CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 3236 (Cy.241)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) (Diwygio) 2005

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005 sy'n gweithredu yng Nghymru Gyfarwyddeb y Comisiwn 2005/26/EC sy'n llunio rhestr o gynhwysion neu sylweddau bwyd a eithriwyd dros dro o Atodiad IIIa o Gyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor (OJ Rhif L75, 22.3.2005, t.33). Yn unol â'r amserlen yn y Gyfarwyddeb honno, daw'r Rheoliadau hynny i rym ar 25 Tachwedd 2005. Mae'r Rheoliadau hynny'n rhoi esemptiad nes 25 Tachwedd 2007 o'r gofynion i labelu alergenau a geir yn rheoliad 34B o Reoliadau Labelu Bwyd 1996 yn achos cynhwysion penodol sy'n dod o gynhwysion alergenig. Mae Rheoliadau 1996 yn rhychwantu Prydain Fawr i gyd; mae'r Rheoliadau diwygio hynny'n gymwys o ran Cymru'n unig.

2. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru Gyfarwyddeb y Comisiwn 2005/63/EC sy'n cywiro Cyfarwyddeb 2005/26/EC (OJ Rhif L258, 4.10.2005, t.3).

3. Mae'r Rheoliadau hyn-

(a) yn rhoi esemptiad tan 25 Tachwedd 2007 o'r gofynion i labelu alergenau a geir yn rheoliad 34B o Reoliadau 1996 yn achos gelatin pysgod a ddefnyddir fel cariwr paratoadau carotenyn (rheoliad 4);

(b) yn diweddaru'r diffiniad o "Directive 2000/13/EC" (rheoliad 3).

4. Ni luniwyd arfarniad rheoliadol manwl ar gyfer yr offeryn hwn, gan na fydd yn effeithio o gwbl ar gostau busnes.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 3236 (W.241)

FOOD, WALES

The Food Labelling (Amendment) (Wales) (No. 2) (Amendment) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005 which implement in Wales Commission Directive 2005/26/EC establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council (OJ No.L75, 22.3.2005, p.33). In accordance with the timetable in that Directive, those Regulations come into force on 25 November 2005. Those Regulations confer an exemption until 25 November 2007 from the allergen labelling requirements in regulation 34B of the Food Labelling Regulations 1996 in the case of certain ingredients originating from allergenic ingredients. The 1996 Regulations extend to the whole of Great Britain; those amendment Regulations apply in relation to Wales only.

2. These Regulations implement in Wales Commission Directive 2005/63/EC correcting Directive 2005/26/EC (OJ No. L258, 4.10.2005, p.3).

3. These Regulations-

(a) confer an exemption until 25 November 2007 from the allergen labelling requirements in regulation 34B of the 1996 Regulations in the case of fish gelatine used as a carrier for carotenoid preparations (regulation 4);

(b) update the definition of "Directive 2000/13/EC" (regulation 3).

4. A full regulatory appraisal has not been produced for this instrument as it has no impact on the costs of business.

OFFERYNNAU STATUDOL

2005 Rhif 3236 (Cy.241)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) (Diwygio) 2005

Wedi'u gwneud	*22 Tachwedd 2005*
Yn dod i rym	*24 Tachwedd 2005*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) ac (f), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac sydd bellach wedi'u breinio ynddo(**2**).

Mae wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd fel sy'n ofynnol gan adran 48(4A) o'r Ddeddf honno.

Cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi'r Rheoliadau fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(**3**) sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) (Diwygio) 2005; deuant i rym ar 24 Tachwedd 2005.

(**1**) 1990 p.16; amnewidiwyd adran 1(1) a (2) (diffiniad o "food") gan O.S. 2004/2990; diwygiwyd adran 53(2) gan Atodlen 6 i Ddeddf Safonau Bwyd 1999 (1999 p. 28) ac O.S. 2004/2990.

(**2**) Trosglwyddwyd Swyddogaethau "the Secretary of State" i'r graddau y maent yn arferadwy o ran Cymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

(**3**) OJ Rhif L31, 1.2.2002, t. 1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

STATUTORY INSTRUMENTS

2005 No. 3236 (W.241)

FOOD, WALES

The Food Labelling (Amendment) (Wales) (No. 2) (Amendment) Regulations 2005

Made	*22 November 2005*
Coming into force	*24 November 2005*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(**1**) and now vested in it(**2**).

It has had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) of that Act.

There has been open and transparent public consultation during the preparation of the Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**3**) 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.

Title and commencement

1. The title of these Regulations is the Food Labelling (Amendment) (Wales) (No. 2) (Amendment) Regulations 2005; they come into force on 24 November 2005.

(**1**) 1990 c.16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990; section 53(2) was amended by Schedule 6 to the Food Standards Act 1999 (1999 c.28) and S.I. 2004/2990.

(**2**) Functions of "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28).

(**3**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

Diwygio Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005

2. Diwygir Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005(**1**) yn unol â rheoliadau 3 a 4.

3. Yn rheoliad 3 (diwygiad o'r diffiniad o "Directive 2000/13/EC" yn rheoliad 2(1) o Reoliadau Labelu Bwyd 1996(**2**)) mewnosoder ar y diwedd y geiriau "which was itself amended by Commission Directive 2005/63/EC"(**3**).

4. Yn yr Atodlen, yn nhestun yr Atodlen 2A newydd sydd i'w mewnosod yn Rheoliadau Labelu Bwyd 1996 (rhestr o gynhwysion sy'n dod o gynhwysion alergenig ac nad yw'r gofynion labelu alergenau yn gymwys iddynt) yng ngholofn 2 yn lle'r geiriau "Fish gelatine used as carrier for vitamins and flavours" rhodder y geiriau "Fish gelatine used as a carrier for vitamin or carotenoid preparations and flavours".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**4**).

22 Tachwedd 2005

Amendment of the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005

2. The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005(**1**) shall be amended in accordance with regulations 3 and 4.

3. In regulation 3 (amendment of definition of "Directive 2000/13/EC" in regulation 2(1) of the Food Labelling Regulations 1996(**2**)) there shall be inserted at the end the words "which was itself amended by Commission Directive 2005/63/EC"(**3**).

4. In the Schedule, in the text of the new Schedule 2A to be inserted in the Food Labelling Regulations 1996 (list of ingredients which originate from allergenic ingredients and in respect of which the allergen labelling requirements do not apply) in column 2 for the words "Fish gelatine used as carrier for vitamins and flavours" there shall be substituted the words "Fish gelatine used as a carrier for vitamin or carotenoid preparations and flavours".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**).

22 November 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) O.S. 2005/ 2835 (Cy. 200).

(**2**) O.S. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 2001/1232 (Cy.66), 2004/249 (Cy.26), 2004/3022 (Cy.261), 2005/ 2835 (Cy. 200).

(**3**) OJ Rhif L258, 4.10.2005, t.3.

(**4**) 1998. p.38.

(**1**) S.I. 2005/ 2835 (W. 200).

(**2**) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 2001/1232 (W.66), 2004/249 (W.26), 2004/3022 (W.261), 2005/ 2835 (W. 200).

(**3**) OJ No. L258, 4.10.2005, p.3.

(**4**) 1998. c.38.

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