CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 2835 (Cy.200)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005

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 Rheoliadau hynny'n rhychwantu Prydain Fawr i gyd. Mae'r Rheoliadau hyn yn gweithredu yng Nghymru Gyfarwyddeb y Comisiwn 2005/26/EC sy'n llunio rhestr o gynhwysion bwyd neu sylweddau a eithriwyd dros dro o Atodiad IIIa o Gyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor (OJ Rhif L75, 22.3.2005, t.33).

2. Mae'r Rheoliadau hyn-

(a) yn rhoi esemptiad tan 25 Tachwedd 2007 o'r gofynion i labelu alergen yn rheoliad 34B o'r prif Reoliadau yn achos cynhwysion penodol sy'n dod o gynhwysion alergenig (rheoliadau 5 a 7 a'r Atodlen);

(b) yn gwneud rhai diwygiadau canlyniadol (rheoliadau 4 a 6) ac yn diweddaru'r diffiniad o "Directive 2000/13" (rheoliad 3).

3. Paratowyd arfarniad rheoleiddiol ar yr effaith y bydd y Rheoliadau hyn yn ei chael ar gostau busnes ac fe'i gosodwyd yn llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trosi sy'n nodi sut y trosir prif elfennau Cyfarwyddeb 2005/26/EC yn y Rheoliadau hyn. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 2835 (W.200)

FOOD, WALES

The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005

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. Those Regulations extend to the whole of Great Britain. These Regulations implement in Wales Commission Directive 2005/26/EC establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC of the European Parliament and of the Council (OJ No. L75, 22.3.2005, p.33).

2.These Regulations-

(a) confer an exemption until 25 November 2007 from the allergen labelling requirements in regulation 34B of the principal Regulations in the case of certain ingredients originating from allergenic ingredients (regulations 5 and 7 and Schedule);

(b) make some consequential amendments (regulations 4 and 6) and update the definition of "Directive 2000/13" (regulation 3).

3. A regulatory appraisal of the effect that these Regulations will have on the costs of business has been prepared and placed in the library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of Directive 2005/26/EC are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

OFFERYNNAU STATUDOL

2005 Rhif 2835 (Cy.200)

BWYD, CYMRU

Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005

Wedi'u gwneud	*11 Hydref 2005*
Yn dod i rym	*25 Tachwedd 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pŵerau a roddwyd gan adrannau 16(1)(e) ac (f), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac sydd bellach wedi'u breinio ynddo(**2**) ac wedi 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 fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(**3**) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd, yn gwneud y Rheoliadau canlynol:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Cymru) (Rhif 2) 2005; maent yn gymwys o ran Cymru a deuant i rym ar 25 Tachwedd 2005.

Diwygio Rheoliadau Labelu Bwyd 1996

2. Diwygir Rheoliadau Labelu Bwyd 1996(**4**) (i'r graddau y maent yn gymwys o ran Cymru) yn unol â rheoliadau 3 i 7.

(**1**) 1990 p.16; amnewidiwyd adran 1(1) a (2) (diffiniad o "food") gan O.S. 2004/2990; diwygiwyd adran 53(2) gan Atodlen 6 i Ddeddf Safonau Bwyd 1999 (1999 p. 28) ac O.S. 2004/2990.

(**2**) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Secretary of State" 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) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

(**4**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

(**4**) O.S. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2003/832 (Cy.104), 2004/249 (Cy.26), 2004/3022 (Cy.261).

STATUTORY INSTRUMENTS

2005 No. 2835 (W.200)

FOOD, WALES

The Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005

Made	*11 October 2005*
Coming into force	*25 November 2005*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(**1**) and now vested in it(**2**), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**3**) 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, makes the following Regulations:

Title, application and commencement

1. The title of these Regulations is the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005; they apply in relation to Wales and come into force on 25 November 2005.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(**4**) shall be amended (in so far as they apply in relation to Wales) in accordance with regulations 3 to 7.

(**1**) 1990 c.16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990; section 53(2) was amended by Schedule 6 to the Food Standards Act 1999 (1999 c. 28) and S.I. 2004/2990.

(**2**) Functions formerly exercisable by "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28).

(**3**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(**4**) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2003/832 (W.104), 2004/249 (W.26), 2004/3022 (W.261).

3. Yn rheoliad 2(1) (dehongli), yn y diffiniad o "Directive 2000/13", yn lle'r geiriau o "and Commission Directive 2002/67/EC" hyd at y diwedd rhodder y geiriau "Commission Directive 2002/67/EC(**1**) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine and Commission Directive 2005/26/EC(**2**) establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC".

4. Yn rheoliad 13(8)(c) (trefn y rhestr gynhwysion) mewnosoder ar y diwedd y geiriau "other than, until 25 November 2007, ingredients which originate from an allergenic ingredient and are listed in column 2 of Schedule 2A in relation to that allergenic ingredient".

