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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 2287 (Cy.199)**

**2010 No. 2287 (W.199)**

**AMAETHYDDIAETH, CYMRU**

**AGRICULTURE, WALES**

Rheoliadau Bwyd Anifeiliaid  
(Samplu a Dadansoddi a  
Sylweddau Anymunol Penodedig)  
(Cymru) 2010

The Feed (Sampling and Analysis  
and Specified Undesirable  
Substances) (Wales) Regulations  
2010

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

1. Mae'r Rheoliadau hyn yn darparu ar gyfer rhoi ar waith yng Nghymru Reoliad y Comisiwn (EC) Rhif 152/2009 sy'n gosod y dulliau samplu a dadansoddi ar gyfer rheolaeth swyddogol ar fwyd anifeiliaid (OJ Rhif L54, 26.2.2009, t.1), ("Rheoliad y Comisiwn"). Mae Rheoliad y Comisiwn yn diddymu ac yn ailddeddfu gyda diwygiadau penodol lawer o gyfarwyddebau Ewropeaidd ynghylch dulliau samplu a dadansoddi bwydydd anifeiliaid. Mae'r Rheoliadau yn dirymu (o ran Cymru) Reoliadau Bwydydd Anifeiliaid (Samplu a Dadansoddi) 1999 (O.S. 1999/1663, a ddiwygiwyd gan O.S. 2001/2253 (Cy.163), O.S. 2002/1797 (Cy.172), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200), O.S. 2004/2734 (Cy.241), O.S. 2006/116 (Cy.14) ac O.S. 2006/617 (Cy.69)), a weithredodd y cyfarwyddebau hynny, ac yn ailddeddfu'r darpariaethau gweinyddol hynny yn Rheoliadau 1999 y mae angen eu cadw mewn grym.

1. These Regulations provide for the execution in Wales of Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed (OJ No. L54, 26.2.2009, p.1), ("the Commission Regulation"). The Commission Regulation repeals and re-enacts with certain amendments a large number of European directives concerning methods of sampling and analysis of feeding stuffs. The Regulations revoke (in relation to Wales) the Feeding Stuff (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, amended by S.I. 2001/2253 (W.163), S.I. 2002/1797 (W.172), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2004/2734 (W.241), S.I. 2006/116 (W.14) and S.I. 2006/617 (W.69)), which implemented those directives, and re-enact those administrative provisions of the 1999 Regulations which need to be kept in force.

2. Mae'r Rheoliadau hyn hefyd, yn Rhan 4, yn diwygio Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006 (O.S. 2006/116 (Cy.14), offerynnau diwygio blaenorol yw O.S. 2006/617 (Cy.69), O.S. 2006/2928 (Cy.263), O.S. 2006/3256 (Cy.296), O.S. 2007/3171 (Cy.277), O.S. 2008/1806 (Cy.174), O.S. 2009/106 (Cy.20) ac O.S. 2009/2881 (Cy.254)), er mwyn gweithredu Cyfarwyddeb y Comisiwn 2009/141/EC sy'n diwygio Atodiad 1 i Gyfarwyddeb 2002/32/EC Senedd Ewrop a'r Cyngor o ran y lefelau uchaf ar gyfer arsenig, theobromin, Datura sp., Ricinus communis L., *Croton tiglium* L. ac *Abrus precatorius* L., (OJ Rhif L308, 24.11.2009, t.20) ("Cyfarwyddeb y Comisiwn").

2. These Regulations also, in Part 4, amend the Feeding Stuff (Wales) Regulations 2006 (S.I. 2006/116 (W.14), previous amending instruments are S.I. 2006/617 (W.69), S.I. 2006/2928 (W.263), S.I. 2006/3256 (W.296), S.I. 2007/3171 (W.277), S.I. 2008/1806 (W.174), S.I. 2009/106 (W.20) and S.I. 2009/2881 (W.254)), in order to implement Commission Directive 2009/141/EC amending Annex 1 to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, theobromine, Datura sp., Ricinus communis L., *Croton tiglium* L. and *Abrus precatorius* L., (OJ No. L308, 24.11.2009, p.20) ("the Commission Directive").

3. Mae'r Rheoliadau yn sefydlu mesurau gweinyddol a mesurau eraill i roi ar waith Reoliad y Comisiwn, ac sydd, yn benodol, yn gwneud y canlynol—

- (a) darparu ar gyfer cyfwerthoedd metrig i feintiau imperial a grybwyllir yn Neddf Amaethyddiaeth 1970 (*rheoliad 3*);
- (b) rhagnodi'r dulliau o anfon samplau i gael eu dadansoddi (*rheoliad 4*);
- (c) rhagnodi'r cymwysterau gofynnol ar gyfer dadansoddwyr amaethyddol (*rheoliad 5*);
- (ch) darparu ar gyfer y dulliau sydd i'w defnyddio pan fo dadansoddiad yn cael ei wneud ac eithrio yng nghyd-destun rheolaethau swyddogol (*rheoliad 6*); a
- (d) rhagnodi'r ffurf sydd i'w defnyddio ar gyfer tystysgrif dadansoddi (*rheoliad 7 ac Atodlen 1*).

4. Mae'r Rheoliadau yn Rhan 3 yn gwneud diwygiadau testunol i ddeddfwriaeth sylfaenol ac is-ddeddfwriaeth er mwyn osgoi unrhyw enghreifftiau o orgyffwrdd neu anghysondeb rhwng Rheoliad y Comisiwn a deddfwriaeth ddomestig (*rheoliadau 8 i 23*) ac yn dirymu Rheoliadau 1999 (*rheoliad 24*).

5. Mae'r Rheoliadau yn gweithredu Cyfarwyddeb y Comisiwn drwy ddiwygio darpariaethau Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006 ynghylch sylweddau annymunol mewn bwydydd anifeiliaid, yn arbennig o ran y lefelau uchaf a ganiateir ar gyfer y sylweddau a grybwyllir yn nheitl Cyfarwyddeb y Comisiwn fel a nodwyd ym mharagraff 2 uchod (*rheoliad 25 ac Atodlenni 2, 3 a 4*).

6. Mae asesiad effaith rheoleiddiol wedi ei baratoi mewn cysylltiad â'r costau a'r buddiannau tebygol wrth gydymffurfio â'r Rheoliadau hyn ac mae ar gael gan yr Asiantaeth Safonau Bwyd, Llawr 11, T? Southgate, Caerdydd, CF10 1EW.

3. The Regulations put in place administrative and other measures for the execution of the Commission Regulation, in particular by—

- (a) providing for metric equivalents of imperial quantities mentioned in the Agriculture Act 1970 (*regulation 3*);
- (b) prescribing the methods of sending samples for analysis (*regulation 4*);
- (c) prescribing the required qualifications for agricultural analysts (*regulation 5*);
- (d) providing for the methods to be used where an analysis is carried out other than in the context of official controls (*regulation 6*); and
- (e) prescribing the form to be used for a certificate of analysis (*regulation 7 and Schedule 1*).

4. The Regulations in Part 3 make textual amendments to primary and secondary legislation in order to avoid any instances of overlap or inconsistency between the Commission Regulation and domestic legislation (*regulations 8 to 23*) and revoke the 1999 Regulations (*regulation 24*).

