OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3252 (Cy.282)

BWYD, CYMRU

Rheoliadau Atchwanegiadau Bwyd (Cymru) ac Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Ychwanegion Bwyd (Cymru) 2003 (O.S. 2003/1719 fel y'i diwygiwyd eisoes gan O.S. 2005/2759, O.S. 2005/3254 (Cy.247) ac O.S. 2007/1076 (Cy.114)) a Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007 (O.S. 2007/1984 (Cy.165)) er mwyn darparu ar gyfer gweithredu a gorfodi Rheoliad y Comisiwn (EC) Rhif 1170/2009 sy'n diwygio Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor o ran y rhestrau o fitamin a mwynau a'r ffurfiau arnynt y caniateir eu hychwanegu at fwydydd, gan gynnwys atchwanegiadau bwyd (OJ Rhif L314, 1.12.2009, t.36). Mae'r Rheoliadau hyn hefyd yn diweddaru'r cyfeiriadau at gyfarwyddebau y cyfeirir atynt yn Rheoliadau Ychwanegion Bwyd (Cymru) 2003.

2. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ychwanegion Bwyd (Cymru) 2003–

(a) drwy roi diffiniad diwygiedig o Gyfarwyddeb 2002/46 yn lle'r hen un a thrwy fewnosod diffiniadau o Gyfarwyddeb 90/496 a Chyfarwyddeb 2001/83 (*rheoliad 2(2)*);

(b) drwy ddarparu bod cyfeiriad at Atodiad i Gyfarwyddeb 2002/46 yn gyfeiriad at yr Atodiad hwnnw fel y'i diwygir o bryd i'w gilydd (*rheoliad 2(3)*);

(c) drwy ddiwygio cyfeiriadau at gyfarwyddebau fel eu bod yn cyfeirio at y diffiniadau o'r cyfarwyddebau hynny (*rheoliad 2(4) a (6)(b)*);

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FOOD, WALES

The Food Supplements (Wales) and Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply in relation to Wales, amend the Food Supplements (Wales) Regulations 2003 (S.I. 2003/1719 as already amended by S.I. 2005/2759, S.I. 2005/3254 (W.247) and S.I. 2007/1076 (W.114)) and the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I. 2007/1984 (W.165)) in order to provide for the execution and enforcement of Commission Regulation (EC) No. 1170/2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements (OJ No. L314, 1.12.2009, p.36). These Regulations also update the references to directives referred to in the Food Supplements (Wales) Regulations 2003.

2. These Regulations amend the Food Supplements (Wales) Regulations 2003 by–

(a) substituting a revised definition of Directive 2002/46 and inserting definitions of Directive 90/496 and Directive 2001/83 (*regulation 2(2)*);

(b) providing that a reference to an Annex to Directive 2002/46 is a reference to that Annex as amended from time to time (*regulation 2(3)*);

(c) revising references to directives to refer to the definitions of those directives (*regulation 2(4) and (6)(b)*);

(ch) drwy ddileu'r darpariaethau hynny a roddodd ar waith ran o Gyfarwyddeb 2002/46 sy'n mynd yn ddi-rym ar 1 Ionawr 2010 (*rheoliad 2(5)(a) ac (ch)*);

(d) drwy ddarparu bod y Rheoliadau hynny'n cyfeirio at yr Atodiadau i Gyfarwyddeb 2002/46 yn hytrach nag at yr Atodlenni i'r Rheoliadau hynny a thrwy wneud diwygiadau canlyniadol (*rheoliad 2(5)(b) ac (c), (6)(a) ac (8)*); ac

(dd) drwy ddarparu cyfnod pontio ar gyfer dwyn i rym fesul cam y darpariaethau newydd sy'n ymwneud â Chyfarwyddeb 90/496 (*rheoliad 2(7)*).

3. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007 drwy roi diffiniad diwygiedig o Reoliad (EC) Rhif 1925/2006 (*rheoliad 3(2)*).

4. Mae asesiad effaith rheoleiddiol llawn wedi ei wneud mewn cysylltiad â'r Rheoliadau hyn ac mae ar gael gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd, CF10 1EW.

(d) removing those provisions which implemented a part of Directive 2002/46 which lapses on 1 January 2010 (*regulation 2(5)(a) and (d)*);

(e) providing that those Regulations refer to the Annexes to Directive 2002/46 rather than the Schedules to those Regulations and making consequential amendments (*regulation 2(5)(b) and (c), (6)(a) and (8)*); and

(f) providing a transitional period for the phasing in of the new provisions relating to Directive 90/496 (*regulation 2(7)*).

3. These Regulations amend the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 substituting a revised definition of Regulation (EC) No.1925/2006 (*regulation 3(2)*).

4. A full regulatory impact assessment has been undertaken in respect of these Regulations and is available from the Food Standards Agency, 11th Floor Southgate House, Cardiff CF10 1EW.