5. Yn rheoliad 34B (bwydydd sy'n cynnwys cynhwysion alergenig neu gynhwysion sy'n dod o gynhwysion alergenig)-

(a) ym mharagraff (1) yn lle'r geiriau "Subject to paragraph (2)" rhodder y geiriau "Subject to paragraphs (2) and (3)";

(b) ym mharagraff (2)(b) mewnosoder ar y dechrau y geiriau "subject to paragraph (3) of this regulation";

(c) mewnosoder ar y diwedd y paragraff canlynol-

"(3) Paragraphs (1) and (2)(b) of this regulation shall not apply before 25th November 2007 as respects any ingredient which originates from an allergenic ingredient and is listed in column 2 of Schedule 2A in relation to that allergenic ingredient.".

6. Yn rheoliad 50(12)(b)(iii) (darpariaeth drosiannol) mewnosoder ar ôl y rhif "12" y geiriau "(as read with regulation 5 of the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005)".

7. Ar ôl Atodlen 2 (dangosiadau o driniaeth) mewnosoder fel Atodlen 2A gynnwys yr Atodlen i'r Rheoliadau hyn.

3. In regulation 2(1) (interpretation), in the definition of "Directive 2000/13", for the words from "and Commission Directive 2002/67/EC" to the end there shall be substituted the words", Commission Directive 2002/67/EC(**1**) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine and Commission Directive 2005/26/EC(**2**) establishing a list of food ingredients or substances provisionally excluded from Annex IIIa of Directive 2000/13/EC".

4. In regulation 13(8)(c) (order of list of ingredients) there shall be inserted at the end the words "other than, until 25 November 2007, ingredients which originate from an allergenic ingredient and are listed in column 2 of Schedule 2A in relation to that allergenic ingredient".

5. In regulation 34B (foods containing allergenic ingredients or ingredients originating from allergenic ingredients)-

(a) in paragraph (1) for the words "Subject to paragraph (2)" there shall be substituted the words "Subject to paragraphs (2) and (3)";

(b) in paragraph (2)(b) there shall be inserted at the beginning the words "subject to paragraph (3) of this regulation,";

(c) there shall be inserted at the end the following paragraph-

"(3) Paragraphs (1) and (2)(b) of this regulation shall not apply before 25th November 2007 as respects any ingredient which originates from an allergenic ingredient and is listed in column 2 of Schedule 2A in relation to that allergenic ingredient.".

6. In regulation 50(12)(b)(iii) (transitional provision) there shall be inserted after the number "12" the words "(as read with regulation 5 of the Food Labelling (Amendment) (Wales) (No. 2) Regulations 2005)".

7. After Schedule 2 (indications of treatment) there shall be inserted as Schedule 2A the contents of the Schedule to these Regulations.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**3**).

11 Hydref 2005

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**).

11 October 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) OJ Rhif L191, 19.7.2002, t.20.

(**2**) OJ Rhif L75, 22.3.2005, t.33.

(**3**) 1998 p.38.

(**1**) OJ No. L191, 19.7.2002, p.20.

(**2**) OJ No. L75, 22.3.2005, p.33.

(**3**) 1998 c.38.

YR ATODLEN

SCHEDULE

Rheoliad 7

Regulation 7

ATODLEN 2A NEWYDD I'W MEWNOSOD YN RHEOLIADAU LABELU BWYD 1996

NEW SCHEDULE 2A TO BE INSERTED IN THE FOOD LABELLING REGULATIONS 1996

"SCHEDULE 2A

Regulations 13(8)(c) and 34B(3)

LIST OF INGREDIENTS WHICH ORIGINATE FROM ALLERGENIC INGREDIENTS AND IN RESPECT OF WHICH THE ALLERGEN LABELLING REQUIREMENTS DO NOT APPLY

Column 1	*Column 2*
Allergenic ingredient	*Exempt ingredients originating from allergenic ingredient*
Cereals containing gluten	Wheat based glucose syrups including dextrose[1]. Wheat based maltodextrins[1]. Glucose syrups based on barley. Cereals used in distillates for spirits.
Eggs	Lysozym (produced from egg) used in wine. Albumin (produced from egg) used as fining agent in wine and cider.
Fish	Fish gelatine used as carrier for vitamins and flavours. Fish gelatine or Isinglass used as fining agent in beer, cider and wine.
Soybean	Fully refined soybean oil and fat[1]. Natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources. Phytosterols and phytosterol esters derived from vegetable oils obtained from soybean sources. Plant stanol ester produced from vegetable oil sterols from soybean sources.
Milk	Whey used in distillates for spirits. Lactitol. Milk (casein) products used as fining agents in cider and wines.
Nuts	Nuts used in distillates for spirits. Almonds and walnuts used as flavour in spirits.
Celery	Celery leaf and seed oil. Celery seed oleoresin.
Mustard	Mustard oil. Mustard seed oil. Mustard seed oleoresin.

Note

1 And their products, in so far as the process that they have undergone is not likely to increase the level of allergenicity assessed by the European Food Safety Authority for the relevant product from which they originated."

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