



OFFERYNNAU STATUDOL CYMRU

2015 Rhif 1867 (Cy. 274)

BWYD, CYMRU

**Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed
wedi'i Botelu (Cymru) 2015**

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| <i>Gwnaed</i> | <i>4 Tachwedd 2015</i> |
| <i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i> | <i>6 Tachwedd 2015</i> |
| <i>Yn dod i rym</i> | <i>28 Tachwedd 2015</i> |

WELSH STATUTORY INSTRUMENTS

2015 No. 1867 (W. 274)

FOOD, WALES

**The Natural Mineral Water, Spring Water and Bottled Drinking Water
(Wales) Regulations 2015**

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| <i>Made</i> | <i>4 November 2015</i> |
| <i>Laid before the National Assembly for Wales</i> | <i>6 November 2015</i> |
| <i>Coming into force</i> | <i>28 November 2015</i> |

£11.00



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Water and Bottled Drinking Water
(Wales) Regulations 2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys yng Nghymru, yn gweithredu ac yn gorfodi'r offerynnau Ewropeaidd a ganlyn—

These Regulations, which apply in Wales, implement and enforce the following European instruments—

- (a) Cyfarwyddeb y Cyngor 98/83/EC mewn perthynas ag ansawdd dŵr y bwriedir iddo gael ei yfed gan bobl (OJ Rhif L 330, 3.11.1998, t 32), i'r graddau y mae'n ymwneud a dŵr y bwriedir ei labelu a'i werthu fel "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu;
 - (b) Cyfarwyddeb 2009/54/EC Senedd Ewrop a'r Cyngor ar ddatblygu a marchnata dŵr mwynol naturiol (OJ Rhif L 164, 26.6.2009, t 45);
 - (c) Cyfarwyddeb y Comisiwn 2003/40/EC sy'n sefydlu'r rhestr, cyfyngiadau crynodiad a gofynion labelu ar gyfer ansoddau dŵr mwynol naturiol a'r amodau ar gyfer defnyddio aer a gyfoethogir ag osôn ar gyfer trin dŵr mwynol naturiol a dŵr ffynnon (OJ Rhif L 126, 22.5.2003, t 34);
 - (d) Rheoliad y Comisiwn (EU) Rhif 115/2010 sy'n gosod yr amodau ar gyfer defnyddio alwmina actifedig er mwyn tynnu fflworid o ddŵr mwynol naturiol a dŵr ffynnon (OJ Rhif L 37, 10.2.2010, t 13); ac
- (a) Council Directive 98/83/EC relating to the quality of water intended for human consumption (OJ No L 330, 3.11.1998, p 32), so far as it applies to water intended to be labelled and sold as "spring water" or "dŵr ffynnon" and bottled drinking water;
 - (b) Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (OJ No L 164, 26.6.2009, p 45);
 - (c) Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters (OJ No L 126, 22.5.2003, p 34);
 - (d) Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters (OJ No L 37, 10.2.2010, p 13); and

(e) Cyfarwydddeb y Cyngor 2013/51/Euratom sy'n gosod y gofynion ar gyfer diogelu iechyd y cyhoedd mewn perthynas â sylweddau ymbelydrol mewn dŵr y bwriedir iddo gael ei yfed gan bobl (OJ Rhif L 296, 7.11.2013, t 12), i'r graddau y mae'n ymwneud a dŵr y bwriedir ei labelu a'i werthu fel "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu.

Mae'r Rheoliadau yn dirymu ac yn disodli Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr wedi'i Botelu (Cymru) 2007 (O.S. 2007/3165 (Cy. 276)) a'r offerynnau diwygio.

Mae Rhan 1 yn rhagarweiniol ac yn cynnwys diffiniadau perthnasol.

Mae Rhan 2 yn rhagnodi'r amodau ar gyfer cydnabod dŵr mwynol naturiol. Mae rheoliad 5 yn galluogi awdurdod bwyd i wrthod rhoi cydnabyddiaeth o ddŵr mwynol naturiol neu i dynnu'r gydnabyddiaeth yn ôl ac mae'n darparu hawl i apelio yn erbyn penderfyniad o'r fath. Mae Rhan 2 hefyd yn gosod cyfyngiadau ar ddatblygu ffynhonnau dŵr mwynol naturiol ac ar drin, potelu, labelu, hysbysebu a gwerthu dŵr mwynol naturiol.

Mae Rhan 3 yn gosod cyfyngiadau ar ddatblygu ffynhonnau a thrin, potelu, labelu, hysbysebu a gwerthu dŵr y bwriedir ei werthu fel "spring water" neu "dŵr ffynnon".

Mae Rhan 4 yn gosod cyfyngiadau ar botelu, labelu, hysbysebu a gwerthu dŵr yfed wedi'i botelu.

Mae Rhan 5 yn rhagnodi'r gofynion ar gyfer monitro dŵr mwynol naturiol, dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu at ddiben sicrhau bod gofynion y Rheoliadau hyn yn cael eu bodloni.

Mae rheoliad 26 yn rhagnodi'r camau adferol y mae'n rhaid i awdurdod bwyd eu cymryd mewn perthynas â dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu mewn achos o beidio â chydymffurfio â'r gwerthoedd parametrig ar gyfer y paramedrau a nodir yn Atodlen 7.

Mae Rhan 6 yn darparu ar gyfer gorfodi, darpariaethau trosiannol, dirymiadau a diwygiadau i ddeddfwriaeth arall. Mae rheoliad 32 yn gosod rhwymedigaeth ar awdurdodau bwyd i weithredu a gorfodi'r Rheoliadau.

(e) Council Directive 2013/51/Euratom laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.2013, p 12), so far as it applies to water intended to be labelled and sold as "spring water" or "dŵr ffynnon" and bottled drinking water.

The Regulations revoke and replace the Natural Mineral Water, Spring Water and Bottled Water (Wales) Regulations 2007 (S.I. 2007/3165 (W.276)) and amending instruments.

Part 1 is introductory and includes relevant definitions.

Part 2 prescribes the conditions for recognising natural mineral water. Regulation 5 enables a food authority to refuse to grant or withdraw recognition of natural mineral water and provides a right to appeal against such a decision. Part 2 also applies restrictions on exploiting natural mineral water springs as well as the treatment, bottling, labelling, advertisement and sale of natural mineral water.

Part 3 applies restrictions on exploiting springs and the treatment, bottling, labelling, advertisement and sale of water intended to be sold as "spring water" or "dŵr ffynnon".

Part 4 applies restrictions on the bottling, labelling, advertisement and sale of bottled drinking water.

Part 5 prescribes the requirements for monitoring natural mineral water, water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water for the purpose of ensuring that the requirements of these Regulations are satisfied.

Regulation 26 prescribes the remedial action that must be taken by a food authority in relation to water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water in the event of non-compliance with the parametric values for the parameters set out in Schedule 7.

Part 6 provides for enforcement, transitional provisions, revocations and amendments to other legislation. Regulation 32 imposes an obligation on food authorities to execute and enforce the Regulations.

Mae rheoliadau 33 i 35 ac Atodlen 12 yn cymhwyso darpariaethau penodol Deddf Diogelwch Bwyd 1990 (1990 p. 16), gydag addasiadau. Mae hyn yn cynnwys cymhwyso (gydag addasiadau) adran 10(1), gan alluogi cyflwyno hysbysiad gwella sy'n ei gwneud yn ofynnol i gydymffurfio â darpariaethau penodedig o'r Rheoliadau. Mae'r darpariaethau, fel y'u cymhwysir, yn peri bod methu â chydymffurfio â hysbysiad gwella yn drosedd.

Mae rheoliad 38 ac Atodlen 13 yn gwneud diwygiadau i Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010, Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013 a Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, mae asesiad effaith rheoleiddiol wedi ei baratoi o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Mae copi ar gael gan yr Asiantaeth Safonau Bwyd yn Asiantaeth Safonau Bwyd Cymru, 11eg Llawr, Tŷ Southgate, Wood Street, Caerdydd, CF10 1EW neu ar wefan yr Asiantaeth, www.food.gov.uk/wales.

Regulations 33 to 35 and Schedule 12 apply certain provisions of the Food Safety Act 1990 (1990 c. 16), with modifications. This includes the application (with modifications) of section 10(1), enabling an improvement notice to be served requiring compliance with specified provisions of the Regulations. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 38 and Schedule 13 make amendments to the Private Water Supplies (Wales) Regulations 2010, the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013 and the Food Information (Wales) Regulations 2014.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW or from the Agency's website at www.food.gov.uk/wales.

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Gwnaed 4 Tachwedd 2015

Made 4 November 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 6 Tachwedd 2015

Laid before the National Assembly for Wales
6 November 2015

Yn dod i rym 28 Tachwedd 2015

Coming into force 28 November 2015

CYNNWYS

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RHAN 1 — Cyffredinol

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PART 1 — General

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 6(4)(1), 16(1)(2), 17(1)(3), 26(1) a (3)(4), 31(5) a 48(1)(6) o Ddeddf Diogelwch Bwyd 1990(7) a

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4)(1), 16(1)(2), 17(1)(3), 26(1) and (3)(4), 31(5) and 48(1)(6) of the Food Safety Act 1990(7) and

- (1) Diwygiwyd adran 6(4) gan adran 31 o Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40) a pharagraff 6 o Atodlen 9 i'r Ddeddf honno, adran 40(1) a (4) o Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999") a pharagraff 10(1) a (3) o Atodlen 5 ac Atodlen 6 i'r Ddeddf honno, ac O.S. 2002/794.
- (2) Diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf 1999, a pharagraffau 7 ac 8 o Atodlen 5 i'r Ddeddf honno.
- (3) Diwygiwyd adran 17(1) gan adran 40(1) o Ddeddf 1999, a pharagraffau 8 a 12(a) o Atodlen 5 i'r Ddeddf honno, ac O.S. 2011/1043.
- (4) Diddymwyd adran 26(3) yn rhannol gan adran 40(4) o Ddeddf 1999, ac Atodlen 6 i'r Ddeddf honno.
- (5) Diwygiwyd adran 31 gan adran 40(1) o Ddeddf 1999, a pharagraff 8 o Atodlen 5 i'r Ddeddf honno.
- (6) Diwygiwyd adran 48(1) gan adran 40(1) o Ddeddf 1999, a pharagraff 8 o Atodlen 5 i'r Ddeddf honno.
- (7) 1990 p. 16. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

- (1) Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40), section 40(1) and (4) of, and paragraph 10(1) and (3) of Schedule 5 and Schedule 6 to, the Food Standards Act 1999 (c. 28) ("the 1999 Act"), and S.I. 2002/794.
- (2) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act.
- (3) Section 17(1) was amended by section 40(1) of, and paragraphs 8 and 12(a) of Schedule 5 to, the 1999 Act, and S.I. 2011/1043.
- (4) Section 26(3) was partially repealed by section 40(4) of, and Schedule 6 to, the 1999 Act.
- (5) Section 31 was amended by section 40(1) of, and paragraph 8 of Schedule 5, to the 1999 Act.
- (6) Section 48(1) was amended by section 40(1) of, and paragraph 8 of Schedule 5 to, the 1999 Act.
- (7) 1990 c. 16. Functions formerly exercisable by "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(1).

Mae Gweinidogion Cymru wedi rhoi ystyriaeth i'r cyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990(2).

Cafwyd ymgynghoriad yn ystod llunio a gwerthuso'r Rheoliadau a ganlyn, fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau ar gyfer materion diogelwch bwyd(3).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(4) ac ymddengys i Weinidogion Cymru ei bod yn gyfleus i gyfeiriadau yn y Rheoliadau hyn at yr Atodiadau i Offerynnau'r UE a restrir yn rheoliad 2(3) gael eu dehongli fel cyfeiriadau at yr Atodiadau hynny fel y'u diwygir o bryd i'w gilydd.