5. The Regulations implement the Commission Directive by amending provisions of the Feeding Stuffs (Wales) Regulations 2006 concerning undesirable substances in animal feeds, notably in relation to maximum permitted levels for the substances mentioned in the title to the Commission Directive as set out in paragraph 2 above (*regulation 25 and Schedules 2, 3 and 4*).

6. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations and is available from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

**2010 Rhif 2287 (Cy.199)**

**AMAETHYDDIAETH, CYMRU**

**Rheoliadau Bwyd Anifeiliaid  
(Samplu a Dadansoddi a  
Sylweddau Annymunol Penodedig)  
(Cymru) 2010**

<i>Gwnaed</i>	<i>15 Medi 2010</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>17 Medi 2010</i>
<i>Yn dod i rym</i>	<i>11 Hydref 2010</i>

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 66(1), 67(5), 74A, 79(9) ac 84 o Ddeddf Amaethyddiaeth 1970(1), ac o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) mewn perthynas â mesurau yn y meysydd milfeddygol a ffyto-iechydol i ddiogelu iechyd y cyhoedd(3), polisi amaethyddol cyffredin yr Undeb Ewropeaidd(4) a mesurau sy'n ymwneud â bwyd anifeiliaid a gynhyrchir ar gyfer, neu a fwydir i, anifeiliaid sy'n cynhyrchu bwyd(5).

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(1) 1970 p.40. Mae adran 66(1) yn cynnwys diffiniadau o'r ymadroddion "the Ministers", "prescribed" a "regulations". Diwygiwyd y diffiniad o "the Ministers" gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), Atodlen 5, paragraff 1. Trosglwyddwyd swyddogaethau "the Ministers", 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) a throsglwyddwyd hwy drachefn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(2) 1972 p. 68.

(3) O.S. 2008/1792.

(4) O.S. 2005/2766. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan y dynodiad hwn a'r dynodiad o dan O.S. 2005/1971 i Weinidogion Cymru gan baragraffau 28 a 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(5) O.S. 2005/1971.

**2010 No. 2287 (W.199)**

**AGRICULTURE, WALES**

**The Feed (Sampling and Analysis  
and Specified Undesirable  
Substances) (Wales) Regulations  
2010**

<i>Made</i>	<i>15 September 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>17 September 2010</i>
<i>Coming into force</i>	<i>11 October 2010</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 67(5), 74A, 79(9) and 84 of the Agriculture Act 1970(1), and under section 2(2) of the European Communities Act 1972(2).

The Welsh Ministers are designated for the purposes of section 2(2) in relation to measures in the veterinary and phytosanitary fields for the protection of public health(3), the common agricultural policy of the European Union(4) and measures relating to feed produced for or fed to food-producing animals(5).

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(1) 1970 c.40. Section 66(1) contains definitions of the expressions "the Ministers", "prescribed" and "regulations". The definition of "the Ministers" was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of "the Ministers", 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) and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(2) 1972 c. 68.

(3) S.I. 2008/1792.

(4) S.I. 2005/2766. Functions of the National Assembly for Wales under this designation and the designation under S.I. 2005/1971 were transferred to the Welsh Ministers by paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006.

(5) S.I. 2005/1971.

Bu ymgynghori yn ystod y broses o baratoi'r Rheoliadau hyn, yn unol â gofynion adran 84(1) o Ddeddf Amaethyddiaeth 1970 neu, fel y bo'n briodol, o Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(1).

## RHAN 1

### Cyffredinol a rhagarweiniol

#### Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Bwyd Anifeiliaid (Samplu a Dadansoddi a Sylweddau Anymunol Penodedig) (Cymru) 2010, maent yn gymwys o ran Cymru ac maent yn dod i rym ar 11 Hydref 2010.

#### Dehongli

2.–(1) Yn y Rheoliadau hyn—

ystyr "dadansoddwr" ("*analyst*") yw dadansoddwr amaethyddol neu ddirprwy ddadansoddwr amaethyddol;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Amaethyddiaeth 1970;

ystyr "Rheoliad 152/2009" ("*Regulation 152/2009*") yw Rheoliad y Comisiwn (EC) Rhif 152/2009 sy'n pennu'r dulliau samplu a dadansoddi ar gyfer rheolaeth swyddogol ar fwyd anifeiliaid(2);

ystyr "y Rheoliadau Bwyd Anifeiliaid AE" ("*the GM Feed Regulations*") yw Rheoliadau Bwyd Anifeiliaid a Addaswyd yn Enetig (Cymru) 2004(3); ac

ystyr "y Rheoliadau Hylendid Bwyd Anifeiliaid" ("*the Feed Hygiene Regulations*") yw Rheoliadau Bwyd Anifeiliaid (Hylendid a Gorfodi) (Cymru) 2005(4).

(1) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor, yn addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468 mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasiad yn ôl y weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(2) OJ Rhif L54, 26.2.2009, t.1.

(3) O.S. 2004/3221 (Cy.277) a ddiwygiwyd gan O.S. 2007/3173 (Cy.278).

(4) O.S. 2005/3368 (Cy.265) a ddiwygiwyd gan O.S. 2006/3256 (Cy.290) ac O.S. 2009/3376 (Cy.298).

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or, as appropriate, of 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(1).

## PART 1

### General and introductory

#### Title, application and commencement

1. The title of these Regulations is the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010, they apply in relation to Wales and come into force on 11 October 2010.

#### Interpretation

2.–(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Agriculture Act 1970;

"Regulation 152/2009" ("*Rheoliad 152/2009*") means Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed(2);

"the Feed Hygiene Regulations" ("*y Rheoliadau Hylendid Bwyd Anifeiliaid*") means the Feed (Hygiene and Enforcement) (Wales) Regulations 2005(3);

"the GM Feed Regulations" ("*y Rheoliadau Bwyd Anifeiliaid AE*") means the Genetically Modified Animal Feed (Wales) Regulations 2004(4); and

"analyst" ("*dadansoddwr*") means an agricultural analyst or deputy agricultural analyst.

(1) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

(2) OJ No. L54, 26.2.2009, p.1.

(3) S.I. 2005/3368 (W.265) amended by S.I. 2006/3256 (W.290) and S.I. 2009/3376 (W.298).

(4) S.I. 2004/3221 (W.277) amended by S.I. 2007/3173 (W.278).

(2) Mae i unrhyw ymadrodd, a ddefnyddir yn y Rheoliadau hyn ac y defnyddir yr ymadrodd Saesneg cyfatebol yn Rheoliad 152/2009, yr ystyr a ddygir gan yr ymadrodd cyfatebol hwnnw yn Rheoliad 152/2009.

(3) Mae unrhyw gyfeiriad at adran â rhif yn gyfeiriad at yr adran sydd â'r rhif hwnnw yn y Ddeddf fel y'i haddesir gan y Rheoliadau hyn.

