**CYNULLIAD CENEDLAETHOL CYMRU**

OFFERYNNAU STATUDOL

# 2002 Rhif 329 (Cy.42)

# BWYD, CYMRU

## Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995, fel y'u diwygiwyd eisoes ("y prif Reoliadau") sy'n gymwys i Brydain Fawr.

Mae'r Rheoliadau yn gweithredu -

(a) Cyfarwyddeb y Comisiwn 2001/30/EC sy'n diwygio Cyfarwyddeb 96/77/EC sy'n nodi meini prawf purdeb penodol ar ychwanegion bwyd heblaw lliwiau a melysyddion (OJ Rhif L146, 31.5.2001, t.1), a

(b) Cyfarwyddeb 2001/5/EC y Senedd Ewropeaidd a'r Cyngor sy'n diwygio Cyfarwyddeb 95/2 ar ychwanegion bwyd heblaw lliwiau a melysyddion (OJ Rhif L55, 24.2.2001, t.59).

Yn ddarostyngedig i ddarpariaeth drosiannol, mae'r Rheoliadau'n pennu meini prawf purdeb newydd mewn perthynas â'r ychwanegion a bennir yn yr Atodiad i gyfarwyddeb y Comisiwn 2001/30/EC (rheoliadau 3(b) ac (c), 4 ac 8) ac yn gwneud diwygiadau i Reoliadau penodol o ran cyfeiriadau yn y Rheoliadau hynny at y prif Reoliadau (rheoliad 9).

Mae'r Rheoliadau hefyd -

(a) yn ychwanegu un ychwanegyn newydd at y rhestr, yn Atodlen 1 i'r prif Reoliadau, o ychwanegion bwyd amrywiol y caniateir yn gyffredinol eu defnyddio mewn bwydydd na chyfeirir atynt yn Atodlen 6, 7 neu 8 i'r Rheoliadau hynny (rheoliad 5);

**NATIONAL ASSEMBLY FOR WALES**

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# FOOD, WALES

## The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002

### EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations, which apply to Wales only, amend the Miscellaneous Food Additives Regulations 1995, as already amended ("the principal Regulations"), which extend to Great Britain.

The Regulations implement -

(a) Commission Directive 2001/30/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L146, 31.5.2001, p. 1), and

(b) Directive 2001/5/EC of the European Parliament and of the Council amending Directive 95/2 on food additives other than colours and sweeteners (OJ No. L55, 24.2.2001, p.59).

Subject to a transitional provision, the Regulations specify new purity criteria in relation to the additives specified in the Annex to Commission Directive 2001/30/EC (regulations 3(b) and (c), 4 and 8) and make related amendments to certain Regulations as regards references in those Regulations to the principal Regulations (regulation 9).

The Regulations also -

(a) add one new additive to the list, in Schedule 1 to the principal Regulations, of miscellaneous food additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to those Regulations (regulation 5);

(b) yn addasu'r rhestr, yn Atodlen 3 i'r prif Reoliadau, o ychwanegion bwyd amrywiol a all gael eu cynnwys mewn bwydydd penodol, drwy ychwanegu pedwar ychwanegyn newydd at y rhestr honno a phennu bwydydd ychwanegol y gellir cynnwys esterau Glycerol o rosinau coed ynddynt (rheoliad 6); ac

(c) yn addasu'r rhestr o garwyr a thoddyddion carwyr a ganiateir yn Atodlen 1 i'r prif Reoliadau drwy ymgorffori Rhif E ar gyfer Propan - 1,2-diol (propylene glycol) (rheoliad 7).

(b) modify the list, in Schedule 3 to the principal Regulations, of miscellaneous food additives which may be included in certain foods, by adding four new additives to that list and specifying additional foods in which Glycerol esters of wood rosins may be contained (regulation 6); and

(c) modify the list of permitted carriers and carrier solvents in Schedule 4 to the principal Regulations by incorporating an E Number for Propan - 1,2-diol (propylene glycol) (regulation 7).

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# 2002 Rhif 329 (Cy.42)

# BWYD, CYMRU

## Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002

| | |
|---|---|
| *Wedi'u gwneud* | *13 Chwefror 2002* |
| *Yn dod i rym* | *1 Mawrth 2002* |

Drwy arfer y pwerau a roddir gan adrannau 16(1)(a), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**a**), a pharagraff 1 o Atodlen 1 iddi, sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**b**), mae Cynulliad Cenedlaethol Cymru, ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwyso**

**1.**-(1) Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 1 Mawrth 2002.

**Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995**

**2.** Caiff Rheoliadau Ychwanegion Bwyd Amrywiol 1995(**c**) eu diwygio, i'r graddau y maent yn gymwys i Gymru, yn unol â rheoliadau 3 i 8 isod.