RHAN 1

Rhagarweiniol

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 28 Tachwedd 2015 ac maent yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “yr Asiantaeth” (“*the Agency*”) yw'r Asiantaeth Safonau Bwyd;

paragraph 1A of Schedule 2 to the European Communities Act 1972 (1).

The Welsh Ministers have had regard to the relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990(2).

There has been consultation during the preparation and evaluation of the following Regulations, 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(3).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(4) and it appears to the Welsh Ministers that it is expedient for the references in these Regulations to the Annexes to the EU Instruments listed in regulation 2(3) to be construed as references to those Annexes as amended from time to time.

PART 1

Introductory

Title, commencement and application

1.—(1) The title of these Regulations is the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.

(2) These Regulations come into force on 28 November 2015 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

(1) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).
(2) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf 1999, a pharagraff 21 o Atodlen 5 i'r Ddeddf honno.
(3) OJ Rhif L 31, 1.2.2002, t 1, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor (OJ Rhif L 189, 27.6.2014, t 1).
(4) Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(1) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(2) Section 48(4A) was inserted by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act.
(3) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).
(4) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

ystyr “Cyfarwyddeb 98/83” (“*Directive 98/83*”) yw Cyfarwyddeb y Cyngor 98/83/EC ar ansawdd dŵr y bwriedir iddo gael ei yfed gan bobl(1);

ystyr “Cyfarwyddeb 2003/40” (“*Directive 2003/40*”) yw Cyfarwyddeb y Comisiwn 2003/40/EC sy'n sefydlu'r rhestr, y cyfyngiadau crynodiad a'r gofynion labelu ar gyfer ansoddau dŵr mwynol naturiol a'r amodau ar gyfer defnyddio aer a gyfoethogir ag osôn ar gyfer trin dŵr mwynol naturiol a dŵr ffynnon(2);

ystyr “Cyfarwyddeb 2009/54” (“*Directive 2009/54*”) yw Cyfarwyddeb 2009/54/EC Senedd Ewrop a'r Cyngor ar ddatblygu a marchnata dŵr mwynol naturiol(3);

ystyr “Cyfarwyddeb 2013/51” (“*Directive 2013/51*”) yw Cyfarwyddeb y Cyngor 2013/51/EURATOM sy'n gosod gofynion ar gyfer diogelu iechyd y cyhoedd o ran sylweddau ymbelydrol mewn dŵr y bwriedir iddo gael ei yfed gan bobl(4);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diogelwch Bwyd 1990;

ystyr “dŵr mwynol naturiol” (“*natural mineral water*”) yw dŵr—

- (a) sy'n iachus yn ficrobiologol o fewn ystyr Erthygl 5 o Gyfarwyddeb 2009/54,
- (b) sy'n tarddu o lefel trwythiad neu ddyddodion tanddaearol ac sy'n dod allan o ffynnon a dapiwyd mewn un neu fwy o allanfeydd naturiol neu sydd wedi'u tyllu;
- (c) y gellir ei wahaniaethu'n amlwg oddi wrth ddŵr yfed oherwydd y nodweddion canlynol a gafodd eu cadw'n ddifreg oherwydd tarddiad tanddaearol y dŵr, sydd wedi ei ddiogelu rhag pob risg o lygredd—
 - (i) ei natur a nodweddir gan ei gynnwys mwynol, elfennau hybrin neu ansoddau eraill a, phan fo'n briodol, gan effeithiau penodol, a
 - (ii) yn ei burdeb gwreiddiol, a
- (d) sydd am y tro yn cael ei gydnabod yn unol â rheoliad 4;

ystyr “dŵr mwynol naturiol eferw” (“*effervescent natural mineral water*”) yw dŵr mwynol naturiol sydd, yn ei ffynhonnell neu ar ôl ei botelu, yn gollwng carbon deuocsid yn ddigymell ac mewn

“advertisement” (“*hysbyseb*”) means a representation in any form in connection with a trade or business in order to promote the supply of goods, and “advertise” (“*hysbysebu*”) is to be construed accordingly;

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“bottle” (“*potel*”) where used as a noun, means a closed container of any kind in which water is sold for drinking by humans or from which water sold for drinking by humans is derived, and “bottle” (“*potelu*”), where used as a verb, and cognate expressions, are to be construed accordingly;

“Directive 98/83” (“*Cyfarwyddeb 98/83*”) means Council Directive 98/83/EC on the quality of water intended for human consumption(1);

“Directive 2003/40” (“*Cyfarwyddeb 2003/40*”) means Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters(2);

“Directive 2009/54” (“*Cyfarwyddeb 2009/54*”) means Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters(3);

“Directive 2013/51” (“*Cyfarwyddeb 2013/51*”) means Council Directive 2013/51/EURATOM laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption(4);

“drinking water” (“*dŵr yfed*”) means water which is intended for sale for drinking by humans other than—

- (a) natural mineral water, or
- (b) water intended to be labelled and sold as “spring water”, “dŵr ffynnon”, or its equivalent in any other language;

“effervescent natural mineral water” (“*dŵr mwynol naturiol eferw*”) means natural mineral water which, at source or after bottling, gives off carbon dioxide spontaneously and in a clearly visible manner under normal conditions of temperature and pressure;

(1) OJ Rhif L 330, 5.12.1998 t 32, a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Comisiwn (EU) Rhif 2015/1787 (OJ Rhif L 260 7.10.2015, t 6).

(2) OJ Rhif L 126, 22.5.2003, t 34.

(3) OJ Rhif L 164, 26.6.2009, t 45.

(4) OJ Rhif L 296, 7.11.2013, t 12.

(1) OJ No L 330, 5.12.1998 p 32, last amended by Commission Directive (EU) 2015/1787 (OJ No L 260 7.10.2015, p 6).

(2) OJ No L 126, 22.5.2003, p 34.

(3) OJ No L 164, 26.6.2009, p 45.

(4) OJ No L 296, 7.11.2013, p 12.

dull a welir yn eglur o dan amodau tymheredd a phwysedd arferol;

ystyr “dŵr yfed” (“*drinking water*”) yw dŵr y bwriedir ei werthu i’w yfed gan bobl ar wahân i—

- (a) dŵr mwynol naturiol, neu
- (b) dŵr y bwriedir ei labelu a’i werthu fel “spring water”, “dŵr ffynnon”, neu’r hyn sy’n cyfateb i hynny mewn unrhyw iaith arall;

mae “gwerthu” (“*sell*”) yn cynnwys bod gennych rywbeth yn eich meddiant i’w werthu a’i gynnig, ei arddangos neu ei hysbysebu i’w werthu, ac mae “gwerthiant” (“*sale*”) i’w ddehongli yn unol â hynny;

ystyr “hysbyseb” (“*advertisement*”) yw cynrychiolaeth ar unrhyw ffurf mewn cysylltiad â masnach neu fusnes er mwyn hyrwyddo cyflenwad nwyddau, ac mae “hysbysebu” (“*advertise*”) i’w ddehongli yn unol â hynny;

ystyr “label” (“*label*”) yw unrhyw dag, brand, marc, deunydd darluniadol neu ddisgrifiadol arall, sydd wedi ei ysgrifennu, printio, stensilio, marcio, boglynnu, neu ei argraffu ar botel o ddŵr, neu sydd ynghlwm wrth botel o ddŵr, ac mae “wedi’i labelu” (“*labelled*”) a “labelu” (“*labelling*”) i’w dehongli yn unol â hynny;

ystyr “paramedr” (“*parameter*”) yw priodwedd, elfen, organeb neu sylwedd a restrir yn yr ail golofn o unrhyw Dabl yn Rhan 2, Rhan 3 neu Ran 4 o Atodlen 7;

ystyr yr enw “potel” (“*bottle*”) yw cynhwysydd caeedig o unrhyw fath y gwerthir dŵr ynddo i’w yfed gan bobl, neu y ceir dŵr ar gyfer ei werthu i’w yfed gan bobl ohono, ac mae’r ferf “potelu” (“*bottle*”) ac ymadroddion cytras i’w dehongli yn unol â hynny;

ystyr “Rheoliad 115/2010” (“*Regulation 115/2010*”) yw Rheoliad y Comisiwn (EU) Rhif 115/2010 sy’n gosod yr amodau ar gyfer defnyddio alwmina actifedig er mwyn tynnu fflworid o ddŵr mwynol naturiol a dŵr ffynnon(1);

ystyr “triniaeth aer a gyfoethogir ag osôn” (“*ozone-enriched air treatment*”) yw—

- (a) triniaeth, a awdurdodir yn unol â rheoliadau 9(1)(a)(iv) neu 15(a)(iv) ac Atodlen 3, i ddŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a’i labelu fel “spring water”, “dŵr ffynnon”, neu’r hyn sy’n cyfateb i hynny mewn unrhyw iaith arall, gydag aer a gyfoethogir ag osôn, neu

“fluoride removal treatment” (“*triniaeth tynnu fflworid*”) means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, with activated alumina in order to remove fluoride which is authorised in accordance with regulations 9(1)(a)(iii) or 15(a)(iii) and Schedule 2, or
- (b) in the case of water brought into Wales from another part of the United Kingdom or from another EEA state, a treatment which complies with Articles 1 to 3 of Regulation 115/2010;

“label” (“*label*”) means any tag, brand, mark, pictorial or other descriptive matter, which is written, printed, stencilled, marked, embossed or impressed on, or attached to the bottle of water, and “labelled” (“*wedi’i labelu*”) and “labelling” (“*labelu*”) are to be construed accordingly;

“natural mineral water” (“*dŵr mwynol naturiol*”) means water which—

- (a) is microbiologically wholesome within the meaning of Article 5 of Directive 2009/54,
- (b) originates in an underground water table or deposit and emerges from a spring tapped at one or more natural or bore exits,
- (c) can be clearly distinguished from drinking water on account of the following characteristics having been preserved intact because of the underground origin of the water, which has been protected from all risk of pollution—
 - (i) its nature, which is characterised by its mineral content, trace elements or other constituents and, where appropriate, by certain effects, and
 - (ii) its original purity, and
- (d) is for the time being recognised pursuant to and in accordance with regulation 4;

“ozone-enriched air treatment” (“*triniaeth aer a gyfoethogir ag osôn*”) means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, with ozone-enriched air which is authorised in accordance with regulations 9(1)(a)(iv) or 15(a)(iv) and Schedule 3, or
- (b) in the case of water brought into Wales from other parts of the United Kingdom or from another EEA State, a treatment which

(1) OJ Rhif L 37, 10.2.2010, t 13.

- (b) yn achos dŵr a ddygwyd i Gymru o rannau eraill o'r Deyrnas Unedig neu o Wladwriaeth AEE arall, triniaeth sy'n cydymffurfio ag Erthygl 5 o Gyfarwyddeb 2003/40, fel y'i gweithredir yn y rhan honno o'r Deyrnas Unedig neu'r Wladwriaeth AEE honno; ac

ystyr "triniaeth tynnu fflworid" ("*fluoride removal treatment*") yw—

- (a) triniaeth, a awdurdodir yn unol â rheoliadau 9(1)(a)(iii) neu 15(a)(iii) ac Atodlen 2, i ddŵr mwynol naturiol neu ddŵr y bwriedir ei botelu a'i labelu fel "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, gydag alwmina actifedig er mwyn tynnu fflworid, neu
- (b) yn achos dŵr a ddygwyd i Gymru o ran arall o'r Deyrnas Unedig neu o wladwriaeth AEE arall, triniaeth sy'n cydymffurfio ag Erthyglau 1 i 3 o Reoliad 115/2010.