### **Amnewid metrig rhagnodedig**

3. At y dibenion o'i chymhwyso i fwydydd anifeiliaid, mae'r Ddeddf i'w darllen—

- (a) yn adran 68(2)(b), fel pe rhoddid y geiriau "to sales in quantities of not more than 25 kilograms" yn lle'r geiriau "to sales of small quantities (that is to say, sales in quantities of not more than fifty six pounds or the prescribed metric substitution)"; a
- (b) yn adran 76(5), fel pe rhoddid y geiriau "six kilograms" yn lle'r geiriau "fourteen pounds or the prescribed metric substitution".

## **RHAN 2**

### **Gofynion amrywiol mewn perthynas â samplu a dadansoddi**

#### **Dulliau o anfon sampl derfynol**

4. Pan fo'n ofynnol anfon unrhyw sampl derfynol at unrhyw berson yn unol ag—

- (a) paragraff 8 o Atodiad I i Reoliad 152/2009;
- (b) adran 77(1) neu (2);
- (c) adran 78(1)(a), (2) neu (4);
- (ch) rheoliad 30(1), (2) neu (5) neu 31(2) o'r Rheoliadau Hylendid Bwyd Anifeiliaid; neu
- (d) rheoliad 6(2)(b) neu (c) o'r Rheoliadau Bwyd Anifeiliaid AE,

ceir ei hanfon drwy unrhyw ddull priodol neu ei danfon â llaw.

#### **Cymwysterau dadansoddwyr**

5. Y cymwysterau rhagnodedig ar gyfer dadansoddwr at ddibenion adran 67(5), i'r graddau y mae'r adran honno'n ymwneud â bwydydd anifeiliaid, a'r cymwysterau gofynnol ar gyfer person sy'n dadansoddi bwyd anifeiliaid at ddibenion y Rheoliadau Bwyd Anifeiliaid AE, yw'r canlynol—

- (a) rhaid i'r dadansoddwr fod—
  - (i) yn Gemegydd Siartredig neu feddu ar Feistr mewn Dadansoddi Cemegol a ddyfarnwyd iddo gan y Gymdeithas Gemeg Frenhinol, a

(2) Any expression used in these Regulations and Regulation 152/2009 has the meaning that it bears in Regulation 152/2009.

(3) Any reference to a numbered section is a reference to the section so numbered in the Act as modified by these Regulations.

### **Prescribed metric substitution**

3. For the purposes of its application to feeding stuffs, the Act is to be read as if—

- (a) in section 68(2)(b) the words "to sales in quantities of not more than 25 kilograms" were substituted for the words "to sales of small quantities (that is to say, sales in quantities of not more than fifty six pounds or the prescribed metric substitution)"; and
- (b) in section 76(5) the words "six kilograms" were substituted for the words "fourteen pounds or the prescribed metric substitution".

## **PART 2**

### **Miscellaneous requirements relating to sampling and analysis**

#### **Methods of sending a final sample**

4. Any final sample required to be sent to any person pursuant to—

- (a) paragraph 8 of Annex I to Regulation 152/2009;
- (b) section 77(1) or (2);
- (c) section 78(1)(a), (2) or (4);
- (d) regulation 30(1), (2) or (5) or 31(2) of the Feed Hygiene Regulations; or
- (e) regulation 6(2)(b) or (c) of the GM Feed Regulations,

may be sent by any appropriate method or delivered by hand.

#### **Qualifications of analysts**

5. The prescribed qualifications for an analyst for the purposes of section 67(5) in so far as it relates to feeding stuffs and the required qualifications for a person analysing feed for the purposes of the GM Feed Regulations are that—

- (a) the analyst must—
  - (i) be a Chartered Chemist or possess a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry, and



(ii) yn Gymrawd neu Aelod o'r Gymdeithas Gemeg Frenhinol; a

(b) rhaid i brofiad ymarferol y dadansoddwr o archwilio bwyd anifeiliaid gael ei ardystio gan ddadansoddwr arall a benodwyd o dan adran 67(3).

### **Dadansoddi ac eithrio yng nghwrs rheolaethau swyddogol**

6.–(1) Pan fo sampl o fwyd anifeiliaid i gael ei dadansoddi yn unol ag–

- (a) adran 75(1) (sampl a ddadansoddir ar gais y prynwr); neu
- (b) adran 78(1) (dadansoddi pellach gan Gemegydd y Llywodraeth) i'r graddau nad yw'r is-adran honno'n ymwneud â rheolaethau swyddogol,

rhaid defnyddio'r dull dadansoddi priodol a bennir, os oes un, yn Rheoliad 152/2009.

(2) Mewn achosion pan na phennir dull dadansoddi priodol yn Rheoliad 152/2009, rhaid cyflawni'r dadansoddi yn y modd y cyfeirir ato yn Erthygl 11(1)(a) neu, fel y bo'n briodol, (b), o Reoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gyflawnir er mwyn sicrhau y gwirir cydymffurfiaeth â'r gyfraith ar fwyd anifeiliaid a bwyd, rheolau iechyd anifeiliaid a lles anifeiliaid(1), fel y'u darllenir ar y cyd â Rheoliad y Comisiwn (EC) Rhif 669/2009 sy'n gweithredu Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor o ran y cynnydd yn lefel rheolaethau swyddogol ar fewnforion o fwyd anifeiliaid penodol a bwydydd nad ydynt yn dod o anifeiliaid penodol ac sy'n diwygio Penderfyniad 2006/504/EC(2).

### **Ffurff tystysgrif dadansoddi**

7. Rhaid i dystysgrif dadansoddi unrhyw fwyd anifeiliaid, a anfonir yn unol ag–

- (a) adran 77(4);
- (b) rheoliad 30(4) neu 31(3) o'r Rheoliadau Hylendid Bwyd Anifeiliaid; neu
- (c) rheoliad 6(2)(b) o'r Rheoliadau Bwyd Anifeiliaid AE,

fod yn y ffurf a bennir yn Atodlen 1 a rhaid ei llenwi yn unol â'r nodiadau i'r Atodlen honno.

(ii) be a Fellow or Member of the Royal Society of Chemistry; and

(b) the analyst's practical experience of the examination of feed must be attested by another analyst appointed under section 67(3).

### **Analysis other than in the course of official controls**

6.–(1) Where a sample of feed is to be analysed pursuant to–

- (a) section 75(1) (sample analysed at the request of the purchaser); or
- (b) section 78(1) (further analysis by Government Chemist) in so far as that subsection does not relate to official controls,

the method of analysis must be the appropriate one, if any, set out in Regulation 152/2009.

(2) In cases where there is no appropriate method of analysis in Regulation 152/2009, the analysis must be carried out in the manner referred to in Article 11(1)(a) or, as appropriate, (b) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules(1) as read with Commission Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC(2).

### **Form of certificate of analysis**

7. The certificate of analysis of any feed to be sent pursuant to–

- (a) section 77(4);
- (b) regulation 30(4) or 31(3) of the Feed Hygiene Regulations; or
- (c) regulation 6(2)(b) of the GM Feed Regulations,

must be in the form set out in Schedule 1 and must be completed in accordance with the notes to that Schedule.

(1) OJ Rhif L165, 30.4.2004, t.1. Nodir testun diwygiedig Rheoliad (EC) Rhif 882/2004 yn awr mewn Corrigendwm (OJ Rhif L191, 28.5.2004, t.1) y gellid ei ddarllen ar y cyd â Chorigendwm pellach (OJ Rhif L204, 4.8.2007, t.29).

