
OFFERYNNAU STATUDOL CYMRU

2005 No. 3254

**Rheoliadau Rheolaethau Swydddogol ar
Fwyd Anifeiliaid a Bwyd (Cymru) 2005**

RHAN IV

DIWYGIO RHEOLIADAU BWYD CYFFREDINOL 2004

Diwygio Rheoliadau Bwyd Cyffredinol 2004

41.—(1) Mae Rheoliadau Bwyd Cyffredinol 2004⁽¹⁾ wedi'u diwygio yn unol â pharagraffau (2) i (5) i'r graddau y maent yn gymwys o ran Cymru.

(2) Yn lle rheoliad 4 (gofynion o dan Reoliad [\(EC\) Rhif 178/2002](#) : tramgwyddau) rhodder y Rheoliad canlynol—

“**4.** Any person who contravenes or fails to comply with any of the following provisions of Regulation [\(EC\) No. 178/2002](#) shall be guilty of an offence—

- (a) Article 12 (food and feed exported from the Community) in so far as it relates to food;
- (b) Article 14(1) (food safety requirements);
- (c) Article 16 (presentation) in so far as it relates to food;
- (d) Article 18(2) or (3) (traceability) in so far as it relates to food business operators;
- (e) Article 19 (responsibilities for food: food business operators).”.

(3) Yn lle paragraff (2)(a) o reoliad 5 (cosbi tramgwyddau) rhodder yr is-baragraff canlynol—

“(a) in the case of an offence under regulation 4(b), £20,000;”.

(4) Yn lle paragraff (1) o reoliad 6 (gorfodi) rhodder y paragraff canlynol—

“(1) Subject to paragraph (2), each food authority shall enforce and execute the following provisions of Regulation [\(EC\) No. 178/2002](#) and these Regulations in its area—

- (a) Article 12 in so far as it relates to food;
- (b) Article 14;
- (c) Article 16 in so far as it relates to food;
- (d) Article 18 in so far as it relates to food business operators; and
- (e) Article 19.”.

(5) Ar ôl rheoliad 6 (gorfodi) mewnosoder y rheoliad canlynol—

“Defence for exports

6A. In any proceedings for an offence of contravening or failing to comply with food law it shall be a defence for the accused to prove that—

- (a) the item in respect of which the offence is alleged to have been committed was intended for export to a country that is not a member State and that the item could lawfully be exported there under Article 12 of Regulation (EC) No. 178/2002; or
- (b) the item in respect of which the offence is alleged to have been committed was intended for export to a member State and that—
 - (i) the legislation applicable to that item in that member State is compatible with the relevant provisions of food law (except in so far as it relates to feed produced for or fed to food producing animals) at Community level, and
 - (ii) the item complies with that legislation.”.