(2) Mae i ymadroddion a ddefnyddir yn y Rheoliadau hyn ac a ddefnyddir hefyd yng Nghyfarwyddeb 98/83, Cyfarwyddeb 2009/54, Rheoliad 115/2010 neu Gyfarwyddeb 2013/51 yr un ystyr yn y Rheoliadau hyn ag sydd iddynt yn y Cyfarwyddebau hynny neu'r Rheoliad hwnnw.

(3) Mae cyfeiriadau at yr Atodiadau i Gyfarwyddeb 98/83, Cyfarwyddeb 2003/40, Cyfarwyddeb 2009/54, Rheoliad 115/2010 a Chyfarwyddeb 2013/51 yn gyfeiriadau at yr Atodiadau hynny fel y'u diwygir o bryd i'w gilydd.

(4) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at labelu potel yn cynnwys labelu a wneir cyn potelu unrhyw ddŵr a labelu ar ôl potelu.

Esemptiadau

3.—(1) Nid yw'r Rheoliadau hyn yn gymwys i unrhyw ddŵr—

- (a) sy'n gynnwys meddyginiaethol o fewn ystyr Cyfarwyddeb 2001/83 Senedd Ewrop a'r Cyngor ar god y Gymuned sy'n ymwneud â chynnyrch meddyginiaethol i'w defnyddio gan bobl(1);
- (b) sy'n ddŵr mwynol naturiol a ddefnyddir yn ei ffynhonnell at ddibenion iachaol mewn sefydliadau thermol neu hydrofwynol;
- (c) nas bwriadwyd ar gyfer ei werthu i'w yfed gan bobl; neu
- (d) sy'n ddŵr mwynol naturiol y bwriedir ei allforio i wlad heblaw Gwladwriaeth AEE.

complies with Article 5 of Directive 2003/40, as implemented in that part of the United Kingdom or that EEA State;

"parameter" ("*paramedr*") means a property, element, organism or substance listed in the second column of any table in Part 2, Part 3 or Part 4 of Schedule 7;

"Regulation 115/2010" ("*Rheoliad 115/2010*") means Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters(1); and

"sell" ("*gwerthu*") includes possess for sale and offer, expose or advertise for sale, and "sale" ("*gwerthiant*") is to be construed accordingly.

(2) Expressions used in these Regulations that are also used in Directive 98/83, Directive 2009/54, Regulation 115/2010 or Directive 2013/51 have the same meaning in these Regulations as they have in those Directives or that Regulation.

(3) References to the Annexes to Directive 98/83, Directive 2003/40, Directive 2009/54, Regulation 115/2010 and Directive 2013/51 are references to those Annexes as amended from time to time.

(4) Any reference in these Regulations to the labelling of a bottle includes labelling done before any water is bottled and labelling after bottling.

Exemptions

3.—(1) These Regulations do not apply to any water which—

- (a) is a medicinal product within the meaning of Directive 2001/83 of the European Parliament and of the Council on the Community code relating to medicinal products for human use(2);
- (b) is a natural mineral water which is used at source for curative purposes in thermal or hydromineral establishments;
- (c) is not intended for sale for drinking by humans; or
- (d) is a natural mineral water intended for export to a country other than an EEA State.

(1) OJ Rhif 311, 28.11.2001 t 67, diwygiwyd ddiwethaf gan Gyfarwyddeb 2012/26/EU (OJ Rhif L 299, 27.10.2012, t 1).

(1) OJ No L 37, 10.2.2010, p 13.

(2) OJ No L 311, 28.11.2001 p 67, last amended by Directive 2012/26/EU (OJ No L 299, 27.10.2012, p 1).

(2) Nid yw'r Rheoliadau hyn yn gymwys i ddogneau o rew a becynnwyd y bwriedir eu defnyddio i oeri bwyd.

RHAN 2

Dŵr mwynol naturiol

Cydnabyddiaeth fel dŵr mwynol naturiol

4.—(1) Dim ond os caiff ei gydnabod yn unol â pharagraff (2) y caniateir gwerthu dŵr mwynol naturiol fel dŵr mwynol naturiol.

(2) Cydnabyddir bod dŵr yn ddŵr mwynol naturiol—

- (a) yn achos dŵr a echdynnwyd o'r ddaear yng Nghymru, pan roddir cydnabyddiaeth gan awdurdod bwyd yn unol â Rhan 1 o Atodlen 1;
- (b) yn achos dŵr a echdynnwyd o'r ddaear mewn rhan arall o'r Deyrnas Unedig, pan gydnabyddir ef yn unol â Chyfarwyddeb 2009/54 gan awdurdod cyfrifol y rhan honno o'r Deyrnas Unedig;
- (c) yn achos dŵr a echdynnwyd o'r ddaear mewn Gwladwriaeth AEE heblaw'r Deyrnas Unedig, pan gydnabyddir ef yn unol â Chyfarwyddeb 2009/54 gan awdurdod cyfrifol o'r Wladwriaeth AEE honno;
- (d) yn achos dŵr a echdynnwyd o'r ddaear mewn gwlad heblaw Gwladwriaeth AEE—
 - (i) pan gydnabyddir ef gan yr Asiantaeth, yn unol â Rhan 2 o Atodlen 1; neu
 - (ii) pan fo ganddo gydnabyddiaeth gyfatebol a roddir gan awdurdod cyfrifol—
 - (aa) rhan arall o'r Deyrnas Unedig; neu
 - (bb) Gwladwriaeth AEE heblaw'r Deyrnas Unedig.

(3) Mae cyhoeddiad yng Nghyfnodolyn Swyddogol yr Undeb Ewropeaidd o enw unrhyw ddŵr fel dŵr mwynol naturiol a gydnabyddir yn yr Undeb Ewropeaidd at ddibenion Cyfarwyddeb 2009/54 yn dystiolaeth derfynol bod dŵr yn cael ei gydnabod at ddibenion y Gyfarwyddeb honno, ac eithrio pan roddir y gydnabyddiaeth yn unol ag Atodlen 1.

Gwrthod rhoi cydnabyddiaeth neu dynnu cydnabyddiaeth yn ôl

5.—(1) Pan ganfyddir, o ran unrhyw ddŵr a gydnabuwyd o dan reoliad 4(2)(a) neu 4(2)(d)(i)—

(2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

PART 2

Natural mineral water

Recognition as natural mineral water

4.—(1) Natural mineral water may only be sold as natural mineral water if it is recognised in accordance with paragraph (2).

(2) Water is recognised as natural mineral water where—

- (a) in the case of water extracted from the ground in Wales, a food authority grants recognition in accordance with Part 1 of Schedule 1;
- (b) in the case of water extracted from the ground in another part of the United Kingdom, the responsible authority of that part of the United Kingdom recognises it pursuant to Directive 2009/54;
- (c) in the case of water extracted from the ground in an EEA State other than the United Kingdom, a responsible authority of that EEA State recognises it pursuant to Directive 2009/54;
- (d) in the case of water extracted from the ground in a country other than an EEA State—
 - (i) the Agency grants recognition in accordance with Part 2 of Schedule 1; or
 - (ii) it has an equivalent recognition, given by a responsible authority of—
 - (aa) another part of the United Kingdom; or
 - (bb) an EEA State other than the United Kingdom.

(3) The publication in the Official Journal of the European Union of the name of any water as a natural mineral water recognised in the European Union for the purposes of Directive 2009/54 is, except where recognition is granted in accordance with Schedule 1, conclusive evidence that water is recognised for the purposes of that Directive.

Declining to grant or withdrawing recognition

5.—(1) Where, in relation to any water that has been recognised under regulation 4(2)(a) or 4(2)(d)(i), it is found that—

- (a) drwy ddadansoddiad yn unol â Rhan 3 o Atodlen 1, na fodlonir gofynion paragraff 10(a) o'r Rhan honno;
- (b) na fodlonir gofynion Atodlen 4; neu
- (c) nad yw cynnwys y ddŵr yn unol â pharagraff 1(c) o Ran 1 neu, yn ôl y digwydd, paragraff 5(c) o Ran 2 o Atodlen 1,

caniateir i'r awdurdod bwyd neu, yn ôl y digwydd, yr Asiantaeth, dynnu'r gydnabyddiaeth honno yn ôl hyd nes y bodlonir y gofynion o dan sylw.

(2) Pan fydd yr awdurdod bwyd neu, yn ôl y digwydd, yr Asiantaeth yn gwrthod rhoi cydnabyddiaeth i ddŵr neu'n tynnu cydnabyddiaeth yn ôl, caniateir i'r person sy'n datblygu neu'n dymuno datblygu'r ffynnon y mae'r ddŵr hwnnw yn dod ohoni, neu, os yn wahanol, y person sy'n berchen y tir y mae'r ffynnon honno ynddo, apelio yn erbyn y penderfyniad i berson a benodwyd at y diben hwnnw gan yr Asiantaeth o fewn 6 mis i gael ei hysbysu o'r penderfyniad.

(3) Rhaid i'r person a benodwyd ystyried yr apêl ac unrhyw sylwadau a wneir gan yr awdurdod bwyd neu'r Asiantaeth, fel y bo'n briodol, ac adrodd yn ysgrifenedig i'r Asiantaeth o fewn 3 mis gan argymhell camau gweithredu.

(4) Rhaid i'r Asiantaeth un ai—

- (a) cadarnhau'r penderfyniad, ynghyd â'r rhesymau; neu
- (b) cyfarwyddo'r awdurdod bwyd i roi neu adfer cydnabyddiaeth i'r ddŵr dan sylw, neu ei adfer ei hun, fel y bo'n briodol.

(5) Pan gyfarwyddir awdurdod bwyd gan yr Asiantaeth i roi neu adfer cydnabyddiaeth o dan baragraff (4)(b), rhaid iddo gydymffurfio â'r cyfarwyddyd hwnnw ar unwaith.

Cais i dynnu cydnabyddiaeth yn ôl

6. Caiff person sy'n datblygu ffynnon yr echdynnir ddŵr a gydnabyddir fel ddŵr mwynol naturiol ohoni yn unol â rheoliad 4(2)(a) neu 4(2)(d)(i), wneud cais i'r awdurdod bwyd neu'r Asiantaeth, fel y bo'n briodol, i dynnu'r gydnabyddiaeth honno yn ôl.

Hysbysiad o newidiadau

7. Rhaid i awdurdod bwyd hysbysu'r Asiantaeth ar unwaith—

- (a) os bydd yn rhoi neu'n adfer cydnabyddiaeth o ddŵr mwynol naturiol neu'n tynnu cydnabyddiaeth yn ôl; neu

- (a) by analysis in accordance with Part 3 of Schedule 1, the requirements of paragraph 10(c) of that Part are not met;
- (b) the requirements of Schedule 4 are not met; or
- (c) the content of the water is not in accordance with paragraph 1(c) of Part 1 or, as the case may be, paragraph 5(c) of Part 2 of Schedule 1,

the food authority or, as the case may be, the Agency may withdraw that recognition until such time as the requirements concerned are met.

(2) Where the food authority or, as the case may be, the Agency declines to grant or withdraws recognition of a water, the person who exploits or wishes to exploit the spring from which that water emerges or, if different, the person who owns the land on which that spring is situated, may within 6 months of being notified of the decision, appeal against it to a person appointed for the purpose by the Agency.

(3) The appointed person must consider the appeal and any representations made by the food authority or the Agency, as appropriate, and within 3 months report in writing with a recommended course of action to the Agency.

(4) The Agency must either—

- (a) confirm the decision together with the reasons; or
- (b) direct the food authority to grant or restore, or itself restore, as appropriate, recognition of the water in question.

(5) Where a food authority is directed by the Agency under paragraph (4)(b) to grant or restore recognition, it must immediately comply with that direction.

Application to withdraw recognition

6. A person who exploits a spring from which water is extracted which is recognised as natural mineral water in accordance with regulation 4(2)(a) or 4(2)(d)(i), may apply to the food authority or the Agency, as appropriate, to have that recognition withdrawn.