(2) OJ Rhif L194, 25.7.2009. t.11.

(1) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No.882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which could be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29).

(2) OJ No. L194, 25.7.2009. p.11.

Diwygio ac addasu deddfwriaeth arall mewn cysylltiad â samplu a dadansoddi

### Diwygio neu addasu'r Ddeddf

8. Diwygir neu, yn ôl fel y digwydd, addesir y Ddeddf yn unol â rheoliadau 9 i 20.

9. Yn adran 66(1) (dehongli Rhan IV) mewnosoder yn y lle priodol y diffiniadau canlynol—

""final sample" has the meaning that it bears in Annex I to Regulation 152/2009;"

""Regulation 152/2009" means Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed;"

10. Bydd adran 68 (dyletswydd gwerthwr i roi datganiad statudol), i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys fel pe rhoddid—

(a) yn is-adran (4)(b), y geiriau "final sample" yn lle "sampled portion"; a

(b) yn is-adran (5)—

(i) y geiriau "final sample" yn lle "sample taken from the portion in question", a

(ii) y geiriau "in accordance with Regulation 152/2009" yn lle "in the prescribed manner".

11. Bydd adran 69 (marcio deunydd a baratoir ar gyfer ei werthu) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys fel pe rhoddid—

(a) yn is-adran (4)(c), y geiriau "final sample" yn lle "sampled portion"; a

(b) yn is-adran (5), y geiriau "final sample in question" yn lle "sample taken from the portion in question".

12. Bydd adran 70 (defnyddio enwau neu ymadroddion ag ystyron rhagnodedig) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys fel pe rhoddid—

(a) yn is-adran (2), y geiriau "final sample" yn lle "sampled portion"; a

(b) yn is-adran (4)—

(i) y geiriau "final sample" yn lle "sampled portion", a

(ii) y geiriau "that sample" yn lle "the sample taken from that portion".

13. Bydd adran 71 (manyllion sydd i'w rhoi am rai nodweddion os hawlir eu bod yn bresennol) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys fel pe rhoddid—

Amendment and modification of other legislation with regard to sampling and analysis

### Amendment or modification of the Act

8. The Act is amended or as the case may be modified in accordance with regulations 9 to 20.

9. In section 66(1) (interpretation of Part IV) insert at the appropriate place the following definitions—

""final sample" has the meaning that it bears in Annex I to Regulation 152/2009;"

""Regulation 152/2009" means Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed;"

10. Section 68 (duty of seller to give statutory statement) in so far as it applies in relation to feeding stuffs will apply as if—

(a) in subsection (4)(b) "final sample" were substituted for "sampled portion"; and

(b) in subsection (5)—

(i) "final sample" were substituted for "sample taken from the portion in question", and

(ii) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner".

11. Section 69 (marking of material prepared for sale) in so far as it applies in relation to feeding stuffs will apply as if—

(a) in subsection (4)(c) "final sample" were substituted for "sampled portion"; and

(b) in subsection (5) "final sample in question" were substituted for "sample taken from the portion in question".

12. Section 70 (use of names or expressions with prescribed meanings) in so far as it applies in relation to feeding stuffs will apply as if—

(a) in subsection (2) "final sample" were substituted for "sampled portion"; and

(b) in subsection (4)—

(i) "final sample" were substituted for "sampled portion", and

(ii) "that sample" were substituted for "the sample taken from that portion".

13. Section 71 (particulars to be given of certain attributes if claimed to be present) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) yn is-adran (2)(b), y geiriau "final sample" yn lle "sampled portion"; a
- (b) yn is-adran (3)–
  - (i) y geiriau "final sample" yn lle "sampled portion", a
  - (ii) y geiriau "that sample" yn lle "the sample taken from that portion".

**14.** Yn adran 73 (cynhwysion niweidiol mewn bwydydd anifeiliaid)–

- (a) yn is-adran (1)–
  - (i) yn lle'r geiriau "sampled portion" rhodder "final sample", a
  - (ii) hepgorer y geiriau "the sample taken from"; a
- (b) yn is-adrannau (2)(a) a (b), (2A) a (3)(b) ym mhob achos, yn lle "sampled portion" rhodder "final sample".

**15.** Yn adran 73A–

- (a) yn is-adran (1)–
  - (i) yn lle'r geiriau "sampled portion" rhodder "final sample", a
  - (ii) hepgorer y geiriau "the sample taken from"; a
- (b) yn is-adrannau (2)(a) a (b) a (3) ym mhob achos, yn lle "sampled portion" rhodder "final sample".

**16.** Bydd adran 75 (hawl prynwr i gael cymryd a dadansoddi sampl) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys fel pe rhoddid, yn is-adran (1), y geiriau "in accordance with Regulation 152/2009" yn lle "in the prescribed manner".

**17.** Bydd adran 76 (p'er arolygydd i fynd i mewn i fangre a chymryd samplau) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys–

- (a) fel pe rhoddid, yn is-adran (1), y geiriau "in accordance with Regulation 152/2009" yn lle "in the prescribed manner"; a
- (b) fel pe rhoddid y canlynol yn lle is-adran (4)–

"(4) Without prejudice to any other power or duty as to the taking of samples, an inspector may for the purposes of this Part of this Act take a sample of any material which has been sold for use as a feeding stuff or which he has reasonable cause to believe to be intended for sale as such."

**18.** Bydd adran 77 (rhannu samplau a dadansoddi gan ddadansoddwr amaethyddol) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys–

- (a) fel pe rhoddid y canlynol yn lle is-adran (1)–

"(1) Where an inspector has taken a sample and prepared and packaged final samples in accordance with Regulation 152/2009 the inspector, in

- (a) in subsection (2)(b) "final sample" were substituted for "sampled portion"; and
- (b) in subsection (3)–
  - (i) "final sample" were substituted for "sampled portion", and
  - (ii) "that sample" were substituted for "the sample taken from that portion".

**14.** In section 73 (deleterious ingredients in feeding stuff)–

- (a) in subsection (1)–
  - (i) for "sampled portion" substitute "final sample", and
  - (ii) omit "the sample taken from"; and
- (b) in subsections (2)(a) and (b), (2A) and (3)(b) in each case for "sampled portion" substitute "final sample".

**15.** In section 73A–

- (a) in subsection (1)–
  - (i) for "sampled portion" substitute "final sample", and
  - (ii) omit "the sample taken from"; and
- (b) in subsections (2)(a) and (b) and (3) in each case for "sampled portion" substitute "final sample".

**16.** Section 75 (purchaser's right to have sample taken and analysed) in so far as it applies in relation to feeding stuffs will apply as if in subsection (1) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner".

**17.** Section 76 (inspector's power to enter premises and take samples) in so far as it applies in relation to feeding stuffs will apply as if–

- (a) in subsection (1) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner"; and
- (b) for subsection (4) the following were substituted–

"(4) Without prejudice to any other power or duty as to the taking of samples, an inspector may for the purposes of this Part of this Act take a sample of any material which has been sold for use as a feeding stuff or which he has reasonable cause to believe to be intended for sale as such."

