OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1092 (Cy.97)

BWYD, CYMRU

Rheoliadau Meini Prawf Purdeb ar gyfer Lliwiau, Melysyddion ac Ychwanegion Bwyd Amrywiol (Cymru) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer gweithredu tair Cyfarwyddeb y Comisiwn sydd yn rhai newydd ("y Cyfarwyddebau newydd") sy'n cydgrynhoi rheolau presennol y Gymuned Ewropeaidd sy'n llywodraethu meini prawf purdeb ar gyfer lliwiau, melysyddion ac ychwanegion amrywiol eraill a ddefnyddir mewn bwydydd.

Mae'r Rheoliadau hyn yn diwygio ymhellach, o ran Cymru, Reoliadau Lliwiau mewn Bwyd 1995 (O.S. 1995/3124 fel y'i diwygiwyd), Rheoliadau Melysyddion mewn Bwyd (O.S. 1995/3123 fel y'i diwygiwyd) a Rheoliadau Ychwanegion Bwyd Amrywiol 1995 (O.S. 1995), fel y'i diwygiwyd.

Gweithredwyd y Cyfarwyddebau, y mae'r Cyfarwyddebau newydd yn eu disodli, drwy gyfeirio atynt mewn darpariaethau domestig, ac mae'r Rheoliadau hyn o'r herwydd yn diweddaru'r cyfeiriadau hynny.

Dyma'r Cyfarwyddebau newydd —

(a) Cyfarwyddeb y Comisiwn 2008/128/EC sy'n pennu meini prawf purdeb penodol sy'n ymwneud â lliwiau sydd i'w defnyddio mewn deunyddiau bwyd (OJ Rhif L6, 10.1.2009, t.20);

(b) Cyfarwyddeb y Comisiwn 2008/60/EC sy'n pennu meini prawf purdeb penodol sy'n ymwneud â melysyddion sydd i'w defnyddio mewn deunyddiau bwyd (OJ Rhif L158, 18.6.208, t.17); ac

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FOOD, WALES

The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the implementation of three new Commission Directives ("the new Directives") which consolidate existing European Community rules governing the purity criteria for colours, sweeteners and other miscellaneous additives used in foods.

These Regulations further amend in relation to Wales the Colours in Food Regulations 1995 (S.I. 1995/3124 as amended), the Sweeteners in Food Regulations (S.I. 1995/3123 as amended) and the Miscellaneous Food Additives Regulations 1995 (S.I. 1995/3187 as amended).

The existing Directives, which the new Directives replace, were implemented by making reference to them in domestic provisions, and these Regulations therefore update those references.

The new Directives are —

(a) Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L6, 10.1.2009, p.20);

(b) Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs (OJ No. L158, 18.6.208, p.17); and

(c) Cyfarwyddeb y Comisiwn 2008/84/EC sy'n pennu meini prawf purdeb penodol sy'n ymwneud ag ychwanegion bwyd ac eithrio lliwiau a melysyddion (OJ Rhif L253, 20.9.2008, t.1).

Ni luniwyd asesiad effaith llawn ar gyfer y Rheoliadau hyn, gan na ragwelir unrhyw effaith o gwbl ar y sector preifat na'r sector gwirfoddol.

(c) Commission Directive 2008/84/EC laying down specific purity criteria for food additives other than colours and sweeteners (OJ No. L253, 20.9.2008, p.1).

A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sector is foreseen.

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Y Rheoliadau Meini Prawf Purdeb ar gyfer Lliwiau, Melysyddion ac Ychwanegion Bwyd Amrywiol (Cymru) 2009

Gwnaed	*27 Ebrill 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*29 Ebrill 2009*
Yn dod i rym	*25 Mai 2009*

Mae Gweinidogion Cymru'n gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac 17(1) o Ddeddf Diogelwch Bwyd 1990(**1**):

Yn unol ag adran 48(4A) o'r Ddeddf honno, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd iddynt gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cygnor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**2**), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

(**1**) 1990 p.16, amnewidiwyd adran1(1) a (2) (y diffiniad o "bwyd") gan O.S. 2004/2990. Diwygiwyd adrannau 17 a 48 gan baragraffau 12 a 21 yn ôl eu trefn o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (1999 p.28). Cafodd adran 48 hefyd ei diwygio gan O.S. 2004/2990.

Cafodd y swyddogaethau a oedd yn flaenorol yn arferadwy gan yr "Ysgrifennydd Gwladol", i'r graddau yr oeddent yn arferadwy o ran Cymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir ar y cyd ag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28), ac yna trosglwyddwyd hwy i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(**2**) OJ Rhif L131, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 2002/2008 sy'n diwygio Rheoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cygnor ynghylch nifer ac enwau Paneli Gwyddonol parhaol Awdurdod Diogelwch Bwyd Ewrop (OJ Rhif L60, 5.3.2008, t.17).

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2009 No. 1092 (W.97)

FOOD, WALES

The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009

Made	*27 April 2009*
Laid before the National Assembly for Wales	*29 April 2009*
Coming into force	*25 May 2009*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and 17(1) of the Food Safety Act 1990(**1**):

In accordance with section 48(4A) of that Act, the Welsh Ministers have had regard to the relevant advice given by the Food Standards Agency.

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(**2**) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(**1**) 1990. c.16, section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 17 and 48 were amended respectively by paragraphs 12 and 21 of Schedule 5 to the Food Standards Act 1999 (1999 c.28). Section 48 was also amended by S.I. 2004/2990.

The functions formerly exercisable by 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), and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(**2**) OJ No. 131, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 2002/2008 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L60, 5.3.2008, p.17).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Meini Prawf Purdeb ar gyfer Lliwiau, Melysyddion ac Ychwanegion Bwyd Amrywiol (Cymru) 2009 a deuant i rym ar 25 Mai 2009.