Notification of changes

7. A food authority must immediately notify the Agency if—

- (a) it grants, restores or withdraws recognition of a natural mineral water; or

- (b) os caiff ei hysbysu o unrhyw newid i ddisgrifiad masnachol o ddŵr mwynol naturiol neu i enw ffynnon yr echdynnwyd dŵr mwynol naturiol ohoni.

Datblygu ffynhonnau dŵr mwynol naturiol

8.—(1) Ni chaiff neb ddatblygu unrhyw ffynnon at ddibenion marchnata'r dŵr ohoni fel dŵr mwynol naturiol oni bai—

- (a) bod y dŵr a echdynnwyd o'r ffynnon honno'n ddŵr mwynol naturiol;
- (b) bod awdurdod bwyd yr ardal lle mae'r ffynnon wedi ei lleoli wedi rhoi caniatâd i'r ffynnon honno gael ei datblygu; ac
- (c) bod gofynion Atodlen 4 yn cael eu bodloni.

(2) Pan ganfyddir yn ystod y datblygu bod dŵr mwynol naturiol wedi ei lygru ac y byddai potelu'r dŵr yn mynd yn groes i baragraffau 6, 7 neu 8 o Atodlen 4, ni chaiff neb ddatblygu'r ffynnon yr echdynnir y dŵr ohoni hyd nes bod achos y llygredd wedi'i ddileu ac y byddai potelu'r dŵr yn cydymffurfio â'r paragraffau hynny.

Triniaethau i ddŵr mwynol naturiol ac ychwanegiadau iddo

9.—(1) Ni chaiff neb roi dŵr mwynol naturiol yn ei gyflwr wrth ei ffynhonnell—

- (a) drwy unrhyw driniaeth heblaw am—
 - (i) gwahanu ei elfennau ansefydlog, megis cyfansoddion haearn a sylffwr, drwy hidlo neu ardywallt, pa un a fydd ocsigeniad cyn hynny ai peidio, i'r graddau nad yw'r driniaeth yn newid cyfansoddiad y dŵr o ran yr ansoddau hanfodol sy'n rhoi iddo ei briodoleddau;
 - (ii) dilead cyfan neu rannol y carbon deuocsid rhydd drwy ddulliau cyfan gwbl ffisegol;
 - (iii) triniaeth tynnu fflworid sydd wedi ei awdurdodi yn unol ag Atodlen 2; neu
 - (iv) triniaeth ocsideiddio aer a gyfoethogir ag osôn sydd wedi ei awdurdodi yn unol ag Atodlen 3;
- (b) unrhyw ychwanegiad heblaw cyflwyno neu ailgyflwyno carbon deuocsid i gynhyrchu dŵr mwynol naturiol eferw; neu

- (b) it is notified of any change to the trade description of a natural mineral water or to the name of a spring from which natural mineral water has been extracted.

Exploitation of natural mineral water springs

8.—(1) No person may exploit a spring for the purpose of marketing the water from it as natural mineral water unless—

- (a) the water extracted from that spring is natural mineral water;
- (b) the food authority of the area in which the spring is located has given permission for that spring to be exploited; and
- (c) the requirements of Schedule 4 are met.

(2) Where it is found during exploitation that natural mineral water is polluted and that bottling of the water would contravene paragraphs 6, 7 or 8 of Schedule 4, no person may exploit the spring from which the water is extracted until the cause of the pollution is eradicated and the bottling of the water would comply with those paragraphs.

Treatments and additions for natural mineral water

9.—(1) No person may subject natural mineral water in its state at source to—

- (a) any treatment other than—
 - (i) the separation of its unstable elements, such as iron and sulphur compounds, by filtration or decanting, whether or not preceded by oxygenation, in so far as the treatment does not alter the composition of the water as regards the essential constituents which give it its properties;
 - (ii) the total or partial elimination of free carbon dioxide by exclusively physical methods;
 - (iii) a fluoride removal treatment which is authorised in accordance with Schedule 2; or
 - (iv) an ozone-enriched air oxidation treatment which is authorised in accordance with Schedule 3;
- (b) any addition other than the introduction or the re-introduction of carbon dioxide to produce effervescent natural mineral water; or

- (c) unrhyw driniaeth ddiheintio mewn unrhyw fodd, neu, yn ddarostyngedig i baragraff (1)(b), ychwanegu elfennau bacteriostatig neu unrhyw driniaeth arall sy'n debygol o newid cyfrif cytref hyfyw y dŵr mwynol naturiol.

(2) Nid yw paragraff (1) yn atal y defnydd o ddŵr mwynol naturiol wrth weithgynhyrchu diodydd ysgafn.

Potelu dŵr mwynol naturiol

10.—(1) Ni chaiff neb botelu dŵr mwynol naturiol—

- (a) oni bai bod gofynion Atodlen 4 yn cael eu bodloni;
- (b) mewn cynhwysydd heblaw cynhwysydd sydd â chaeadau a luniwyd i osgoi unrhyw bosibilrwydd o ddifwyno neu halogi; ac
- (c) sydd, ar adeg ei botelu, yn cynnwys unrhyw un o'r sylweddau a restrir yn Rhan 1 o Atodlen 5 ar lefel sy'n fwy na'r terfyn uchaf a bennir o ran y sylwedd hwnnw yn yr Atodlen honno.

(2) Rhaid i'r dulliau a ddefnyddir ar gyfer canfod y sylweddau a restrir yn Rhan 1 o Atodlen 5 gydymffurfio â'r nodweddion perfformiad ar gyfer dadansoddi a bennir yn Rhan 2 o Atodlen 5.

Labelu dŵr mwynol naturiol

11.—(1) Ni chaiff neb botelu dŵr mwynol naturiol a'i labelu â'r canlynol—

- (a) disgrifiad masnachol sy'n cynnwys enw bro, pentrefan neu le arall, onid yw'r disgrifiad masnachol hwnnw'n cyfeirio at ddŵr mwynol naturiol y mae'r ffynnon y datblygwyd ef ohoni yn y lle a ddangosir gan yr enw hwnnw ac nad yw'n gamarweiniol o ran y lle y datblygir y ffynnon;
- (b) disgrifiad masnachol sy'n wahanol i enw'r ffynnon neu'r lle y caiff ei datblygu, oni bai bod enw'r ffynnon neu'r lle y caiff ei datblygu wedi'i labelu ar y botel hefyd, gan ddefnyddio llythrennau sydd o leiaf unwaith a hanner uchder a lled y llythrennau mwyaf a ddefnyddir ar gyfer y disgrifiad masnachol hwnnw;

- (c) any disinfection treatment by whatever means, or, subject to paragraph (1)(b), the addition of bacteriostatic elements or any other treatment likely to change the viable colony count of the natural mineral water.

(2) Paragraph (1) does not prevent the use of natural mineral water in the manufacture of soft drinks.

Bottling of natural mineral water

10.—(1) No person may bottle natural mineral water—

- (a) unless the requirements of Schedule 4 are met;
- (b) in a container other than a container which is fitted with closures designed to avoid any possibility of adulteration or contamination; and
- (c) which, at the time of bottling, contains any substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

(2) The methods used for detection of the substances listed in Part 1 of Schedule 5 must conform to the performance characteristics for analysis specified in Part 2 of Schedule 5.

Labelling of natural mineral water

11.—(1) No person may bottle natural mineral water and label it with—

- (a) a trade description which includes the name of a locality, hamlet or other place, unless that trade description refers to a natural mineral water, the spring of which is exploited at the place indicated by that name, and is not misleading as regards the place of exploitation of the spring;
- (b) a trade description which is different from the name of the spring or the place of its exploitation, unless the name of the spring or the place of exploitation is also labelled on the bottle, using letters at least one and a half times the height and width of the largest of the letters used for that trade description;

- (c) unrhyw fynegiad, dynodiad, marc masnachol, enw brand, darlun neu arwydd arall, pa un ai'n ffigurol ai peidio, y mae'r defnydd ohonynt yn awgrymu nodwedd nad yw'r dŵr yn meddu arni, yn benodol o ran ei darddiad, dyddiad yr awdurdodiad i ddatblygu'r ffynnon, canlyniadau dadansoddi neu unrhyw gyfeiriadau tebyg at warantau dilysu;
- (d) unrhyw fynegiad heblaw'r rhai a bennir yn is-baragraffau (f) a (g), sy'n priodoli i'r dŵr mwynol naturiol briodoleddau ynghylch atal, trin neu wella salwch dynol;
- (e) unrhyw fynegiad a restrir yng ngholofn gyntaf y Tabl yn Atodlen 6, ac eithrio pan fo'r dŵr mwynol naturiol yn bodloni'r maen prawf a restrir felly sy'n cyfateb i'r mynegiad hwnnw;
- (f) y mynegiad "may be diuretic", "gall fod yn ddiwretig", neu "may be laxative", "gall fod yn garthydd", na'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni aseswyd y dŵr mwynol naturiol fel un sy'n meddu ar y priodoledd a briodolir gan y mynegiad yn unol â dadansoddiad ffisigo-cemegol ac archwiliad ffarmacolegol, ffisiolegol neu glinigol, fel y bo'n briodol; neu
- (g) y mynegiad "stimulates digestion", "mae'n ysgogi treuliad", neu "may facilitate the hepato-biliary functions", "gall hyrwyddo'r swyddogaethau hepato-bustlog", na'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni aseswyd y dŵr mwynol naturiol fel un sy'n meddu ar y priodoledd a briodolir gan y mynegiad yn unol â'r dadansoddiad ffisigo-cemegol ac archwiliad ffarmacolegol, ffisiolegol a chlinigol.

(2) Ni chaiff neb botelu dŵr mwynol naturiol a'i labelu gyda disgrifiad gwerthu heblaw—

- (a) "natural mineral water"; neu
- (b) yn achos dŵr mwynol naturiol eferw, un o'r canlynol, fel y bo'n briodol—
 - (i) "naturally carbonated natural mineral water" i ddisgrifio dŵr y mae ei gynnwys o garbon deuocsid o'r ffynnon ar ôl ardywallt, os digwydd hynny, a photelu, yr un ag a geir wrth y ffynhonnell, gan gymryd i ystyriaeth pan fo'n briodol ailgyflwyno mesur o garbon deuocsid o'r un lefel trwythiad neu ddyddodion sy'n cyfateb i'r hyn a ollyngir yng nghwrs y gweithrediadau hynny ac yn ddarostyngedig i'r goddefiannau technegol arferol;

- (c) any indication, designation, trade mark, brand name, picture or other sign, whether figurative or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit the spring, the results of analyses or any similar references to guarantees of authenticity;
- (d) any indication other than those specified in sub-paragraphs (f) and (g), attributing to the natural mineral water properties relating to the prevention, treatment or cure of a human illness;
- (e) any indication listed in the first column of the Table in Schedule 6, except where the natural mineral water meets the criterion so listed and corresponds to the indication;
- (f) the indication "may be diuretic", "gall fod yn ddiwretig", or "may be laxative", "gall fod yn garthydd", or the equivalent in any other language, unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological or clinical examination as appropriate; or
- (g) the indication "stimulates digestion", "mae'n ysgogi treuliad", or "may facilitate the hepato-biliary functions", "gall hyrwyddo'r swyddogaethau hepato-bustlog", or the equivalent in any other language, unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with the physico-chemical analysis and pharmacological, physiological and clinical examination.