**18.** Section 77 (division of samples and analysis by agricultural analyst) in so far as it applies in relation to feeding stuffs will apply as if–

- (a) for subsection (1) the following were substituted–

"(1) Where an inspector has taken a sample and prepared and packaged final samples in accordance with Regulation 152/2009 the inspector, in



addition to sending a final sample to the agricultural analyst for the inspector's area in accordance with the requirements of paragraph 8 of Annex I to that Regulation—

- (a) shall send one final sample—
  - (i) where the sample was taken pursuant to the request of a purchaser under section 75 of this Act, to the seller or his agent;
  - (ii) in any other case, to the person on whose premises the sample was taken, or, if the person on whose premises the sample was taken purchased the material in question for use and not for resale, to the seller or his agent; and
- (b) subject to section 78 of this Act, shall retain at least one final sample for nine months.";

(b) fel pe rhoddid y canlynol yn lle is-adran (2)—

"(2) If the person who manufactured any material of which an inspector has taken a sample as mentioned in subsection (1) is not a person to whom a final sample is required to be sent under that subsection, the inspector shall send a final sample to the manufacturer unless he does not know and is unable after making reasonable inquiries to ascertain before the expiration of fourteen days from the date when the sample was taken—

- (a) the manufacturer's name; or
- (b) any address of the manufacturer in the United Kingdom.";

(c) yn is-adran (3), fel pe rhoddid—

- (i) y geiriau "final sample" yn lle "part of a sample", a
- (ii) y geiriu "in accordance with Regulation 152/2009" yn lle "in the prescribed manner"; ac

(ch) yn is-adran (4)—

- (i) fel pe rhoddid y geiriau "final sample" yn lle "part of a sample" neu "part of the sample", yn ôl fel y digwydd, ym mhob lle y digwyddant,
- (ii) fel pe hepgorid y geiriau "in such manner, if any, as may be prescribed",
- (iii) fel pe rhoddid "subsection (1)" yn lle "subsection (1)(a)", a
- (iv) ym mharagraff (b), fel pe rhoddid "subsection (1)(a)(ii)" yn lle "subsection (1)(b)(ii)".

19. Bydd adran 78 (dadansoddi pellach gan Gemegydd y Llywodraeth) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn gymwys—

addition to sending a final sample to the agricultural analyst for the inspector's area in accordance with the requirements of paragraph 8 of Annex I to that Regulation—

- (a) shall send one final sample—
  - (i) where the sample was taken pursuant to the request of a purchaser under section 75 of this Act, to the seller or his agent;
  - (ii) in any other case, to the person on whose premises the sample was taken, or, if the person on whose premises the sample was taken purchased the material in question for use and not for resale, to the seller or his agent; and
- (b) subject to section 78 of this Act, shall retain at least one final sample for nine months.";

(b) for subsection (2) the following were substituted—

"(2) If the person who manufactured any material of which an inspector has taken a sample as mentioned in subsection (1) is not a person to whom a final sample is required to be sent under that subsection, the inspector shall send a final sample to the manufacturer unless he does not know and is unable after making reasonable inquiries to ascertain before the expiration of fourteen days from the date when the sample was taken—

- (a) the manufacturer's name; or
- (b) any address of the manufacturer in the United Kingdom.";

(c) in subsection (3)—

- (i) "final sample" were substituted for "part of a sample", and
- (ii) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner"; and

(d) in subsection (4)—

- (i) "final sample" were substituted in each case for "part of a sample" or "part of the sample" as the case may be,
- (ii) "in such manner, if any, as may be prescribed" were omitted,
- (iii) "subsection (1)" were substituted for "subsection (1)(a)", and
- (iv) in paragraph (b) "subsection (1)(a)(ii)" were substituted for "subsection (1)(b)(ii)".

19. Section 78 (further analysis by Government Chemist) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) yn is-adran (1), fel pe rhoddid—
- (i) y canlynol yn lle paragraff (a)—
- "(a)to send the final sample retained by the inspector under section 77(1)(b) of this Act (as that section is modified by regulation 18(a) of the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010) ("the retained sample") to the Government Chemist for analysis;" , a
- (ii) ym mharagraff (b), y geiriau "retained sample" yn lle "remaining part" a'r geiriau "that sample" yn lle "that part";
- (b) yn is-adran (2), fel pe rhoddid—
- (i) y geiriau "in accordance with Regulation 152/2009" yn lle "in the prescribed manner",
- (ii) ym mharagraff (a)(i) y geiriau "retained sample" yn lle "remaining part of the sample",
- (iii) ym mharagraff (a)(ii) y geiriau "retained sample, whether that sample" yn lle "remaining part, whether that part", a
- (iv) ym mharagraff (b) y geiriau "the retained sample" yn lle "that remaining part";
- (c) yn is-adran (4), fel pe rhoddid—
- (i) y geiriau "in accordance with Regulation 152/2009" yn lle "in the prescribed manner", a
- (ii) y geiriau "retained sample" yn lle "remaining part of the sample";
- (ch) yn is-adran (5)—
- (i) fel pe hepgorid "part of a",
- (ii) ym mharagraff (a) fel pe hepgorid "part of the", a
- (iii) ym mharagraff (b) fel pe rhoddid y geiriau "the retained sample" yn lle "the part"; a
- (d) yn is-adran (6)—
- (i) fel pe hepgorid "in such manner, if any, as may be prescribed any part of", a
- (ii) fel pe rhoddid y geiriau "the sample" yn lle "the part".

**20.** Bydd adran 79 (darpariaethau atodol mewn perthynas â samplau a dadansoddi) i'r graddau y mae'n gymwys o ran bwydydd anifeiliaid, yn is-adran (3), yn gymwys—

- (a) fel pe mewnosodid y geiriau "is specified by Regulation 152/2009 or" ar ôl "quality of any material"; a
- (b) fel pe rhoddid y geiriau "the method so specified or prescribed" yn lle "the method prescribed".

- (a) in subsection (1)—
- (i) for paragraph (a) the following were substituted—
- "(a)to send the final sample retained by the inspector under section 77(1)(b) of this Act (as that section is modified by regulation 18(a) of the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010) ("the retained sample") to the Government Chemist for analysis;" , and
- (ii) in paragraph (b) "retained sample" were substituted for "remaining part" and "that sample" were substituted for "that part";
- (b) in subsection (2)—
- (i) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner",
- (ii) in paragraph (a)(i) "retained sample" were substituted for "remaining part of the sample",
- (iii) in paragraph (a)(ii) "retained sample, whether that sample" were substituted for "remaining part, whether that part", and
- (iv) in paragraph (b) "the retained sample" were substituted for "that remaining part";
- (c) in subsection (4)—
- (i) "in accordance with Regulation 152/2009" were substituted for "in the prescribed manner", and
- (ii) "retained sample" were substituted for "remaining part of the sample";
- (d) in subsection (5)—
- (i) "part of a" were omitted,
- (ii) in paragraph (a) "part of the" were omitted, and
- (iii) in paragraph (b) "the retained sample" were substituted for "the part"; and
- (e) in subsection (6)—
- (i) "in such manner, if any, as may be prescribed any part of" were omitted, and
- (ii) "the sample" were substituted for "the part".

