OFFERYNNAU STATUDOL CYMRU

2010 Rhif 2069 (Cy.191)

BWYD, CYMRU

Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2010

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007 (O.S. 2007/1984 (Cy.165)) i'r perwyl pan fo'r Rheoliadau hynny yn crybwyll "y Rheoliad CE", bydd y cyfeiriad hwnnw yn newidiadwy i raddau penodedig. Bydd unrhyw gyfeiriad o'r fath yn gyfeiriad at Reoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor ar ychwanegu fitaminau a mwynau a sylweddau eraill penodol at fwydydd (OJ Rhif L404, 30.12.2006, t.26) fel y caiff y Rheoliad hwnnw ei ddiwygio o bryd i'w gilydd gan newidiadau a wneir i Atodiad I neu II ohono. Mae'r Atodiadau hyn wedi eu diwygio o'r blaen gan Reoliad y Comisiwn (EC) Rhif 1170/2009 (OJ Rhif L314, 1.12.2009, t.36).

WELSH STATUTORY INSTRUMENTS

2010 No. 2069 (W.191)

FOOD, WALES

The Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I. 2007/1984 (W.165)) to the effect that where those Regulations mention "the EC Regulation", that reference will be ambulatory to a specified extent. Any such reference will be to Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods (OJ No. L404, 30.12.2006, p.26) as that Regulation may be amended from time to time by changes made to its Annexes I or II. These Annexes have been previously amended by Commission Regulation (EC) No. 1170/2009 (OJ No. L314, 1.12.2009, p.36).

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BWYD, CYMRU

Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2010

Gwnaed	*14 Awst 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*17 Awst 2010*
Yn dod i rym	*1 Hydref 2010*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), (e) ac (f), 17(2), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**), ac a freiniwyd bellach ynddynt hwy(**2**), fel y darllenir yr adrannau hynny ynghyd â pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(**3**).

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol gan yr Asiantaeth Safonau Bwyd.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben 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 yr offeryn UE a grybwyllir yn rheoliad 3 gael eu dehongli fel cyfeiriadau at yr offeryn hwnnw fel y caiff Atodiadau I a II ohono eu diwygio o bryd i'w gilydd.

(**1**) 1990 p.16; amnewidiwyd adran1(1) a (2) (y diffiniad o "food") 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). Diwygiwyd adran 48 hefyd gan O.S. 2004/2990.

(**2**) Trosglwyddwyd swyddogaethau "the Ministers" yn Neddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999, ac maent bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (2006 p.32).

(**3**) 1972, p.68. Cafodd paragraff 1A o Atodlen 2 ei fewnosod gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (2006 p.51) a'i ddiwygio gan Ran 1 o Atodlen 1 i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (2008 p.7).

WELSH STATUTORY INSTRUMENTS

2010 No. 2069 (W.191)

FOOD, WALES

The Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2010

Made	*14 August 2010*
Laid before the National Assembly for Wales	*17 August 2010*
Coming into force	*1 October 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(**1**), and now vested in them(**2**), as read with paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**).

In accordance with section 48(4A) of the Food Safety Act 1990 the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

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 to the EU instrument mentioned in regulation 3 to be construed as references to that instrument as Annexes I and II to it may be amended from time to time.

(**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 by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28). Section 48 was also amended by S.I. 2004/2990.

(**2**) Functions of "the Ministers" in the Food Safety Act 1990, 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, and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (2006 c.32).

(**3**) 1972, c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7).

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(**1**), cafwyd ymgynghoriad cyhoeddus agored a thryloyw tra'r oedd y Rheoliadau hyn yn cael eu llunio a'u gwerthuso.

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

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2010 a deuant i rym ar 1 Hydref 2010.

Title and commencement

1. The title of these Regulations is the Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2010 and they come into force on 1 October 2010.

Diwygio Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007

2. Mae Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007(**2**) wedi eu diwygio yn unol â rheoliad 3.

3. Yn rheoliad 2(1) (dehongli), yn lle'r diffiniad o "y Rheoliad CE" rhodder y diffiniad a ganlyn–

> ""ystyr "y Rheoliad CE" ("*the EC Regulation*") yw Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor ar ychwanegu fitaminau a mwynau a sylweddau eraill penodol at fwydydd, fel y caiff Atodiad I neu II i'r Rheoliad hwnnw ei ddiwygio o bryd i'w gilydd(**3**);".

Amendment to the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007

2. The Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007(**2**) are amended in accordance with regulation 3.

3. In regulation 2(1) (interpretation) for the definition of "the EC Regulation" substitute the following definition–

> ""the EC Regulation" ("*y Rheoliad CE*") means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods, as Annex I or II to that Regulation may be amended from time to time(**3**);".

Gwenda Thomas

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

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

14 Awst 2010

14 August 2010

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(**1**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw 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 i'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(**2**) O.S. 2007/1984 (Cy.165), fel y'i diwygiwyd gan O.S. 2009/3252 (Cy.282).

(**3**) OJ Rhif L404, 30.12.2006, t.26. Diwygiwyd y Rheoliad hwn ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1170/2009 (OJ Rhif L314, 1.12.2009, t.36).

(**1**) OJ No. L31, 1.2.2002, p.1. That Regulation was 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**) S.I. 2007/1984 (W.165), as amended by S.I. 2009/3252 (W.282).

(**3**) OJ No. L404, 30.12.2006, p.26. This Regulation was last amended by Commission Regulation (EC) No. 1170/2009 (OJ No. L314, 1.12.2009, p.36).

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