(2) No person may bottle natural mineral water and label it with a sales description other than—

- (a) "natural mineral water"; or
- (b) in the case of an effervescent natural mineral water, one of the following, as appropriate—
 - (i) "naturally carbonated natural mineral water" to describe water whose content of carbon dioxide from the spring after decanting, if any, and bottling is the same as at source, taking into account where appropriate, the reintroduction of a quantity of carbon dioxide from the same water table or deposit equivalent to that released in the course of those operations and subject to the usual technical tolerances;

- (ii) “natural mineral water fortified with gas from the spring” i ddisgrifio dŵr y mae ei gynnwys o garbon deuocsid o'r un lefel trwythiad neu ddyddodion ar ôl ardywallt, os digwydd hynny, a photelu, yn fwy nag a geir wrth y ffynhonnell; neu
- (iii) “carbonated natural mineral water” i ddisgrifio dŵr yr ychwanegwyd carbon deuocsid ato o darddiad heblaw'r lefel trwythiad neu'r dyddodion y daw'r dŵr ohono;
- (c) nid oes dim yn is-baragraff (a) yn atal person rhag defnyddio'r geiriau “dŵr mwynol naturiol” yn ogystal â'r geiriau “natural mineral water”;
- (d) nid oes dim yn is-baragraff (b) sy'n atal y defnydd o'r geiriau “dŵr mwynol naturiol wedi'i garboneiddio'n naturiol” yn ogystal â “naturally carbonated natural mineral water”, “dŵr mwynol naturiol wedi'i gryfhau â nwy o'r ffynnon” yn ogystal â “natural mineral water fortified with gas from the spring”, “dŵr mwynol naturiol wedi'i garboneiddio” yn ogystal â “carbonated natural mineral water”; ac
- (e) nid oes dim yn is-baragraffau (a), (b), (c) na (d) sy'n atal y defnydd o eiriau cyfatebol mewn unrhyw iaith arall yn ogystal â Chymraeg a Saesneg.
- (3) Ni chaiff neb botelu dŵr mwynol naturiol oni bai bod y botel wedi'i labelu â'r canlynol—
- (a) datganiad o gyfansoddiad dadansoddol sy'n dangos ansoddion nodweddiadol y dŵr;
- (b) enw'r lle y datblygir y ffynnon ac enw'r ffynnon;
- (c) pan fo'r dŵr wedi cael triniaeth o ddilead cyfan neu rannol o garbon deuocsid rhydd drwy ddulliau cyfan gwbl ffisegol, y mynegiad “fully de-carbonated” neu “partially de-carbonated”, fel y bo'n briodol;
- (d) pan fo'r dŵr wedi cael triniaeth aer a gyfoethogir ag osôn, rhaid i'r geiriau “water subjected to an authorised ozone-enriched air oxidation technique”, ymddangos yn agos i gyfansoddiad dadansoddol yr ansoddion nodweddiadol;
- (e) pan fo crynodiad fflworid y dŵr yn fwy na 1.5 mg/l—
- (i) rhaid i'r geiriau “contains more than 1.5 mg/l of fluoride; not suitable for regular consumption by infants and children under 7 years of age”, ymddangos yn
- (ii) “natural mineral water fortified with gas from the spring” to describe water whose content of carbon dioxide from the same water table or the same deposit after decanting, if any, and bottling is greater than that established at source; or
- (iii) “carbonated natural mineral water” to describe water to which has been added carbon dioxide of an origin other than the water table or deposit from which the water comes;
- (c) nothing in sub-paragraph (a) prevents a person from using the words “dŵr mwynol naturiol” in addition to the words “natural mineral water”;
- (d) nothing in sub-paragraph (b) prevents the use of the words “dŵr mwynol naturiol wedi'i garboneiddio'n naturiol” in addition to “naturally carbonated natural mineral water”, “dŵr mwynol naturiol wedi'i gryfhau â nwy o'r ffynnon” in addition to “natural mineral water fortified with gas from the spring”, “dŵr mwynol naturiol wedi'i garboneiddio” in addition to “carbonated natural mineral water”; and
- (e) nothing in sub-paragraphs (a), (b), (c) or (d) prevents the use of equivalent words in any other language in addition to Welsh and English.
- (3) No person may bottle natural mineral water unless the bottle is labelled with—
- (a) a statement of analytical composition indicating the characteristic constituents of the water;
- (b) the name of the place where the spring is exploited and the name of the spring;
- (c) where the water has undergone the treatment of total or partial elimination of free carbon dioxide by exclusively physical methods, the indication “fully de-carbonated” or “partially de-carbonated”, as appropriate;
- (d) where the water has undergone an ozone-enriched air treatment, the words “water subjected to an authorised ozone-enriched air oxidation technique”, which must appear in proximity to the analytical composition of characteristic constituents;
- (e) where its fluoride concentration exceeds 1.5 mg/l—
- (i) the words “contains more than 1.5 mg/l of fluoride; not suitable for regular consumption by infants and children under 7 years of age”, which must appear

agos iawn at yr enw masnachol ac mewn llythrennau y gellir eu gweld yn glir; a

- (ii) y cynnwys fflworid gwirioneddol o ran cyfansoddiad ffisigo-cemegol, y mae'n rhaid ei gynnwys yn y datganiad y cyfeirir ato ym mharagraff (3)(a);
- (f) nid oes dim yn is-baragraff (c) sy'n atal defnyddio'r mynegiad “cwbl ddad-garbonedig” yn ogystal â “fully de-carbonated”, neu “rhannol ddad-garbonedig” yn ogystal â “partially de-carbonated”;
- (g) nid oes dim yn is-baragraff (d) sy'n atal defnyddio'r geiriau “dŵr wedi ei drin â thechneg awdurdodedig i'w ocsideiddio ag aer a gyfoethogir ag osôn” yn ogystal â “water subjected to an authorised ozone-enriched air oxidation technique”;
- (h) nid oes dim yn is-baragraff (e)(i) sy'n atal defnyddio'r geiriau “yn cynnwys mwy na 1.5 mg/l o fflworid; nid yw'n addas i'w yfed yn rheolaidd gan blant bach a phlant o dan 7 oed” yn ogystal â “contains more than 1.5 mg/l of fluoride; not suitable for regular consumption by infants and children under 7 years of age”; ac
- (i) nid oes dim yn is-baragraffau (c), (d), (e)(i), (f), (g) a (h) sy'n atal defnyddio geiriau cyfatebol mewn unrhyw iaith arall yn ogystal â Chymraeg a Saesneg.

Hysbysebu dŵr mwynol naturiol

12.—(1) Pan fo'n ofynnol i botel sy'n cynnwys dŵr mwynol naturiol gael ei labelu ag enw'r ffynnon neu'r lle y caiff ei datblygu yn unol â rheoliad 11(1)(b)—

- (a) mae'r un gofyniad hefyd yn gymwys i unrhyw hysbyseb ysgrifenedig ar gyfer y dŵr mwynol naturiol hwnnw; a
- (b) mewn unrhyw hysbyseb arall, rhaid rhoi amlygrwydd cyfatebol o leiaf i'r lle y caiff ei datblygu neu i enw'r ffynnon ag a roddir i'r disgrifiad masnachol.

(2) Ni chaiff neb hysbysebu dŵr mwynol naturiol yn groes i baragraff (1).

(3) Ni chaiff neb hysbysebu dŵr mwynol naturiol o dan unrhyw fynegiad, dynodiad, nod masnach, enw brand, llun nac unrhyw arwydd arall, pa un ai'n ffigurol ai peidio, y mae'r defnydd ohonynt yn awgrymu nodwedd nad yw'r dŵr yn meddu arni, yn benodol o ran ei darddiad, dyddiad yr awdurdodiad i'w ddatblygu, canlyniadau dadansoddi neu unrhyw gyfeiriadau tebyg at warantau dilysu.

in immediate proximity to the trade name and in clearly visible characters; and

- (ii) the actual fluoride content in relation to the physico-chemical composition, which must be included within the statement referred to in paragraph (3)(a);
- (f) nothing in sub-paragraph (c) prevents the use of the indication “cwbl ddad-garbonedig” in addition to “fully de-carbonated”, or “rhannol ddad-garbonedig” in addition to “partially de-carbonated”;
- (g) nothing in sub-paragraph (d) prevents the use of the words “dŵr wedi ei drin â thechneg awdurdodedig i'w ocsideiddio ag aer a gyfoethogir ag osôn” in addition to “water subjected to an authorised ozone-enriched air oxidation technique”;
- (h) nothing in sub-paragraph (e)(i) prevents the use of the words “yn cynnwys mwy na 1.5 mg/l o fflworid; nid yw'n addas i'w yfed yn rheolaidd gan blant bach a phlant o dan 7 oed” in addition to “contains more than 1.5 mg/l of fluoride; not suitable for regular consumption by infants and children under 7 years of age”; and
- (i) nothing in sub-paragraphs (c), (d), (e)(i), (f), (g) and (h) prevents the use of equivalent words in any other language in addition to Welsh and English.

Advertising of natural mineral water

12.—(1) Where, in accordance with regulation 11(1)(b) a bottle containing natural mineral water is required to be labelled with the name of the spring or the place of its exploitation—

- (a) the same requirement also applies to any written advertisement for that natural mineral water; and
- (b) in any other advertisement, at least equivalent prominence must be given to the place of exploitation or the name of the spring as is given to the trade description.

(2) No person may advertise natural mineral water in contravention of paragraph (1).

(3) No person may advertise natural mineral water under any indication, designation, trade mark, brand name, picture or other sign, whether figurative or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity.

Gwerthu dŵr mwynol naturiol

13.—(1) Ni chaiff neb werthu dŵr sydd wedi ei botelu a'i labelu'n "natural mineral water", "dŵr mwynol naturiol", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai bod y dŵr hwnnw yn ddŵr mwynol naturiol a gydnabyddir yn unol â rheoliad 4(2).

(2) Ni chaiff neb werthu dŵr mwynol naturiol wedi'i botelu os yw'r dŵr hwnnw—

- (a) wedi'i echdynnu o ffynnon a ddatblygir yn groes i reoliad 8;
- (b) wedi cael unrhyw driniaeth neu ychwanegiad yn groes i reoliad 9;
- (c) wedi'i botelu yn groes i reoliad 10;
- (d) wedi'i labelu yn groes i reoliad 11; neu
- (e) wedi'i hysbysebu yn groes i reoliad 12.

(3) Ni chaiff neb werthu dŵr mwynol naturiol wedi'i botelu—

- (a) sy'n cynnwys—
 - (i) parasitiaid neu ficro-organebau pathogenig;
 - (ii) *Escherichia coli* neu golifformau eraill a streptococi ysgarthol mewn unrhyw sampl 250ml a archwilir;
 - (iii) anerobau lleihau-sylffit sborynnol mewn unrhyw sampl 50ml a archwilir; neu
 - (iv) *Pseudomonas aeruginosa* mewn unrhyw sampl 250ml a archwilir;
- (b) pan nad yw cyfanswm cyfrif cytref y dŵr yn y ffynhonnell y cymrwyd y dŵr ohoni yn cydymffurfio â pharagraff 7 o Atodlen 4;
- (c) pan fo cyfanswm cyfrif cytref y dŵr hwnnw y gellir ei adfywio yn fwy na'r hyn fyddai canlyniad cynnydd arferol yn y cyfrif cynnwys bacteria a oedd ganddo yn y ffynhonnell; neu
- (d) pan fo'r dŵr hwnnw'n cynnwys unrhyw ddiffyg organoleptig.

(4) Ni chaiff neb werthu dŵr mwynol naturiol o'r un ffynnon o dan fwy nag un disgrifiad masnachol.

Sale of natural mineral water

13.—(1) No person may sell water which is bottled and labelled "natural mineral water", "dŵr mwynol naturiol", or its equivalent in any other language, unless that water is natural mineral water recognised in accordance with regulation 4(2).

(2) No person may sell bottled natural mineral water if it—

- (a) has been extracted from a spring which is exploited in contravention of regulation 8;
- (b) has been subjected to any treatment or addition in contravention of regulation 9;
- (c) is bottled in contravention of regulation 10;
- (d) is labelled in contravention of regulation 11; or
- (e) is advertised in contravention of regulation 12.