**20.** Section 79 (supplementary provisions relating to samples and analysis) in so far as it applies in relation to feeding stuffs will apply as if in subsection (3)—

- (a) "is specified by Regulation 152/2009 or" were inserted after "quality of any material"; and
- (b) "the method so specified or prescribed" were substituted for "the method prescribed".

## Diwygio'r Rheoliadau Hylendid Bwyd Anifeiliaid

21.–(1) Diwygir y Rheoliadau Hylendid Bwyd Anifeiliaid yn unol â pharagraffau (2) i (6).

(2) Ym mharagraff (1) o reoliad 2 (dehongli)–

- (a) hepgorer y diffiniad o "labordy sy'n cydymffurfio â phwynt 4" ("*point 4 compliant laboratory*");
- (b) yn lle'r diffiniad o "modd rhagnodedig" ("*prescribed manner*") rhodder y diffiniad canlynol–

"ystyr "modd rhagnodedig" ("*prescribed manner*") yw'r modd a ragnodir gan Reoliad (EC) Rhif 152/2009 Senedd Ewrop a'r Cyngor sy'n pennu'r dulliau o samplu a dadansoddi ar gyfer rheolaeth swyddogol ar fwyd anifeiliaid neu fel arall, yn unol ag Erthygl 11(1) o Reoliad 882/2004;" ac

- (c) hepgorer y diffiniad o "cyfran a samplwyd" ("*sampled portion*").

(3) Yn lle rheoliad 29 (cymhwyso amrywiol ddarpariaethau Rheoliadau Porthiant (Samplu a Dadansoddi)) rhodder y canlynol–

### "Penodi dadansoddwyr amaethyddol

29.–(1) Yn ddarostyngedig i baragraff (3), rhaid i awdurdod gorfodi benodi un neu ragor o ddadansoddwyr amaethyddol mewn cysylltiad â chyflawni ei ddyletswydd o dan reoliad 16.

(2) Rhaid i ddadansoddwr amaethyddol a benodir o dan baragraff (1) feddu ar y cymwysterau hynny a ragnodir mewn perthynas â'r Ddeddf gan reoliad 5 o Reoliadau Bwyd Anifeiliaid (Samplu a Dadansoddi a Sylweddau Annymunol Penodedig) (Cymru) 2010.

(3) Rhaid ystyried bod dadansoddwr amaethyddol sydd eisoes wedi ei benodi gan awdurdod gorfodi yn unol ag adran 67(3)(b) o'r Ddeddf wedi ei benodi at ddibenion paragraff (1)."

(4) Yn rheoliad 30 (y weithdrefn yn ymwneud â samplau i'w dadansoddi)–

(a) yn lle paragraff (1)(b) rhodder y canlynol–

"(b)anfon un rhan i'w dadansoddi at y dadansoddwr amaethyddol ar gyfer yr ardal o'r awdurdod gorfodi y mae awdurdod y swyddog awdurdodedig yn deillio ohono;"

(b) yn lle paragraff (3), rhodder y canlynol–

"(3) Rhaid anfon y rhan o'r sampl a anfonir at y dadansoddwr amaethyddol ar y cyd â datganiad a lofnodwyd gan y swyddog awdurdodedig sy'n cadarnhau i'r sampl gael ei chymryd yn y modd a ragnodir drwy gyfraith." ac

(c) ym mharagraff (4), hepgorer yr ymadrodd "neu, fel y digwydd, y labordy sy'n cydymffurfio â phwynt 4,".

## Amendment of the Feed Hygiene Regulations

21.–(1) The Feed Hygiene Regulations are amended in accordance with paragraphs (2) to (6).

(2) In paragraph (1) of regulation 2 (interpretation)–

- (a) omit the definition of "point 4 compliant laboratory" ("*labordy sy'n cydymffurfio â phwynt 4*");
- (b) for the definition of "prescribed manner" ("*modd rhagnodedig*") substitute the following definition–

"prescribed manner" ("*modd rhagnodedig*") means the manner prescribed by Regulation (EC) No. 152/2009 of the European Parliament and of the Council laying down the methods of sampling and analysis for the official control of feed or otherwise in accordance with Article 11(1) of Regulation 882/2004;" and

- (c) omit the definition of "sampled portion" ("*cyfran a samplwyd*").

(3) For regulation 29 (application of various provisions of the Feeding Stuffs (Sampling and Analysis) Regulations) substitute the following–

### "Appointment of agricultural analysts

29.–(1) Subject to paragraph (3), an enforcement authority must appoint one or more agricultural analysts in connection with the performance of its duty under regulation 16.

(2) An agricultural analyst appointed under paragraph (1) must have those qualifications prescribed in relation to the Act by regulation 5 of the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010.

(3) An agricultural analyst already appointed by an enforcement authority pursuant to section 67(3)(b) of the Act is to be deemed to be appointed for the purposes of paragraph (1)."

(4) In regulation 30 (procedure relating to samples for analysis)–

(a) for paragraph (1)(b) substitute the following–

"(b)send one part for analysis to the agricultural analyst for the area of the enforcement authority from which the authorised officer derives his authority;"

(b) for paragraph (3) substitute the following–

"(3) The part of the sample sent to the agricultural analyst must be accompanied by a statement signed by the authorised officer confirming that the sample was taken in the manner prescribed by law." and

(c) in paragraph (4) omit the expression "or, as the case may be, the point 4 compliant laboratory".

(5) Yn rheoliad 31 (ail samplu gan Gemegydd y Llywodraeth), yn lle paragraff (3)(a) rhodder y canlynol—

"(a)wedi ei chwblhau yn y ffurf a bennir yn Atodlen 1 i Reoliadau Bwyd Anifeiliaid (Samplu a Dadansoddi a Sylweddau Anymunol Penodedig) (Cymru) 2010 ac yn unol â'r nodiadau i'r Atodlen honno; a".

(6) Yn rheoliad 32 (darpariaethau ychwanegol yn ymwneud â samplu a dadansoddi)—

- (a) ym mharagraff (2), hepgorer yr ymadrodd ", y dadansoddwr yn y labordy sy'n cydymffurfio â phwynt 4"; a
- (b) ym mharagraff (3) hepgorer yr ymadrodd ", dadansoddwr mewn labordy sy'n cydymffurfio â phwynt 4".

### **Diwygio Rheoliadau Bwyd Anifeiliaid a Addaswyd yn Enetig (Cymru) 2004**

**22.**—(1) Diwygir y Rheoliadau Bwyd Anifeiliaid AE yn unol â pharagraffau (2) a (3).

(2) Yn rheoliad 6(1) (cymhwyso amrywiol ddarpariaethau'r Ddeddf), hepgorer is-baragraffau (c) ac (ch).

(3) Hepgorer rheoliad 7 (cymhwyso amrywiol ddarpariaethau Rheoliadau Bwydydd Anifeiliaid (Samplu a Dadansoddi) 1999).