**3.** Ym mharagraff (1) o reoliad 2 (dehongli) -

(a) yn y diffiniad o "Directive 95/2/EC", yn lle'r geiriau "and European Parliament and Council Directive 98/72/EC" rhoddir y geiriau ",

(a) 1990 (p. 16).

(b) Cafodd swyddogaethau "the Ministers" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 1995/3187, a ddiwygiwyd gan O.S. 1997/1413, O.S. 1999/1136, O.S. 2001/1787 ac O.S. 2001/1440 sy'n gymwys i Gymru yn unig.

STATUTORY INSTRUMENTS

# 2002 No. 329 (W.42)

# FOOD, WALES

## The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002

| | |
|---|---|
| *Made* | *13th February 2002* |
| *Coming into force* | *1st March 2002* |

In exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(**a**), and now vested in the National Assembly for Wales(**b**), the National Assembly for Wales, having had regard, in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

**Citation, commencement and application**

**1.**-(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002.

(2) These Regulations apply to Wales only and come into force on 1st March 2002.

**Amendment of the Miscellaneous Food Additives Regulations 1995**

**2.** The Miscellaneous Food Additives Regulations 1995(**c**) shall be amended, in so far as they extend to Wales, in accordance with regulations 3 to 8 below.

**3.** In paragraph (1) of regulation 2 (interpretation) -

(a) in the definition of "Directive 95/2/EC", for the words "and European Parliament and Council Directive 98/72/EC" there shall be

(a) 1990 (c. 16).

(b) Functions of "the Ministers" under 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 (SI 1999/672).

(c) S.I. 1995/3187, amended by S.I. 1997/1413, S.I. 1999/1136, S.I. 2001/1787 and S.I 2001/1440.

European Parliament and Council Directive 98/72/EC(**a**) and European Parliament and Council Directive 2001/5/EC"(**b**)

(b) yn y diffiniad o "Directive 96/77/EC", yn lle'r geiriau "and Commission Directive 2000/63/EC", rhoddir y geiriau ", Commission Directive 2000/63/EC(**c**) and Commission Directive 2001/30 /EC"(**ch**), ac

(c) yn y diffiniad o "purity criteria", yn lle paragraff (b), rhoddir y paragraff canlynol -

"(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;".

**4.** Yn rheoliad 11 (darpariaeth drosiannol ac esemptiadau) rhoddir y paragraff canlynol ar ôl paragraff (1C) -

"(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that -

(a) the food additive or food concerned was put on the market or labelled before 1 March 2002; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(b) and (c) and 8 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 had not been in force when that matter occurred.".

**5.** Yn Atodlen 1 (ychwanegion amrywiol y caniateir yn gyffredinol eu defnyddio mewn bwydydd na chyfeirir atynt yn Atodlen 6, 7 neu 8) -

(a) yn nodyn (2), yn lle'r geiriau "and E 948" rhoddir y geiriau ", E 948 and E 949"; a

(b) yn y Tabl-

(i) yn y golofn gyntaf yn union ar ôl y cyfeiriad at "E948", rhoddir cyfeiriad at "E949", a

(ii) yn yr ail golofn, yn union ar ôl y cyfeiriad at "Oxygen", rhoddir cyfeiriad at "Hydrogen".

(a) OJ Rhif L295, 4.11.98, t. 18.

(b) OJ Rhif L55, 24.2.2001, 2. 59.

(c) OJ Rhif L277, 30.10.2000, t. 1 .

(ch) OJ Rhif L146, 31.5.2001, t.1.

substituted the words ", European Parliament and Council Directive 98/72/EC(**a**) and European Parliament and Council Directive 2001/5/EC"(**b**),

(b) in the definition of "Directive 96/77/EC", for the words "and Commission Directive 2000/63/EC", there shall be substituted the words ", Commission Directive 2000/63/EC(**c**) and Commission Directive 2001/30/EC",(**d**) and

(c) in the definition of "purity criteria", for paragraph (b) there shall be substituted the following paragraph -

"(b) in the case of magnesium carbonates (E504), the purity criteria referred to in Schedule 5;".

**4.** In regulation 11 (transitional provision and exemptions) there shall be inserted after paragraph (1C) the following paragraph -

"(1D) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that -

(a) the food additive or food concerned was put on the market or labelled before 1 March 2002; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 (b) and (c) and 8 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 had not been in force when that matter occurred.".

**5.** In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8) -

(a) in note (2), for the words "and E 948" there shall be substituted the words ", E 948 and E 949"; and

(b) in the Table -

(i) in the first column, immediately after the reference to "E948", there shall be inserted a reference to "E949", and

(ii) in the second column, immediately after the reference to "Oxygen", there shall be inserted a reference to "Hydrogen".