(3) No person may sell bottled natural mineral water—

- (a) which contains—
 - (i) parasites or pathogenic micro-organisms;
 - (ii) *Escherichia coli* or other coliforms and faecal streptococci in any 250ml sample examined;
 - (iii) sporulated sulphite-reducing anaerobes in any 50ml sample examined; or
 - (iv) *Pseudomonas aeruginosa* in any 250ml sample examined;
- (b) where the total colony count of the water at the source from which that water was taken does not comply with paragraph 7 of Schedule 4;
- (c) where the revivable total colony count of that water is in excess of that which would result from the normal increase in the bacterial count which it had at source; or
- (d) where that water contains any organoleptic defect.

(4) No person may sell natural mineral water from the same spring under more than one trade description.

RHAN 3

Dŵr y bwriedir ei werthu fel “spring water” neu “dŵr ffynnon”

Datblygu ffynhonnau dŵr a photelu dŵr y bwriedir ei labelu a'i werthu fel “spring water” neu “dŵr ffynnon”

14.—(1) Ni chaiff neb botelu dŵr y bwriedir ei labelu a'i werthu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai—

- (a) bod y dŵr wedi ei echdynnu o ffynnon a'i botelu wrth y ffynhonnell;
- (b) bod y dŵr wedi ei fwriadu i'w yfed gan bobl yn ei gyflwr naturiol;
- (c) bod gofynion Atodlen 4 yn cael eu bodloni; a
- (d) bod y dŵr yn bodloni gofynion Atodlen 7.

(2) Pan ganfyddir yn ystod datblygu bod dŵr o ffynnon wedi ei lygru ac y byddai potelu'r dŵr yn mynd yn groes i baragraffau 6, 7 neu 8 o Atodlen 4, ni chaiff neb ddatblygu'r ffynnon yr echdynnir y dŵr ohoni hyd nes bod achos y llygredd wedi'i ddileu ac y byddai potelu'r dŵr yn cydymffurfio â'r paragraffau hynny.

Triniaethau i ddŵr y bwriedir ei labelu a'i werthu fel “spring water” neu “dŵr ffynnon” ac ychwanegiadau iddo

15. Ni chaiff neb roi dŵr y bwriedir ei labelu a'i werthu fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, yn ei gyflwr yn ei ffynhonnell, trwy—

- (a) unrhyw driniaeth heblaw—
 - (i) gwahanu ei elfennau ansefydlog, megis cyfansoddion haearn a sylffwr, drwy hidlo neu ardywallt, pa un a fydd ocsigeniad cyn hynny ai peidio, i'r graddau nad yw'r driniaeth yn newid cyfansoddiad y dŵr o ran yr ansoddau hanfodol sy'n rhoi iddo ei briodoleddau;
 - (ii) dilead cyfan neu rannol y carbon deuocsid rhydd drwy ddulliau cyfan gwbl ffisegol;
 - (iii) triniaeth tynnu fflworid sydd wedi ei awdurdodi yn unol ag Atodlen 2; neu
 - (iv) triniaeth ocsideiddio aer a gyfoethogir ag osôn sydd wedi ei awdurdodi yn unol ag Atodlen 3; neu
- (b) unrhyw ychwanegiad heblaw cyflwyno neu ailgyflwyno carbon deuocsid; neu

PART 3

Water intended to be sold as “spring water” or “dŵr ffynnon”

Exploitation of springs and bottling of water intended to be labelled and sold as “spring water” or “dŵr ffynnon”

14.—(1) No person may bottle water intended to be labelled and sold as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, unless—

- (a) the water has been extracted from a spring and is bottled at source;
- (b) the water is intended for human consumption in its natural state;
- (c) the requirements of Schedule 4 are met; and
- (d) the water meets the requirements of Schedule 7.

(2) Where it is found during exploitation that water from a spring is polluted and that bottling of the water would contravene paragraphs 6, 7 or 8 of Schedule 4, no person may exploit the spring from which the water is extracted until the cause of the pollution is eradicated and the bottling of the water would comply with those paragraphs.

Treatments and additions for water intended to be labelled and sold as “spring water” or “dŵr ffynnon”

15. No person may subject water intended to be labelled and sold as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, in its state at source to—

- (a) any treatment, other than—
 - (i) the separation of its unstable elements, such as iron and sulphur compounds, by filtration or decanting, whether or not preceded by oxygenation, in so far as the treatment does not alter the composition of the water as regards the essential constituents which give it its properties;
 - (ii) the total or partial elimination of free carbon dioxide by exclusively physical methods;
 - (iii) a fluoride removal treatment which is authorised in accordance with Schedule 2; or
 - (iv) an ozone-enriched air treatment which is authorised in accordance with Schedule 3; or
- (b) any addition other than the introduction or the re-introduction of carbon dioxide; or

- (c) unrhyw driniaeth ddiheintio mewn unrhyw fodd, neu, yn ddarostyngedig i baragraff (1)(b), ychwanegu elfennau bacteriostatig, neu unrhyw driniaeth arall sy'n debygol o newid cyfrif cytref hyfyw y dŵr.

- (c) any disinfection treatment by whatever means, or, subject to paragraph (1)(b), the addition of bacteriostatic elements, or any other treatment likely to change the viable colony count of the water.

Labelu dŵr fel “spring water” neu “dŵr ffynnon”

16.—(1) Ni chaiff neb labelu potel o ddŵr fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai bod y dŵr a gynhwysir ynddi—

- (a) yn bodloni gofynion rheoliad 14(1); a
- (b) os yw'r dŵr wedi ei drin, ei fod wedi cael triniaeth neu ychwanegiad a ganiateir o dan reoliad 15.

(2) Os yw potel o ddŵr wedi'i labelu'n “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, ni chaiff neb labelu'r botel honno gyda disgrifiad masnachol—

- (a) sy'n cynnwys enw bro, pentrefan neu le arall, onid yw'r disgrifiad masnachol hwnnw'n cyfeirio at ddŵr y mae'r ffynnon y datblygwyd ef ohoni yn y lle a ddangosir gan yr enw hwnnw ac nad yw'n gamarweiniol o ran y lle y datblygir y ffynnon; neu
- (b) yn wahanol i enw'r ffynnon neu'r lle y caiff ei datblygu, oni bai bod enw'r ffynnon neu'r lle y caiff ei datblygu wedi'i labelu ar y botel hefyd, gan ddefnyddio llythrennau sydd o leiaf unwaith a hanner uchder a lled y llythrennau mwyaf a ddefnyddir ar gyfer y disgrifiad masnachol hwnnw.

(3) Ni chaiff neb labelu potel o ddŵr fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai bod y botel hefyd wedi'i labelu â'r canlynol—

- (a) enw'r lle y datblygir y ffynnon;
- (b) enw'r ffynnon;
- (c) pan fo'r dŵr wedi cael triniaeth ag aer a gyfoethogir ag osôn, rhaid i'r geiriau “water subjected to an authorised ozone-enriched air oxidation technique”, ymddangos yn agos at y manylion y cyfeirir atynt yn is-baragraffau (a) a (b);
- (d) nid oes dim yn is-baragraff (c) yn atal defnyddio'r geiriau “dŵr wedi ei drin â thechneg awdurdodedig i'w ocsideiddio ag aer a gyfoethogir ag osôn” yn ogystal â “water subjected to an authorised ozone-enriched air oxidation technique”; ac

Labelling of water as “spring water” or “dŵr ffynnon”

16.—(1) No person may label a bottle of water as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, unless the water contained in it—

- (a) meets the requirements of regulation 14(1); and
- (b) if treated, has undergone a treatment or addition permitted under regulation 15.

(2) If a bottle of water is labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, no person may label that bottle with a trade description which—

- (a) includes the name of a locality, hamlet or other place, unless that trade description refers to water, the spring of which is exploited at the place indicated by that name, and is not misleading as regards the place of exploitation of the spring; or
- (b) is different from the name of the spring or the place of its exploitation unless the name of the spring or the place of exploitation is also labelled on the bottle, using letters at least one and a half times the height and width of the largest of the letters used for that trade description.

(3) No person may label a bottle of water as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, unless the bottle is also labelled with—

- (a) the name of the place where the spring is exploited;
- (b) the name of the spring;
- (c) where the water has undergone an ozone-enriched air treatment, the words “water subjected to an authorised ozone-enriched air oxidation technique”, which must appear in proximity to the particulars referred to in sub-paragraphs (a) and (b);
- (d) nothing in sub-paragraph (c) prevents the use of the words “dŵr wedi ei drin â thechneg awdurdodedig i'w ocsideiddio ag aer a gyfoethogir ag osôn” in addition to “water subjected to an authorised ozone-enriched air oxidation technique”; and

- (e) nid oes dim yn is-baragraffau (c) neu (d) yn atal defnyddio geiriau cyfatebol mewn unrhyw iaith yn ogystal â Chymraeg a Saesneg.

Hysbysebu dŵr fel “spring water” neu “dŵr ffynnon”

17.—(1) Pan fo'n ofynnol i botel o ddŵr gael ei labelu ag enw'r ffynnon neu'r lle y caiff ei datblygu yn unol â rheoliad 16(2)(b), yn ogystal â disgrifiad masnachol—

- (a) mae'r un gofyniad hefyd yn gymwys i unrhyw hysbyseb ysgrifenedig ar gyfer y dŵr hwnnw; a
- (b) mewn unrhyw hysbyseb arall, rhaid rhoi amlygrwydd cyfatebol o leiaf i'r lle y caiff ei datblygu neu i enw'r ffynnon ag a roddir i'r disgrifiad masnachol.

(2) Ni chaiff neb hysbysebu potel o ddŵr fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, yn groes i baragraff (1).

Gwerthu dŵr fel “spring water” neu “dŵr ffynnon”

18.—(1) Ni chaiff neb werthu dŵr sydd wedi ei botelu neu ei labelu'n “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, os yw'r dŵr hwnnw—

- (a) wedi'i botelu yn groes i reoliad 14(1);
- (b) wedi cael triniaeth neu ychwanegiad yn groes i reoliad 15;
- (c) wedi'i labelu yn groes i reoliad 16; neu
- (d) wedi'i hysbysebu yn groes i reoliad 17.

(2) Ni chaiff neb werthu dŵr o'r un ffynnon fel “spring water”, “dŵr ffynnon”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, o dan fwy nag un disgrifiad masnachol.

RHAN 4

Dŵr yfed wedi'i botelu

Potelu dŵr yfed

19. Ni chaiff neb botelu dŵr yfed oni bai bod y dŵr hwnnw yn bodloni gofynion Atodlen 7.

Labelu dŵr yfed wedi'i botelu

20. Ni chaiff neb botelu dŵr yfed a'i labelu gyda—

- (a) dynodiad, enw perchnogol, marc masnachol, enw brand, llun neu arwydd arall, pa un a

- (e) nothing in sub-paragraphs (c) or (d) prevents the use of equivalent words in any other language in addition to Welsh and English.

Advertising of water as “spring water” or “dŵr ffynnon”

17.—(1) Where, in accordance with regulation 16(2)(b), a bottle of water is required to be labelled with the name of the spring or its place of exploitation in addition to a trade description—

- (a) the same requirement also applies to any written advertisement for that water; and
- (b) in any other advertisement, at least equivalent prominence must be given to the place of exploitation or the name of the spring as is given to the trade description.

(2) No person may advertise a bottle of water as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, in contravention of paragraph (1).

Sale of water as “spring water” or “dŵr ffynnon”

18.—(1) No person may sell water which is bottled or labelled as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, if it—

- (a) is bottled in contravention of regulation 14(1);
- (b) has been subjected to a treatment or addition in contravention of regulation 15;
- (c) is labelled in contravention of regulation 16; or
- (d) is advertised in contravention of regulation 17.