### **Diwygio Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009**

**23.**—(1) Diwygir Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009(1) yn unol â pharagraff (2).

(2) Yn Atodlen 2 (diffiniad o gyfraith bwyd anifeiliaid berthnasol), ym mharagraff (b) yn lle'r ymadrodd "Rheoliadau Bwydydd Anifeiliaid (Samplu a Dadansoddi) 1999" rhodder "Rheoliadau Bwyd Anifeiliaid (Samplu a Dadansoddi a Sylweddau Anymunol Penodedig) (Cymru) 2010".

### **Dirymiad**

**24.** Dirymir Rheoliadau Bwydydd Anifeiliaid (Samplu a Dadansoddi) 1999(2).

(5) In regulation 31 (secondary sampling by the Government Chemist) for paragraph (3)(a) substitute the following—

"(a)completed in the form set out in Schedule 1 to the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010 and in accordance with the notes to that Schedule; and".

(6) In regulation 32 (additional provisions relating to sampling and analysis)—

- (a) in paragraph (2) omit the expression "the analyst at the point 4 compliant laboratory"; and
- (b) in paragraph (3) omit the expression "an analyst at a point 4 compliant laboratory".

### **Amendment of the Genetically Modified Animal Feed (Wales) Regulations 2004**

**22.**—(1) The GM Feed Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 6(1) (application of various provisions of the Act), omit sub-paragraphs (c) and (d).

(3) Omit regulation 7 (application of various provisions of the Feeding Stuffs (Sampling and Analysis) Regulations 1999).

### **Amendment of the Official Feed and Food Controls (Wales) Regulations 2009**

**23.**—(1) The Official Feed and Food Controls (Wales) Regulations 2009(1) are amended in accordance with paragraph (2).

(2) In Schedule 2 (definition of relevant feed law), in paragraph (b) for the expression "the Feeding Stuffs Sampling and Analysis) Regulations 1999" substitute "the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010".

### **Revocation**

**24.** The Feeding Stuffs (Sampling and Analysis) Regulations 1999(2) are revoked.

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(1) O.S. 2009/3376 (Cy.298).

(2) O.S. 1999/1663 a ddiwygiwyd gan O.S. 2001/2253 (Cy.163), O.S. 2002/1797 (Cy.172), O.S. 2003/1677 (Cy.180), O.S. 2003/1850 (Cy.200), O.S. 2004/2734 (Cy.241), O.S. 2006/116 (Cy.14) ac O.S. 2006/617 (Cy.69).

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(1) S.I. 2009/3376 (W.298).

(2) S.I. 1999/1663 amended by S.I. 2001/2253 (W.163), S.I. 2002/1797 (W.172), S.I. 2003/1677 (W.180), S.I. 2003/1850 (W.200), S.I. 2004/2734 (W.241), S.I. 2006/116 (W.14) and S.I. 2006/617 (W.69).

## RHAN 4

### Sylweddau annymunol

#### Diwygio Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006

**25.**–(1) Diwygir Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006(1) yn unol â pharagraffau (2) a (3).

(2) Ym mharagraff (9) o reoliad 14 (rheoli cynhyrchion a fwriedir fel bwyd anifeiliaid sy'n cynnwys sylweddau annymunol), yn lle'r ymadrodd "oddi mewn i'r cyfyngiad a bennir yn y cofnod cyfatebol yng ngholofn 3" rhodder "yn llai na 2 ran o bob miliwn".

(3) Yn Atodlen 5 (cyfyngiadau rhagnodedig ar gyfer sylweddau annymunol)–

- (a) ym Mhennod A, yn lle'r cofnodion mewn perthynas ag "Arsenic", rhodder y cofnodion a nodir yn Atodlen 2 i'r Rheoliadau hyn;
- (b) ym Mhennod B, yn lle'r cofnodion mewn perthynas â "Castor oil plant *Ricinus communis* L." rhodder y cofnodion a nodir yn Atodlen 3 i'r Rheoliadau hyn; ac
- (c) ym Mhennod C–
  - (i) yn lle'r cofnodion mewn perthynas â "Theobromine" rhodder y cofnodion a nodir yn Atodlen 4 i'r Rheoliadau hyn,
  - (ii) hepgorer yr ymadrodd "Croton – Croton tiglium L.", a
  - (iii) yn lle'r ymadrodd "Datura stramonium L." rhodder "Datura sp."

## PART 4

### Undesirable substances

#### Amendment of the Feeding Stuffs (Wales) Regulations 2006

**25.**–(1) The Feeding Stuffs (Wales) Regulations 2006(1) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph (9) of regulation 14 (control of products intended for animal feed containing undesirable substances), for the expression "is within the limit specified in the relevant entry in column 3" substitute "is less than 2 parts per million".

(3) In Schedule 5 (prescribed limits for undesirable substances)–

- (a) in Chapter A, for the entries relating to arsenic substitute the entries set out in Schedule 2 to these Regulations;
- (b) in Chapter B, for the entries relating to castor oil plant (*Ricinus communis* L.) substitute the entries set out in Schedule 3 to these Regulations; and
- (c) in Chapter C–
  - (i) for the entries relating to theobromine substitute the entries set out in Schedule 4 to these Regulations,
  - (ii) omit the expression "Croton – Croton tiglium L.", and
  - (iii) for the expression "Datura stramonium L." substitute "Datura sp."

*Gwenda Thomas*

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

15 Medi 2010

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

15 September 2010

(1) O.S. 2006/116 (Cy.14) a ddiwygiwyd gan O.S. 2006/617 (Cy.69), O.S. 2006/2928 (Cy.263), O.S. 2006/3256 (Cy.296), O.S. 2007/3171 (Cy.277), O.S. 2008/1806 (Cy.174), O.S. 2009/106 (Cy.20) ac O.S. 2009/2881 (Cy.254).

(1) S.I. 2006/116 (W.14) amended by S.I. 2006/617 (W.69), S.I. 2006/2928 (W.263), S.I. 2006/3256 (W.296), S.I. 2007/3171 (W.277), S.I. 2008/1806 (W.174), S.I. 2009/106 (W.20) and S.I. 2009/2881 (W.254).







## Nodiadau ar gyfer cwblhau tystysgrif

1. Mewnosoder enw'r awdurdod lleol.
2. Mewnosoder y dyddiad.
3. Mewnosoder enw'r person sy'n cyflwyno'r sampl i'w dadansoddi a dull ei chludo.
4. Mewnosoder yr enw neu'r disgrifiad a roddir i'r deunydd.
5. Mewnosoder y marc adnabod sydd ar y sampl a'r dyddiad samplu a ddangosir.
6. Noder y manylion a farciwyd, a labelwyd neu a ddogfennwyd mewn ffordd arall.
7. Mewnosoder y canlyniadau perthnasol, y casgliadau a dynnwyd o'r canlyniadau hynny ac unrhyw sylwadau perthnasol eraill. Ychwaneger at yr adran hon yn ôl yr angen.
8. Mewn achosion o ddadansoddi sylweddau nad oes dull wedi ei ragnodi ar eu cyfer yn y ddeddfwriaeth UE berthnasol, noder y dull a ddefnyddiwyd ar ôl y canlyniadau.