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2009 Rhif 3252 (Cy.282)

BWYD, CYMRU

Rheoliadau Atchwanegiadau Bwyd (Cymru) ac Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2009

Gwnaed *8 Rhagfyr 2009*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *10 Rhagfyr 2009*

Yn dod i rym *1 Ionawr 2010*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (e), 17(1) a (2), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**).

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd 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(**2**) ac ymddengys i Weinidogion Cymru ei bod yn hwylus i unrhyw gyfeiriad at Atodiad i Gyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau sy'n ymwneud ag atchwanegiadau bwyd(**3**) gael ei ddehongli fel cyfeiriad at yr Atodiad hwnnw fel y'i diwygir o bryd i'w gilydd.

(**1**) 1990 p.16. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac fe'u trosglwyddwyd wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(**2**) 1972 p.68.

(**3**) OJ Rhif L183, 12.7.2002, t.51, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1170/2009 sy'n diwygio Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor o ran y rhestrau o fitamin a mwynau a'r ffurfiau arnynt y caniateir eu hychwanegu at fwydydd, gan gynnwys atchwanegiadau bwyd (OJ Rhif L314, 1.12.2009, t.36).

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2009 No. 3252 (W.282)

FOOD, WALES

The Food Supplements (Wales) and Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2009

Made *8 December 2009*

Laid before the National Assembly for Wales *10 December 2009*

Coming into force *1 January 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1) and (2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(**1**).

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(**2**) and it appears to the Welsh Ministers that it is expedient for any reference to an Annex to Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements(**3**) to be construed as a reference to that Annex as amended from time to time.

(**1**) 1990 c. 16. Functions of the Secretary of State under the Food Safety Act 1990, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(**2**) 1972 c.68.

(**3**) OJ No. L183, 12.7.2002, p.51, as last amended by Commission Regulation (EC) No. 1170/2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements (OJ No. L314, 1.12.2009, p.36).

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 bu'r Rheoliadau a ganlyn yn cael eu llunio.

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 of the following Regulations.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Atchwanegiadau Bwyd (Cymru) ac Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2009 a deuant i rym ar 1 Ionawr 2010.

Title and commencement

1. The title of these Regulations is The Food Supplements (Wales) and Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2009 and they come into force on 1 January 2010.

Diwygio Rheoliadau Ychwanegion Bwyd (Cymru) 2003

2.–(1) Diwygir Rheoliadau Ychwanegion Bwyd (Cymru) 2003(**2**) yn unol â'r paragraffau canlynol.

(2) Ym mharagraff (1) o reoliad 2 (dehongli), yn lle'r diffiniad "Cyfarwyddeb 2002/46" rhodder y diffiniadau canlynol–

ystyr "Cyfarwyddeb 90/496" ("*Directive 90/496*") yw Cyfarwyddeb y Cyngor 90/496/EEC ar labelu maethiad ar gyfer bwydydd(**3**) fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2008/100/EC sy'n diwygio Cyfarwyddeb y Cyngor 90/496/EEC ar labelu maethiad ar gyfer bwydydd o ran lwfansau dyddiol a argymhellir, ffactorau trosi ynni a diffiniadau(**4**);

ystyr "Cyfarwyddeb 2001/83" ("*Directive 2001/83*") yw Cyfarwyddeb 2001/83/EC Senedd Ewrop a'r Cyngor ar god y Gymuned sy'n ymwneud â chynhyrchion meddyginiaethol i'w defnyddio gan bobl(**5**) fel y'i diwygiwyd ddiwethaf gan Gyfarwyddeb 2009/53/EC Senedd Ewrop a'r Cyngor sy'n diwygio Cyfarwyddeb 2001/82/EC a Chyfarwyddeb 2001/83/EC, o ran amrywiadau i delerau awdurdodiadau marchnata ar gyfer cynhyrchion meddyginiaethol(**6**);

Amendment of the Food Supplements (Wales) Regulations 2003

2.–(1) The Food Supplements (Wales) Regulations 2003(**2**) are amended in accordance with the following paragraphs.

(2) In paragraph (1) of regulation 2 (interpretation), for the definition "Directive 2002/46" there are substituted the following definitions–

""Directive 90/496" ("*Cyfarwyddeb 90/496*") means Council Directive 90/496/EEC on nutrition labelling for foodstuffs(**3**) as amended by Commission Directive 2008/100/EC amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions(**4**);

"Directive 2001/83" ("*Cyfarwyddeb 2001/83*") means Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use(**5**) as last amended by Directive 2009/53/EC of the European Parliament and of the Council amending Directive 2001/82/EC and Directive 2001/83/EC, as regards variations to the terms of marketing authorisations for medicinal products(**6**);

(**1**) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o Gytuniad i Benderfyniad y Cyngor 1999/468 o ran y weithdrefn reoleiddio ynghyd â chraffu: Addasu'r weithdrefn reoleiddio ynghyd â chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(**2**) O.S. 2003/1719 (Cy.186), a ddiwygiwyd gan O.S. 2005/2759, O.S. 2005/3254 (Cy.247) ac O.S. 2007/1076 (Cy.114).