(2) No person may sell water from the same spring as “spring water”, “dŵr ffynnon”, or its equivalent in any other language, under more than one trade description.

PART 4

Bottled drinking water

Bottling of drinking water

19. No person may bottle drinking water unless that water meets the requirements of Schedule 7.

Labelling of bottled drinking water

20. No person may bottle drinking water and label it with—

- (a) a designation, proprietary name, trade mark, brand name, illustration or other sign, whether

yw'n arwyddlun ai peidio, y gallai'r defnydd ohonynt beri dryswch rhwng y dŵr yfed a dŵr mwynol naturiol, neu

- (b) y disgrifiad “mineral water”, “dŵr mwynol”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall.

Hysbysebu dŵr yfed wedi'i botelu

21. Ni chaiff neb hysbysebu dŵr yfed wedi'i botelu o dan—

- (a) unrhyw ddynodiad, enw perchnogol, marc masnachol, enw brand, llun neu arwydd arall, pa un a yw'n arwyddlun ai peidio, y gallai'r defnydd ohonynt beri dryswch rhwng y dŵr a dŵr mwynol naturiol, neu
- (b) y disgrifiad “mineral water”, “dŵr mwynol”, neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall.

Gwerthu dŵr yfed wedi'i botelu

22. Ni chaiff neb werthu dŵr yfed wedi'i botelu—

- (a) sydd wedi'i botelu yn groes i reoliad 19;
- (b) sydd wedi'i labelu yn groes i reoliad 20; neu
- (c) sy'n cael ei hysbysebu yn groes i reoliad 21.

RHAN 5

Monitro a samplu

PENNOD 1

Dŵr mwynol naturiol

Monitro dŵr mwynol naturiol

23. Yn achos dŵr mwynol naturiol, rhaid i bob awdurdod bwyd gynnal gwiriadau achlysurol i sicrhau—

- (a) bod cyfansoddiad, tymheredd a nodweddion hanfodol eraill y dŵr yn parhau'n sefydlog o fewn terfynau anwadaliad naturiol;
- (b) heb leihau effaith paragraff (a), nad yw cyfansoddiad, tymheredd a nodweddion hanfodol eraill y dŵr yn cael eu heffeithio gan unrhyw amrywiad yng nghyfradd y llif;
- (c) bod y cyfrif cytref hyfyw wrth y ffynhonnell (cyn i'r dŵr gael unrhyw driniaeth) yn rhesymol gyson, gan gymryd i ystyriaeth gyfansoddiad ansoddol a meintiol y dŵr a ystyriwyd wrth roi cydnabyddiaeth i'r dŵr a

emblematic or not, the use of which is liable to cause confusion of the drinking water with a natural mineral water, or

- (b) the description “mineral water”, “dŵr mwynol”, or its equivalent in any other language.

Advertising of bottled drinking water

21. No person may advertise bottled drinking water under—

- (a) a designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is liable to cause confusion of the water with a natural mineral water, or
- (b) the description “mineral water”, “dŵr mwynol”, or its equivalent in any other language.

Sale of bottled drinking water

22. No person may sell bottled drinking water which is—

- (a) bottled in contravention of regulation 19;
- (b) labelled in contravention of regulation 20; or
- (c) advertised in contravention of regulation 21.

PART 5

Monitoring and sampling

CHAPTER 1

Natural mineral water

Monitoring of natural mineral water

23. In the case of natural mineral water, each food authority must carry out periodic checks to ensure that—

- (a) the composition, temperature and other essential characteristics of the water remain stable within the limits of natural fluctuation;
- (b) without prejudice to paragraph (a), the composition, temperature and other essential characteristics of the water are unaffected by any variations in the rate of flow;
- (c) the viable colony count at source (before the water is subjected to any treatment) is reasonably constant, taking into account the qualitative and quantitative composition of the water considered in the recognition of the

pha un a yw'n parhau i fodloni gofynion Rhan 1 o Atodlen 1; a

- (d) bod gofynion Atodlen 4 yn cael eu bodloni mewn perthynas â'r dŵr.

PENNOD 2

Dŵr wedi'i botelu a'i labelu fel "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

Monitro dŵr wedi'i botelu a'i labelu fel "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

24.—(1) Yn achos dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, a dŵr yfed wedi'i botelu, rhaid i bob awdurdod bwyd fonitro ansawdd y dŵr yn rheolaidd er mwyn gwneud yn siŵr—

- (a) ei fod yn bodloni gofynion Cyfarwydddeb 98/83 ac yn cydymffurfio'n benodol â'r gwerthoedd paramedrig a osodir yn unol ag Atodlen 7; a
- (b) pan fo diheintiad yn ffurfio rhan o'r broses o baratoi neu ddsbarthu dŵr yfed wedi'i botelu, bod y driniaeth ddiheintio a ddefnyddir yn effeithlon a bod unrhyw halogiad o sgil-gynhyrchion diheintio yn cael ei gadw cyn ised â phosibl heb beryglu'r diheintio.

(2) Er mwyn cydymffurfio â pharagraff (1), rhaid i bob awdurdod bwyd gyflawni—

- (a) monitro yn unol ag Atodlen 8 er mwyn canfod a yw'r dŵr yn cydymffurfio â'r gwerthoedd paramedrig perthnasol a bennir yn Rhannau 2 a 3 o Atodlen 7; a
- (b) monitro yn unol ag Atodlen 9 er mwyn canfod a yw'r dŵr yn cydymffurfio â'r gwerthoedd paramedrig perthnasol a bennir yn Rhan 4 o Atodlen 7.

(3) Rhaid i bob awdurdod bwyd gyflawni monitro ychwanegol, yn ôl bob achos yn unigol, mewn perthynas ag unrhyw briodwedd, elfen, sylwedd neu organeb ar wahân i baramedr a bennir yn Atodlen 7, os oes gan yr awdurdod bwyd reswm i amau y gallai fod yn bresennol yn y dŵr dan sylw mewn maint neu nifer sy'n golygu perygl posibl i iechyd pobl.

Samplau a dadansoddi

25.—(1) At ddiben monitro dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, a dŵr yfed wedi'i botelu, rhaid i bob awdurdod bwyd gyflawni—

- (a) samplu a dadansoddi yn unol ag Atodlen 10 er mwyn gwneud yn siŵr ei fod yn cydymffurfio

water and whether it continues to satisfy the requirements of Part 1 of Schedule 1; and

- (d) the requirements of Schedule 4 are met in relation to the water.

CHAPTER 2

Water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

Monitoring of water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

24.—(1) In the case of water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, and bottled drinking water, each food authority must carry out regular monitoring of the quality of the water to check that—

- (a) it satisfies the requirements of Directive 98/83 and in particular complies with the parametric values set in accordance with Schedule 7; and
- (b) where disinfection forms part of the preparation or distribution of bottled drinking water, the disinfection treatment applied is efficient and any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.

(2) In order to comply with paragraph (1), each food authority must carry out—

- (a) monitoring in accordance with Schedule 8 to check whether the water complies with the relevant parametric values specified in Parts 2 and 3 of Schedule 7; and
- (b) monitoring in accordance with Schedule 9 to check whether the water complies with the relevant parametric values specified in Part 4 of Schedule 7.

(3) Each food authority must carry out additional monitoring, on a case-by-case basis, in relation to any property, element, substance or organism other than a parameter specified in Schedule 7, if the food authority has reason to suspect that it may be present in the water concerned in an amount or number which constitutes a potential danger to human health.

Samples and analysis

25.—(1) For the purpose of monitoring water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, and bottled drinking water, each food authority must carry out—

- (a) sampling and analysis in accordance with Schedule 10 to check compliance with the

â'r gwerthoedd paramedrig a bennir yn Rhannau 2 a 3 o Atodlen 7; a

- (b) samplu a dadansoddi yn unol ag Atodlen 11 er mwyn gwneud yn siŵr ei fod yn cydymffurfio â'r gwerthoedd paramedrig ar gyfer y dogn dangosiadol a bennir yn Rhan 4 o Atodlen 7.

(2) Rhaid i bob awdurdod bwyd gymryd samplau ar yr adeg y potelir y dŵr.

Camau adferol

26.—(1) Os bydd awdurdod bwyd yn penderfynu nad yw dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, neu ddŵr yfed wedi'i botelu, yn cydymffurfio â'r cryodiadau neu'r gwerthoedd paramedrig a bennir yn Atodlen 7, rhaid i'r awdurdod bwyd—

- (a) ymchwilio ar unwaith i'r diffyg cydymffurfio er mwyn canfod yr achos;
- (b) asesu a yw'r diffyg cydymffurfio yn peryglu iechyd pobl gan olygu bod angen camau gweithredu;
- (c) ei gwneud yn ofynnol i weithredwr y busnes gymryd camau adferol cyn gynted ag y bo modd er mwyn adfer ansawdd y dŵr pan fo hynny'n angenrheidiol er mwyn diogelu iechyd pobl;
- (d) mewn cysylltiad ag unrhyw baramedr a bennir yn Rhannau 2 a 3 o Atodlen 7, hysbysu'r cyhoedd o'r camau adferol a gymerir, oni bai bod yr awdurdod bwyd yn ystyried bod y diffyg cydymffurfio â'r gwerth paramedrig yn ddibwys; ac
- (e) mewn cysylltiad ag unrhyw baramedr a bennir yn Rhan 4 o Atodlen 7, hysbysu'r cyhoedd o'r risgiau a'r camau adferol a gymerir a rhoi cyngor i'r cyhoedd am unrhyw fesurau rhagofal a allai fod yn angenrheidiol er mwyn diogelu iechyd pobl mewn cysylltiad â sylweddau ymbelydrol.

(2) Os yw dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, neu ddŵr yfed wedi'i botelu, yn golygu perygl posibl i iechyd pobl, boed yn bodloni'r gwerthoedd paramedrig perthnasol yn Atodlen 7 ai peidio, rhaid i'r awdurdod bwyd—

- (a) atal neu gyfyngu ar gyflenwad y dŵr hwnnw yn ei ardal neu gymryd camau eraill fel y bo'r angen er mwyn diogelu iechyd pobl; a
- (b) hysbysu'r cyhoedd yn ddi-oed o'r ffaith a rhoi cyngor pan fo angen.

parametric values specified in Parts 2 and 3 of Schedule 7; and

- (b) sampling and analysis in accordance with Schedule 11 to check compliance with the parametric value for indicative dose specified in Part 4 of Schedule 7.

(2) Each food authority must take samples at the point at which the water is bottled.

Remedial action

26.—(1) If a food authority determines that water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, or bottled drinking water, does not comply with the parametric concentrations or values specified in Schedule 7, the food authority must—

- (a) immediately investigate the non-compliance in order to identify the cause;
- (b) assess whether the non-compliance poses a risk to human health which requires action;
- (c) require the business operator to take remedial action as soon as possible to restore the quality of the water where that is necessary to protect human health;
- (d) in respect of any parameter specified in Parts 2 and 3 of Schedule 7, notify the general public of the remedial action taken, unless the food authority considers that non-compliance with the parametric value is trivial; and
- (e) in respect of any parameter specified in Part 4 of Schedule 7, notify the general public of the risks and remedial action taken and advise the general public on any additional precautionary measures that may be needed for the protection of human health in respect of radioactive substances.

(2) If water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, or bottled drinking water, constitutes a potential danger to human health, irrespective of whether it meets the relevant parametric values in Schedule 7, the food authority must—

- (a) prohibit or restrict the supply of that water in its area or take such other action as is necessary to protect human health; and
- (b) inform the general public promptly of that fact and provide advice where necessary.

(3) Nid oes rhaid i awdurdod bwyd atal neu gyfyngu ar gyflenwad dŵr o dan baragraff (2)(a) os yw'n ystyried y byddai gwneud hynny yn arwain at risg annerbyniol i iechyd pobl.