(a) OJ No. L295, 4.11.98, p. 18.

(b) OJ No. L55, 24.2.2001, p. 59.

(c) OJ No. L277, 30.10.2000, p. 1.

(d) OJ No. L 146, 31.5.2001, p.1.

**6.** Yn y Tabl i Atodlen 3 (ychwanegion amrywiol eraill a ganiateir) -

(a) yn y cofnod ar gyfer esterau Glycerol rosinau coed (E 445) -

(i) yn y drydedd golofn, ar ôl y cyfeiriad at "non-alcoholic flavoured cloudy drinks", ychwanegir y cyfeiriadau canlynol -

"Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, designation and presentation of spirit drinks(**a**)

Cloudy spirit drinks containing less than 15% alcohol by volume";

(ii) yn y bedwaredd golofn, gyferbyn â phob un o'r cyfeiriadau a ychwanegir gan y paragraff hwn, ychwanegir cyfeiriadau at "100mg/l";

(b) yn union ar ôl y cofnod ar gyfer Disodium 5'-ribonucleotides (E 635), mewnosodir y cofnod canlynol -

| | | | |
|---|---|---|---|
| "E 650 | Zinc acetate | Chewing gum | 1000 mg/kg"; |

(c) yn union ar ôl y cofnod ar gyfer Carbamide (E 927b) mewnosodir y cofnodion canlynol -

| | | | |
|---|---|---|---|
| "E 943a | Butane | Vegetable oil pan spray (for professional use only) Water-based emulsion spray | quantum satis". |
| E 943b | Iso-butane | | |
| E 944 | Propane | | |

**7.** Yn Atodlen 4 (carwyr a thoddyddion carwyr a ganiateir), yn y cofnod ar gyfer Propan - 1,2-diol (propylene glycol) mewnosodir yn y golofn cyntaf y cyfeiriad "E 1520".

**8.** Yn Atodlen 5 (meini prawf purdeb)-

(a) yn lle'r testun ar y dechrau sy'n cychwyn gyda'r geiriau "Each miscellaneous additive for which specific purity criteria are specified" ac sy'n gorffen gyda'r ymadrodd "E 957 Thaumatin.", rhoddir y testun canlynol -

"The miscellaneous additives for which specific purity criteria are referred to below shall not contain -

(a) more than 2 milligrams per kilogram of arsenic;

(b) more than 10 milligrams per kilogram of lead;

(a) OJ Rhif L160, 12.6.1989, t. 1.

**6.** In the Table to Schedule 3 (other permitted miscellaneous additives) -

(a) in the entry for Glycerol esters of wood rosins (E 445) -

(i) in the third column, after the reference to "non-alcoholic flavoured cloudy drinks", there shall be added the following references -

"Cloudy spirit drinks in accordance with Council Regulation (EEC) No. 1576/89 laying down general rules on the definition, designation and presentation of spirit drinks(**a**)

Cloudy spirit drinks containing less than 15% alcohol by volume";

(ii) in the fourth column, opposite to each of the references added by this paragraph, there shall be added references to "100mg/l";

(b) immediately after the entry for Disodium 5'-ribonucleotides (E 635) there shall be inserted the following entry -

| | | | |
|---|---|---|---|
| "E 650 | Zinc acetate | Chewing gum | 1000 mg/kg"; |

(c) immediately after the entry for Carbamide (E 927b) there shall be inserted the following entries -

| | | | |
|---|---|---|---|
| "E 943a | Butane | Vegetable oil pan spray (for professional use only) Water-based emulsion spray | quantum satis". |
| E 943b | Iso-butane | | |
| E 944 | Propane | | |

**7.** In Schedule 4 (permitted carriers and carrier solvents), in the entry for Propan - 1,2-diol (propylene glycol) there shall be inserted in the first column the reference "E 1520".

**8.** In Schedule 5 (purity criteria)-

(a) for the text at the start commencing with the words "Each miscellaneous additive for which specific purity criteria are specified" and ending with the expression "E 957 Thaumatin.", there shall be substituted the following text -

"The miscellaneous additives for which specific purity criteria are referred to below shall not contain -

(a) more than 2 milligrams per kilogram of arsenic;

(b) more than 10 milligrams per kilogram of lead;

(a) OJ No. L160, 12.6.1989, p. 1.

(c) more than 50 milligrams per kilogram of copper;

(d) more than 25 milligrams per kilogram of zinc; or

(e) more than 50 milligrams per kilogram of any combination of copper and zinc"; a

(b) hepgorir gweddill yr Atodlen ac eithrio'r darpariaethau sy'n ymwneud â magnesium carbonates (E 504).

**Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001**

**9.** Hepgorir paragraff (2) o reoliad 6 (diwygiadau canlyniadol) o Reoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001(**a**).