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

Diwygio Rheoliadau Lliwiau mewn Bwyd 1995

2.—(1) Diwygier Rheoliadau Lliwiau mewn Bwyd 1995(**1**) yn unol â pharagraff (2).

(2) Yn rheoliad 2(1) (dehongli)—

(a) hepgorer y diffiniad o "Directive 95/45/EC" ac yn ei le rhodder y diffiniad canlynol—

""Directive 2008/128/EC" means Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs(**2**);";

(b) yn y diffiniad o "permitted colour", yn lle'r ymadrodd "the annex to Directive 95/45/EC" rhodder yr ymadrodd "Annex 1 to Directive 2008/128/EC".

Diwygio Rheoliadau Melysyddion mewn Bwyd 1995

3.—(1) Diwygier Rheoliadau Melysyddion Mewn Bwyd 1995(**3**) yn unol â pharagraff (2).

(2) Yn rheoliad 2(1) (dehongli) —

(a) hepgorer y diffiniad o "Directive 95/45/EC" ac yn ei le rhodder y diffiniad canlynol—

""Directive 2008/60/EC" means Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs(**4**);";

(b) yn y diffiniad o "permitted sweetener", yn lle'r ymadrodd "the annex to Directive 95/31/EC" rhodder yr ymadrodd "Annex 1 to Directive 2008/60/EC".

(**1**) O.S. 1995/3124. Yr offeryn diwygio perthnasol yw O.S. 2007/579 (Cy.51).

(**2**) OJ Rhif L6, 10.1.2009, t.20.

(**3**) O.S. 1995/3123. Yr offerynnau diwygio perthnasol yw O.S. 2005/1156 (Cy.73) ac O.S. 2008/138 (Cy.20).

(**4**) OJ Rhif L158, 18.6.2008, t.17.

Title, commencement and application

1.—(1) The title of these Regulations is the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009 and they come into force on 25 May 2009.

(2) These Regulations apply in relation to Wales.

Amendment of the Colours in Food Regulations 1995

2.—(1) The Colours in Food Regulations 1995(**1**) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of "Directive 95/45/EC" and substitute the following definition—

""Directive 2008/128/EC" means Commission Directive 2008/128/EC laying down specific purity criteria concerning colours for use in foodstuffs(**2**);";

(b) in the definition of "permitted colour", for the expression "the annex to Directive 95/45/EC" substitute the expression "Annex 1 to Directive 2008/128/EC".

Amendment of the Sweeteners in Food Regulations 1995

3.—(1) The Sweeteners in Food Regulations 1995(**3**) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (Interpretation) —

(a) omit the definition "Directive 95/31/EC" and substitute the following definition—

""Directive 2008/60/EC" means Commission Directive 2008/60/EC laying down specific purity criteria concerning sweeteners for use in foodstuffs(**4**);";

(b) in the definition of "permitted sweetener", for the expression "the annex to Directive 95/31/EC" substitute the expression "Annex 1 to Directive 2008/60/EC".

(**1**) S.I. 1995/3124. The relevant amending instrument is S.I. 2007/579 (W.51).

(**2**) OJ No. L6, 10.1.2009, p.20.

(**3**) S.I. 1995/3123. Relevant amending instruments are S.I. 2005/1156 (W.73) and S.I. 2008/138 (W.20).

(**4**) OJ No. L158, 18.6.2008, p.17.

Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995

4.—(1) Diwygier Rheoliadau Ychwanegion Bwyd Amrywiol 1995(**1**) yn unol â pharagraff (2);

(2) Yn rheoliad 2 (dehongli)—

(a) hepgorer y diffiniad "Directive 96/77/EC" ac yn ei le rhodder y diffiniad canlynol—

""Directive 2008/84/EC" means Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(**2**) as that Directive was before the amendments made by Commission Directive 2009/10/EC(**3**);";

(b) yn y diffiniad o "purity criteria", yn is-baragraff (a) yn lle'r ymadrodd "the Annex to Directive 96/77/EC" rhodder yr ymadrodd "Annex I to Directive 2008/84/EC".

Amendment of the Miscellaneous Food Additives Regulations 1995

4.—(1) The Miscellaneous Food Additives Regulations 1995(**1**) are amended in accordance with paragraph (2);

(2) In regulation 2 (Interpretation)—

(a) omit the definition "Directive 96/77/EC" and substitute the following definition—

""Directive 2008/84/EC" means Commission Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(**2**) as that Directive was before the amendments made by Commission Directive 2009/10/EC(**3**);";

(b) in the definition of "purity criteria", in sub-paragraph (a) for the expression "the Annex to Directive 96/77/EC" substitute the expression "Annex I to Directive 2008/84/EC".

G. Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru.

27 Ebrill 2009

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

27 April 2009

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(**1**) O.S. 1995/3187. Yr offerynnau diwygio perthnasol yw O.S. 2002/329 (Cy. 42) ac O.S. 2008/138 (Cy.20).

(**2**) OJ Rhif L253, 20.9.2008, t.1.

(**3**) Cyfarwyddeb y Comisiwn 2009/10/EC sy'n diwygio Cyfarwyddeb 2008/84/EC sy'n pennu meini prawf purdeb penodol ar ychwanegion bwyd ac eithrio lliwiau a melysyddion (OJ Rhif L44, 13.02.2009, t.62).

(**1**) S.I. 1995/3187. Relevant amending instruments are S.I. 2002/329 (W. 42) and S.I. 2008/138 (W.20).

(**2**) OJ No. L253, 20.9.2008, p.1.

(**3**) Commission Directive 2009/10/EC amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L44, 13.02.2009, p.62).