OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3379 (Cy.301)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2007

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn diwygio ymhellach Reoliadau Labelu Bwyd 1996 ("y prif Reoliadau") i'r graddau y maent yn gymwys o ran Cymru. Mae'r prif Reoliadau yn rhychwantu Prydain Fawr gyfan.

2. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru Gyfarwyddeb y Comisiwn Rhif 2006/142/EC (OJ Rhif L368, 23.12.2006, tt.110-111) sy'n diwygio Atodiad IIIa i Gyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor sy'n rhestru'r cynhwysion y mae'n rhaid iddynt ymddangos o dan bob amgylchiad ar labelu bwydydd. Mae dau gynhwysyn newydd wedi'u hychwanegu at y rhestr honno.

3. Mae asesiad effaith reoleiddiol llawn o'r effaith y bydd yr offeryn hwn yn ei chael ar gostau busnes wedi'i baratoi a gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

WELSH STATUTORY INSTRUMENTS

2007 No. 3379 (W.301)

FOOD, WALES

The Food Labelling (Declaration of Allergens) (Wales) Regulations 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Food Labelling Regulations 1996 ("the principal Regulations") in so far as they apply in relation to Wales. The principal Regulations extend to the whole of Great Britain.

2. These Regulations implement in Wales Commission Directive No. 2006/142/EC (OJ No. L368, 23.12.2006, pp.110-111) amending Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council listing the ingredients which must under all circumstances appear on the labelling of foodstuffs. Two new ingredients are added to that list.

3. A full regulatory impact assessment of the effect that these Regulations will have on the costs of business has been prepared and copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

OFFERYNNAU STATUDOL CYMRU

2007 Rhif 3379 (Cy.301)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2007

Gwnaed	*27 Tachwedd 2007*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*29 Tachwedd 2007*
Yn dod i rym	*23 Rhagfyr 2007*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol 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**).

Yn unol ag adran 48(4A) o'r Ddeddf honno, maent 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 Cyngor, 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 ymgynghoriad cyhoeddus agored a thryloyw tra bo'r Rheoliadau hyn yn cael eu llunio a'u gwerthuso.

(**1**) 1990 p. 16. Amnewidiwyd adran 1(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), "Deddf 1999". Diwygiwyd adran 48 hefyd gan O.S. 2004/2990. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 53(2) gan baragraff 19 o Atodlen 16 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (1994 p.40), Atodlen 6 i Ddeddf 1999 ac O.S. 2004/2990. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, O.S. 1999/672, erthygl 2 ac Atodlen 1. Trosglwyddwyd y swyddogaethau hynny i Weinidogion Cymru gan adran 162 ac Atodlen 11, paragraff 30, o Ddeddf Llywodraeth Cymru 2006.

(**2**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 575/2006 (OJ Rhif L100, 8.4.2006, t.3).

WELSH STATUTORY INSTRUMENTS

2007 No. 3379 (W.301)

FOOD, WALES

The Food Labelling (Declaration of Allergens) (Wales) Regulations 2007

Made	*27 November 2007*
Laid before the National Assembly for Wales	*29 November 2007*
Coming into force	*23 December 2007*

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**).

In accordance with section 48(4A) of that Act, they have had regard to 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 by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), "the 1999Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990. 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, article 2 and Schedule 1. Those functions were transferred to Welsh Ministers by section 162 and Schedule 11, paragraph 30 of the Government of Wales Act 2006.

(**2**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3).

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2007, maent yn gymwys o ran Cymru ac yn dod i rym ar 23 Rhagfyr 2007.

Diwygio Rheoliadau Labelu Bwyd 1996

2.—(1) Mae Rheoliadau Labelu Bwyd 1996(**1**) wedi'u diwygio (i'r graddau y maent yn gymwys o ran Cymru) yn unol â pharagraffau (2) a (3).

(2) Yn rheoliad 50 (darpariaeth drosiannol), ar ôl paragraff (13) mewnosoder y canlynol —

"(14) In any proceedings for an offence under regulation 44(1)(a), it is to be a defence to prove that —

(a) the food concerned was sold before 23 December 2008 or marked or labelled before that date; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2(3) of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007(**2**) had not been in operation when the food was sold.".

(3) Yn Atodlen AA1 (cynhwysion alergenig) —

(a) ar ôl paragraff (2) mewnosoder "**2(a)**. Molluscs and products thereof";

(b) ar ôl paragraff (6) mewnosoder "**6(a)**. Lupin and products thereof".

(**1**) O.S. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2000/1232 (Cy.66), 2003/832 (Cy.104), 2004/249 (Cy.26), 2731 (Cy.238), 3022 (Cy.261), 2005/1309 (Cy.91), 3236 (Cy.241).

(**2**) O.S. 2007/3379 (Cy.301).

Title, application and commencement

1. These Regulations are called the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007, they apply in relation to Wales and come into force on 23 December 2007.

Amendment of the Food Labelling Regulations 1996

2.—(1) The Food Labelling Regulations 1996(**1**) are amended (in so far as they apply in relation to Wales) in accordance with paragraphs (2) and (3).

(2) In regulation 50 (transitional provision), after paragraph (13) insert the following —

"(14) In any proceedings for an offence under regulation 44(1)(a) it is a defence to prove that —

(a) the food concerned was sold before 23 December 2008 or marked or labelled before that date; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2(3) of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007(**2**) had not been in operation when the food was sold.".

(3) In Schedule AA1 (allergenic ingredients) —

(a) after paragraph 2 insert "**2(a)**. Molluscs and products thereof";

(b) after paragraph 6 insert "**6(a)**. Lupin and products thereof".

(**1**) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/1232 (w.66), 2003/832 (W.104), 2004/249 (W.26), 2731 (W.238), 3022 (W.261), 2005/1309 (W.91), 3236 (W.241).

(**2**) S.I. 2007/3379 (W.301).

G. Thomas

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

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

27 Tachwedd 2007

27 November 2007

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