(**3**) OJ Rhif L276, 6.10.1990, t.40.

(**4**) OJ Rhif L285, 29.10.2008, t.9.

(**5**) OJ Rhif L311, 28.11.2001, t.67.

(**6**) OJ Rhif L168, 30.6.2009, t.33.

(**1**) OJ No. L31, 1.2.2002, p.1, as 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. 2003/1719 (W.186), amended by S.I. 2005/2759, S.I. 2005/3254 (W.247) and S.I. 2007/1076 (W.114).

(**3**) OJ No. L276, 6.10.1990, p.40.

(**4**) OJ No. L285, 29.10.2008, p.9.

(**5**) OJ No. L311, 28.11.2001, p.67.

(**6**) OJ No. L168, 30.6.2009, p.33.

ystyr "Cyfarwyddeb 2002/46" ("*Directive 2002/46*") yw Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau sy'n ymwneud ag ychwanegion bwyd fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1170/2009 sy'n diwygio Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor o ran y rhestrau o fitamin a mwynau a'r ffurfiau arnynt y caniateir eu hychwanegu at fwydydd, gan gynnwys ychwanegion bwyd(**1**);".

(3) Yn union ar ôl paragraff (3) o reoliad 2 (dehongli) mewnosoder y paragraff a ganlyn–

"(4) Yn y Rheoliadau hyn mae unrhyw gyfeiriad at Atodiad i Gyfarwyddeb 2002/46 yn gyfeiriad at yr Atodiad hwnnw fel y'i diwygir o bryd i'w gilydd.".

(4) Yn rheoliad 3 (cwmpas y Rheoliadau), yn lle paragraff (2), rhodder y paragraff canlynol–

"(2) Nid yw'r Rheoliadau hyn yn gymwys i gynhyrchion meddyginiaethol fel y'u diffinnir gan Gyfarwyddeb 2001/83.".

(5) Yn rheoliad 5 (gwaharddiadau gwerthu sy'n ymwneud â chyfansoddiad ychwanegion bwyd)–

(a) ym mharagraff (1) hepgorer y geiriau "Yn ddarostyngedig i baragraff (3)"

(b) yn is-baragraff (a) o baragraff (1), yn lle'r geiriau "yng ngholofn 1 o Atodlen 1" rhodder y geiriau "yn Atodiad I i Gyfarwyddeb 2002/46";

(c) yn is-baragraff (b)(i) o baragraff (1), yn lle'r geiriau "Atodlen 2" rhodder y geiriau "Atodiad II i Gyfarwyddeb 2002/46"; ac

(ch) hepgorer paragraff (3).

(6) Yn rheoliad 6 (cyfyngiadau ar werthu sy'n ymwneud â labelu etc ychwanegion bwyd)–

(a) yn lle is-baragraff (b) o baragraff (3) rhodder yr is-baragraff a ganlyn–

"(b) cael ei rhoi, yn achos fitamin neu fwyn a restrir yn Atodiad I i Gyfarwyddeb 2002/46, drwy ddefnyddio'r uned berthnasol a bennir mewn cromfachau ar ôl enw'r fitamin neu'r mwyn hwnnw;"; a

(b) yn lle is-baragraff (d) o baragraff (3) rhodder yr is-baragraff canlynol–

"(d) cael ei mynegi hefyd, yn achos fitamin neu fwyn a restrir yn yr Atodiad i Gyfarwyddeb 90/496, fel canran (y caniateir ei rhoi hefyd ar ffurf graff) o'r lwfans dyddiol a argymhellir ac sy'n berthnasol ac a bennir yn yr Atodiad hwnnw.".

(**1**) OJ Rhif L314, 1.12.2009, t.36.

""Directive 2002/46" ("*Cyfarwyddeb 2002/46*") means Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements as last amended by Commission Regulation (EC) No. 1170/2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements(**1**);".

(3) Immediately after paragraph (3) of regulation 2 (interpretation) there is inserted the following paragraph–

"(4) In these Regulations any reference to an Annex to Directive 2002/46 is a reference to that Annex as amended from time to time.".

(4) In regulation 3 (scope of Regulations), for paragraph (2) there is substituted the following paragraph–

"(2) These Regulations do not apply to medicinal products as defined by Directive 2001/83.".