(2) Yn y Rheoliadau a restrir isod, i'r graddau y maent yn gymwys i Gymru, dehonglir cyfeiriadau at Reoliadau Ychwanegion Bwyd Amrywiol 1995 fel cyfeiriadau at y Rheoliadau hynny fel y'i diwygiwyd gan Reoliadau Ychwanegion Bwyd Amrywiol 1997(**b**), Reoliadau Ychwanegion Bwyd Amrywiol (Diwygio) 1999(**c**), Rheoliadau Echdynion Coffi ac Echdynion Sicori (Cymru) 2001(**ch**), Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001(**d**) a'r Rheoliadau hyn:

Rheoliadau Hydrocarbonau Mwynol mewn Bwyd 1966(**dd**); Rheoliadau Cynhyrchion Siwgr Penodedig 1976(**e**); Rheoliadau Cynhyrchion Coco a Siocled 1976(**f**); Rheoliadau Suddoedd Ffrwythau a Neithdarau Ffrwythau 1977(**ff**); Rheoliadau Llaeth Tew a Llaeth Sych 1977(**g**); Rheoliadau Jam a Chynhyrchion Tebyg 1981(**ng**); Rheoliadau Cynhyrchion Cig a Chynhyrchion Pysgod Taenadwy 1984(**h**); Rheoliadau Labelu Ychwanegion Bwyd 1992(**i**); Rheoliadau Labelu Bwyd 1996(**j**).

(a) O.S. 2001/1787.

(b) O.S. 1997/1413.

(c) O.S. 1999/1136.

(ch) O.S. 2001/1440.

(d) O.S. 2001/1787.

(dd) O.S. 1966/1073; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(e) O.S. 1976/509; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(f) O.S. 1976/541; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(ff) O.S. 1977/927; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(g) O.S. 1977/928; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(ng) O.S. 1981/1063; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(h) O.S. 1984/1566; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(i) O.S. 1992/1978; yr Offeryn diwygio perthnasol yw O.S. 1995/3187.

(j) O.S. 1996/1499; y ceir diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(c) more than 50 milligrams per kilogram of copper;

(d) more than 25 milligrams per kilogram of zinc; or

(e) more than 50 milligrams per kilogram of any combination of copper and zinc"; and

(b) the remainder of the Schedule shall be omitted save for the provisions relating to magnesium carbonates (E 504).

**Amendment of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001**

**9. -** (1) Paragraph (2) of regulation 6 (consequential amendments) of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001(**a**) shall be omitted.

(2) In the Regulations listed below, in so far as they extend to Wales, references to the Miscellaneous Food Additives Regulations 1995 shall be constructed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(**b**), the Miscellaneous Food Additives (Amendment) Regulations 1999(**c**), the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(**d**), the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001(**e**) and these Regulations:

the Mineral Hydrocarbons in Food Regulations 1966(**f**); the Specified Sugar Products Regulations 1976(**g**); the Cocoa and Chocolate Products Regulations 1976(**h**); the Fruit Juices and Fruit Nectars Regulations 1977(**i**); the Condensed Milk and Dried Milk Regulations 1977(**j**); the Jam and Similar Products Regulations 1981(**k**); the Meat Products and Spreadable Fish Products Regulations 1984(**l**); the Food Additives Labelling Regulations 1992(**m**); the Food Labelling Regulations 1996(**n**).

(a) S.I. 2001/1787.

(b) S.I 1997/1413.

(c) S.I 1999/1136.

(d) S.I 2001/1440.

(e) S.I 2001/1787.

(f) S.I 1966/1073; the relevant amending Instrument is S.I. 1995/3187.

(g) S.I 1976/509; the relevant amending Instrument is S.I 1995/3187.

(h) S.I 1976/541; the relevant amending Instrument is S.I 1995/3187.

(i) S.I 1977/927; the relevant amending Instrument is S.I 1995/3187.

(j) S.I 1977/928; the relevant amending Instrument is S.I 1995/3187.

(k) S.I 1981/1063; the relevant amending Instrument is S.I 1995/3187.

(l) S.I 1984/1566; the relevant amending Instrument is S.I 1995/3187.

(m) S.I 1992/1978; the relevant amending Instrument is S.I 1995/3187.

(n) S.I 1996/1499; to which there are amendments not relevant to these Regulations.

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

13 Chwefror 2002

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

13th February 2002

*John Marek*

Dirprwy Llywydd y Cynulliad Cenedlaethol

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

**CYNULLIAD CENEDLAETHOL CYMRU**

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**2002 Rhif 329 (Cy.42)**

**BWYD, CYMRU**

Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002

**NATIONAL ASSEMBLY FOR WALES**

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The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002

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