Social Services, one of the
Welsh Ministers

19 November 2014

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