(5) In regulation 5 (prohibitions on sale relating to composition of food supplements)–

(a) at paragraph (1), omit the words "subject to paragraph (3)"

(b) at sub-paragraph (a) of paragraph (1), for the words 'column 1 of Schedule 1' there is substituted the words "Annex I to Directive 2002/46";

(c) at sub-paragraph (b)(i) of paragraph (1), for the words "Schedule 2" there is substituted the words "Annex II to Directive 2002/46"; and

(d) paragraph (3) is omitted.

(6) In regulation 6 (restrictions on sale relating to labelling etc of food supplements)–

(a) for sub-paragraph (b) of paragraph (3) there is substituted the following sub-paragraph–

"(b) in the case of a vitamin or mineral listed in Annex I to Directive 2002/46 be given using the relevant unit specified in brackets after the name of that vitamin or mineral;"; and

(b) for sub-paragraph (e) of paragraph (3) there is substituted the following sub-paragraph–

"(e) in the case of a vitamin or mineral listed in the Annex to Directive 90/496, be expressed also as a percentage (which may also be given in graphical form) of the relevant recommended daily allowance specified in that Annex.".

(**1**) OJ No. L314, 1.12.2009, p.36.

(7) Yn union ar ôl rheoliad 11 (cymhwyso amryw o ddarpariaethau'r Ddeddf) ychwaneger y rheoliad a ganlyn–

"**Darpariaeth drosiannol**

12. Mewn unrhyw achosion am dramgwydd o dan reoliad 9 sy'n ymwneud â thorri rheoliad 6 neu 7 drwy fynd yn groes i reoliad 6(3)(d) neu fethu â chydymffurfio ag ef, bydd profi'r canlynol yn amddiffyniad–

(a) bod yr ychwanegiad bwyd o dan sylw wedi ei werthu cyn 31 Hydref 2012; a

(b) na fyddai'r materion sy'n dramgwydd honedig wedi bod yn dramgwydd o dan y Rheoliadau hynny pe na fyddai'r diwygiadau a wnaed gan reoliad 2(2) a (6)(b) o Reoliadau Atchwanegiadau Bwyd (Cymru) ac Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2009 wedi bod yn weithredol pan werthwyd y bwyd.".

(8) Hepgorer Atodlen 1 (fitaminau a mwynau y caniateir eu defnyddio wrth gynhyrchu ychwanegion bwyd) ac Atodlen 2 (ffurf ar sylweddau fitamin a mwyn y caniateir eu defnyddio wrth gynhyrchu ychwanegion bwyd).

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

3.–(1) Diwygir Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007(**1**) yn unol â'r paragraff a ganlyn.

(2) Ym mharagraff (1) o reoliad 2 (dehongli), yn lle'r diffiniad "y Rheoliad CE", rhodder y diffiniad canlynol–

"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 penodol eraill at fwydydd(**2**) fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1170/2009 sy'n diwygio Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor o ran y rhestrau o fitamin a mwynau a'r ffurfiau arnynt y caniateir eu hychwanegu at fwydydd, gan gynnwys atchwanegiadau bwyd.".

(**1**) O.S. 2007/1984 (Cy.165).

(**2**) OJ Rhif L404, 30.12.2006. t.26.

(7) Immediately after regulation 11 (application of various provisions of the Act) add the following regulation–

"**Transitional provision**

12. In any proceedings for an offence under regulation 9 relating to a breach of regulation 6 or 7 consisting of a contravention of or a failure to comply with regulation 6(3)(e), it shall be a defence to prove that–

(a) the food supplement concerned was sold before the 31st October 2012; and

(b) the matters constituting the alleged offence would not have constituted an offence under those Regulations if the amendments made by regulation 2(2) and (6)(b) of the Food Supplements (Wales) and Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2009 had not been in operation when the food was sold.".

(8) Schedule 1 (vitamins and minerals which may be used in the manufacture of food supplements) and Schedule 2 (form of vitamin and mineral substances which may be used in the manufacture of food supplements) are omitted.

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

3.–(1) The Addition of Vitamins, Minerals and Others Substances (Wales) Regulations 2007(**1**) are amended in accordance with the following paragraph.

(2) In paragraph (1) of regulation 2 (interpretation), for the definition "the EC Regulation", there is substituted 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(**2**) as last amended by Commission Regulation (EC) No. 1170/2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements.".

(**1**) S.I. 2007/1984 (W.165).

(**2**) OJ No. L404, 30.12.2006. p.26.

Gwenda Thomas

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

8 Rhagfyr 2009

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

8 December 2009

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OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3252 (Cy.282)

BWYD, CYMRU

Rheoliadau Atchwanegiadau Bwyd (Cymru) ac Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) (Diwygio) 2009

WELSH STATUTORY INSTRUMENTS

2009 No. 3252 (W.282)

FOOD, WALES

The Food Supplements (Wales) and Addition of Vitamins, Minerals and Other Substances (Wales) (Amendment) Regulations 2009

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