## Notes for completion of certificate

1. Insert the name of the local authority.
2. Insert date.
3. Insert name of person submitting the sample for analysis and mode of transport.
4. Insert the name or description applied to the material.
5. Insert the distinguishing mark on the sample and the date of sampling shown.
6. Indicate the particulars marked, labelled or otherwise documented.
7. Insert the relevant results, the conclusions drawn from those results and any other relevant observations. Expand this section as necessary.
8. In the case of analysis of substances for which no method is prescribed by relevant EU legislation, after the results indicate the method used.

ATODLEN 2

Rheoliad 25(3)(a)

Cofnodion i'w hamnewid ym Mhennod A o Atodlen 5 i Reoliadau Bwydydd Anifeiliaid (Cymru) 2006

<i>Column 1 Undesirable substances</i>	<i>Column 2 Products intended for animal feed</i>	<i>Column 3 Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Arsenic	<p>Feed materials</p> <p>except:</p> <ul style="list-style-type: none"> <li>– meal made from grass, from dried lucerne or from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp</li> <li>– palm kernel expeller</li> <li>– phosphates and calcareous marine algae</li> <li>– calcium carbonate</li> <li>– magnesium oxide</li> <li>– feeding stuffs obtained from the processing of fish or other marine animals</li> <li>– seaweed meal and feed materials derived from seaweed</li> <li>Iron particles used as tracer</li> <li>Additives belonging to the functional group of compounds of trace elements</li> <li>except <ul style="list-style-type: none"> <li>– copper sulphate pentahydrate and copper carbonate</li> <li>– zinc oxide, manganese oxide and copper oxide</li> </ul> </li> <li>Complete feeding stuffs</li> <li>except <ul style="list-style-type: none"> <li>– complete feeding stuffs for fish and for fur-producing animals</li> </ul> </li> <li>Complementary feeding stuffs</li> <li>except <ul style="list-style-type: none"> <li>– mineral feeding stuffs</li> </ul> </li> </ul>	<p>2</p> <p>4</p> <p>4</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>40</p> <p>50</p> <p>30</p> <p>50</p> <p>100</p> <p>2</p> <p>10</p> <p>4</p> <p>12</p>



		<p><b>Notes in respect of all entries in column 3:</b></p> <p>The maximum contents refer to total arsenic.</p> <p>The maximum contents refer to an analytical determination of arsenic, whereby extraction is performed in nitric acid (5% w/w) for 30 minutes at boiling point. Equivalent extraction procedures can be applied where it can be demonstrated that the procedure used has an equal extraction efficiency.</p>
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## SCHEDULE 2

Regulation 25(3)(a)

Entries to be substituted in Chapter A of Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006

<i>Column 1</i> <i>Undesirable substances</i>	<i>Column 2</i> <i>Products intended for animal feed</i>	<i>Column 3</i> <i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Arsenic	<p>Feed materials</p> <p>except:</p> <ul style="list-style-type: none"> <li>– meal made from grass, from dried lucerne or from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp</li> <li>– palm kernel expeller</li> <li>– phosphates and calcareous marine algae</li> <li>– calcium carbonate</li> <li>– magnesium oxide</li> <li>– feeding stuffs obtained from the processing of fish or other marine animals</li> <li>– seaweed meal and feed materials derived from seaweed</li> </ul> <p>Iron particles used as tracer</p> <p>Additives belonging to the functional group of compounds of trace elements</p> <p>except</p> <ul style="list-style-type: none"> <li>– copper sulphate pentahydrate and copper carbonate</li> <li>– zinc oxide, manganese oxide and copper oxide</li> </ul> <p>Complete feeding stuffs</p> <p>except</p> <ul style="list-style-type: none"> <li>– complete feeding stuffs for fish and for fur-producing animals</li> </ul> <p>Complementary feeding stuffs</p> <p>except</p> <ul style="list-style-type: none"> <li>– mineral feeding stuffs</li> </ul>	<p>2</p> <p>4</p> <p>4</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>40</p> <p>50</p> <p>30</p> <p>50</p> <p>100</p> <p>2</p> <p>10</p> <p>4</p> <p>12</p>

		<p><b>Notes in respect of all entries in column 3:</b></p> <p>The maximum contents refer to total arsenic.</p> <p>The maximum contents refer to an analytical determination of arsenic, whereby extraction is performed in nitric acid (5% w/w) for 30 minutes at boiling point. Equivalent extraction procedures can be applied where it can be demonstrated that the procedure used has an equal extraction efficiency.</p>
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### ATODLEN 3

Rheoliad 25(3)(b)

Cofnodion i'w hamnewid ym Mhennod B o Atodlen 5 i Reoliadau Bwydydd Anifeiliaid (Cymru)  
2006

<i>Column 1</i> <i>Undesirable substances</i>	<i>Column 2</i> <i>Products intended for animal feed</i>	<i>Column 3</i> <i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Seeds and husks from <i>Ricinus communis</i> L., <i>Croton tiglium</i> L. and <i>Abrus precatorius</i> L. as well as their process derivatives (in so far as determinable by analytical microscopy), separately or in combination.	All feeding stuffs	10

### ATODLEN 4

Rheoliad 25(3)(c)(i)

Cofnodion i'w hamnewid ym Mhennod C o Atodlen 5 i Reoliadau Bwydydd Anifeiliaid (Cymru)  
2006

<i>Column 1</i> <i>Undesirable substances</i>	<i>Column 2</i> <i>Products intended for animal feed</i>	<i>Column 3</i> <i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Theobromine	Complete feeding stuffs except: – complete feeding stuffs for pigs – complete feeding stuffs for dogs, rabbits, horses and fur-producing animals	300  200  50

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### SCHEDULE 3

Regulation 25(3)(b)

Entries to be substituted in Chapter B of Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006

<i>Column 1</i> <i>Undesirable substances</i>	<i>Column 2</i> <i>Products intended for animal feed</i>	<i>Column 3</i> <i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Seeds and husks from <i>Ricinus communis</i> L., <i>Croton tiglium</i> L. and <i>Abrus precatorius</i> L. as well as their process derivatives (in so far as determinable by analytical microscopy), separately or in combination.	All feeding stuffs	10

### SCHEDULE 4

Regulation 25(3)(c)(i)

Entries to be substituted in Chapter C of Schedule 5 to the Feeding Stuffs (Wales) Regulations 2006

<i>Column 1</i> <i>Undesirable substances</i>	<i>Column 2</i> <i>Products intended for animal feed</i>	<i>Column 3</i> <i>Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Theobromine	Complete feeding stuffs except: – complete feeding stuffs for pigs – complete feeding stuffs for dogs, rabbits, horses and fur-producing animals	300 200 50

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CYMRU

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**2010 Rhif 2287 (Cy.199)**

**AMAETHYDDIAETH, CYMRU**

Rheoliadau Bwyd Anifeiliaid  
(Samplu a Dadansoddi a  
Sylweddu Annymunol Penodedig)  
(Cymru) 2010

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 2287 (W.199)**

**AGRICULTURE, WALES**

The Feed (Sampling and Analysis  
and Specified Undesirable  
Substances) (Wales) Regulations  
2010