PENNOD 3

Triniaethau

Monitro triniaethau penodol

27.—(1) Rhaid i bob awdurdod bwyd gynnal gwiriadau achlysurol ar unrhyw driniaethau tynnu fflworid a awdurdodwyd ganddo er mwyn sicrhau bod gofynion paragraff 3 o Atodlen 2 yn parhau i gael eu bodloni.

(2) Rhaid i bob awdurdod bwyd gynnal gwiriadau achlysurol ar unrhyw driniaeth aer a gyfoethogir ag osôn a awdurdodwyd ganddo er mwyn sicrhau bod gofynion paragraff 4 o Atodlen 3 yn parhau i gael eu bodloni.

PENNOD 4

Samplau

Cyffredinol

28. Rhaid i'r awdurdod bwyd sicrhau bod pob sampl yn cynrychioli ansawdd y dŵr dan sylw a yfir drwy gydol y flwyddyn y cymerir y sampl ynddi.

Dosbarthu

29.—(1) Caiff swyddog awdurdodedig awdurdod bwyd sydd wedi caffael sampl o dan adran 29 o'r Ddeddf ac y mae'n ofynnol iddo roi rhan o'r sampl hwnnw i'r perchennog yn unol â rheoliad 7(3)(c) o'r Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013(1) fynd â'r sampl hwnnw—

- (a) yn uniongyrchol i'r perchennog neu asiant y perchennog; neu
- (b) drwy bost cofrestredig neu wasanaeth dosbarthu cofnodedig.

(2) Os na fydd y swyddog awdurdodedig, ar ôl ymchwilio'n rhesymol, yn gallu canfod enw a chyfeiriad y perchennog, caiff y swyddog awdurdodedig ddal gafael ar y sampl.

(3) Yn y rheoliad hwn, mae i "perchennog" yr un ystyr ag a roddir iddo yn y Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013.

(1) O.S. 2013/479 (Cy. 55), diwygiwyd gan O.S. 2013/2493 (Cy. 242).

(3) A food authority is not required to prohibit or restrict the supply of water under paragraph (2)(a) if it considers that such action will give rise to an unacceptable risk to human health.

CHAPTER 3

Treatments

Monitoring of certain treatments

27.—(1) Each food authority must carry out periodic checks on any fluoride removal treatment which it has authorised to ensure that the requirements of paragraph 3 of Schedule 2 continue to be satisfied.

(2) Each food authority must carry out periodic checks on any ozone-enriched air treatment which it has authorised to ensure that the requirements of paragraph 4 of Schedule 3 continue to be satisfied.

CHAPTER 4

Samples

General

28. The food authority must ensure that each sample is representative of the quality of the water concerned consumed throughout the year in which the sample is taken.

Delivery

29.—(1) An authorised officer of a food authority who has procured a sample under section 29 of the Act and is required to give part of that sample to the owner in accordance with regulation 7(3)(c) of the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013(1) may deliver that sample—

- (a) directly to the owner or the owner's agent; or
- (b) by registered post or recorded delivery service.

(2) If, after reasonable enquiry, the authorised officer is unable to ascertain the name and address of the owner, the authorised officer may retain the sample.

(3) In this regulation, "owner" has the same meaning as in the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013.

(1) S.I. 2013/479 (W. 55), amended by S.I. 2013/2493 (W. 242).

Hysbysu

30.—(1) Rhaid i swyddog awdurdodedig awdurdod bwyd sydd wedi caffael sampl dŵr o dan adran 29 o'r Ddeddf at y diben o'i ddadansoddi gan ddadansoddwr cyhoeddus gyflwyno hysbysiad yn unol â pharagraff (2) os ymddengys bod y dŵr wedi ei ddatblygu neu ei botelu gan berson (ar wahân i'r perchennog) y mae ei enw a'i gyfeiriad yn y Deyrnas Unedig wedi eu harddangos ar y botel.

(2) Rhaid i'r swyddog awdurdodedig anfon yr hysbysiad i'r person hwnnw o fewn 3 diwrnod i gaffael y sampl, sy'n ei hysbysu—

- (a) bod y sampl wedi ei gaffael gan y swyddog; a
- (b) ymhle y cafodd y sampl ei gymryd neu, yn ôl y digwydd, gan bwy y'i prynwyd.

(3) Nid yw paragraff (1) yn gymwys os bydd y swyddog awdurdodedig yn penderfynu peidio â chael dadansoddiad o'r sampl.

Dadansoddiad gan Gemegydd y Llywodraeth

31.—(1) Mae paragraffau (2) i (6) yn gymwys pan fo rhan o sampl a gafodd ei gaffael o dan adran 29 o'r Ddeddf wedi ei chyflwyno i gael ei dadansoddi a bod rhan arall o'r sampl wedi ei chadw yn unol â rheoliad 7(3)(e) o Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013 a—

- (a) bod hysbysiad gwella wedi ei gyflwyno i berson o dan adran 10(1) o'r Ddeddf, fel y'i cymhwysir a'i haddasir gan reoliad 33, fel y'i darllenir gydag Atodlen 12, am dorri darpariaeth y Rheoliadau hyn mewn cysylltiad â'r sampl hwnnw;
- (b) bod apêl yn erbyn yr hysbysiad gwella hwnnw wedi ei gwneud gan y person hwnnw i lys yr ynadon; ac
- (c) bod y swyddog awdurdodedig yn bwriadu cyflwyno canlyniad y dadansoddiad a grybwyllwyd uchod fel tystiolaeth.

(2) Caiff swyddog awdurdodedig anfon y rhan o'r sampl a gedwir i Gemegydd y Llywodraeth i'w dadansoddi ond rhaid ei anfon—

- (a) os gofynnir hynny gan lys yr ynadon; neu
- (b) yn ddarostyngedig i baragraff (6), os gofynnir hynny gan dderbynydd yr hysbysiad gwella.

(3) Rhaid i Gemegydd y Llywodraeth ddadansoddi, neu gyfarwyddo dadansoddwr bwyd i ddadansoddi, y rhan o'r sampl a anfonwyd o dan baragraff (2) ac anfon tystysgrif dadansoddiad Cemegydd y Llywodraeth i'r swyddog awdurdodedig.

Notification

30.—(1) An authorised officer of a food authority who has procured a sample of water under section 29 of the Act for the purpose of analysis by a public analyst must serve notice in accordance with paragraph (2) if it appears that the water was exploited or bottled by a person (other than the owner) having a name and an address in the United Kingdom displayed on the bottle.

(2) The authorised officer must, within 3 days of procuring the sample, send to that person a notice informing them—

- (a) that the sample has been procured by the officer; and
- (b) where the sample was taken or, as the case may be, from who it was purchased.

(3) Paragraph (1) does not apply if the authorised officer decides not to have the sample analysed.

Analysis by the Government Chemist

31.—(1) Paragraphs (2) to (6) apply where a part of a sample procured under section 29 of the Act has been submitted for analysis and another part of the sample has been retained in accordance with regulation 7(3)(e) of the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013 and—

- (a) an improvement notice has been served on a person under section 10(1) of the Act, as applied and modified by regulation 33, as read with Schedule 12, for a contravention of a provision of these Regulations in connection with that sample;
- (b) an appeal against that improvement notice has been made by that person to the magistrates' court; and
- (c) the authorised officer intends to adduce as evidence the result of the analysis mentioned above.

(2) An authorised officer may send the retained part of the sample to the Government Chemist for analysis but must send it—

- (a) if requested by the magistrates' court; or
- (b) subject to paragraph (6), if requested by the recipient of the improvement notice.

(3) The Government Chemist must analyse, or direct a food analyst to analyse, the part of the sample sent under paragraph (2) and send to the authorised officer a Government Chemist's certificate of analysis.

(4) Rhaid i unrhyw dystysgrif a anfonir gan Gemegydd y Llywodraeth gael ei llofnodi gan neu ar ran Cemegydd y Llywodraeth, ond caniateir cynnal y dadansoddiad gan berson o dan gyfarwyddyd y person sy'n llofnodi'r dystysgrif.

(5) Ar ôl derbyn y dystysgrif, a chyn gynted ag y bo'n rhesymol ymarferol, rhaid i'r swyddog awdurdodedig roi copi ohoni i lys yr ynadon ac i dderbynydd yr hysbysiad gwella.

(6) Pan wneir cais o dan baragraff (2)(b), caiff y swyddog awdurdodedig ofyn i dderbynydd yr hysbysiad gwella dalu ffi a bennir yn ysgrifenedig i dalu rhai o gostau Cemegydd y Llywodraeth am gyflawni'r swyddogaethau o dan baragraff (3), neu'r holl gostau.

(7) Pan fydd hysbysiad yn cael ei gyflwyno o dan baragraff (6) a derbynydd yr hysbysiad gwella yn gwrthod talu'r ffi a bennir yn yr hysbysiad, caiff y swyddog awdurdodedig wrthod cydymffurfio â'r cais a wnaed o dan baragraff (2)(b).

(4) Any certificate sent by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by a person under the direction of the person who signs the certificate.

(5) On receipt of the certificate the authorised officer must, as soon as is reasonably practicable, supply a copy of it to the magistrates' court and to the recipient of the improvement notice.

(6) Where a request is made under paragraph (2)(b), the authorised officer may request payment of a fee specified in writing from the recipient of the improvement notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3).

(7) Where a notice is served under paragraph (6) and the recipient of the improvement notice refuses to pay the fee specified in the notice, the authorised officer may refuse to comply with the request made under paragraph (2)(b).

RHAN 6

Gorfodi ac amrywiol ddarpariaethau

Gorfodi

32. Rhaid i bob awdurdod bwyd weithredu a gorfodi'r Rheoliadau hyn yn ei ardal.

Cymhwyso'r Ddeddf: hysbysiau gwella

33.—(1) Mae darpariaethau adran 10 o'r Ddeddf a bennir yng ngholofn 1 o Dabl 1 o Atodlen 12 yn gymwys at ddiben y Rheoliadau hyn, gyda'r addasiadau a bennir yng ngholofn 2 o'r tabl hwnnw er mwyn galluogi swyddog awdurdodedig awdurdod bwyd i gyflwyno hysbysiad gwella i unrhyw berson sy'n methu â chydymffurfio â rheoliadau 8 i 22 o'r Rheoliadau hyn neu un o ddarpariaethau Rheoliad 115/2010 a grybwyllir yng ngholofn 2 o Dabl 1 o Atodlen 12.

(2) Nid yw paragraff (1) yn lleihau effaith cymhwyso adran 10 o'r Ddeddf at ddibenion ar wahân i'r rhai a bennir ym mharagraff (1).

(3) Ni chaniateir i swyddog awdurdodedig awdurdod bwyd gyflwyno hysbysiad gwella o dan adran 10(1) o'r Ddeddf, fel y'i cymhwysir a'i haddasir yn unol â pharagraff (1)—

- (a) os byddai'r hysbysiad gwella yn gysylltiedig â dŵr a gafodd ei botelu a'i labelu cyn 28 Tachwedd 2015; a

PART 6

Enforcement and miscellaneous provisions

Enforcement

32. Each food authority must execute and enforce these Regulations in its area.

Application of the Act: improvement notices

33.—(1) The provisions of section 10 of the Act specified in column 1 of Table 1 of Schedule 12 apply for the purpose of these Regulations, with the modifications specified in column 2 of that table to enable an authorised officer of a food authority to serve an improvement notice on any person who is failing to comply with regulations 8 to 22 of these Regulations or a provision of Regulation 115/2010 mentioned in column 2 of Table 1 of Schedule 12.

(2) Paragraph (1) is without prejudice to the application of section 10 of the Act for purposes other than those specified in paragraph (1).

(3) An authorised officer of a food authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified in accordance with paragraph (1), if—

- (a) the improvement notice would relate to water bottled and labelled before 28 November 2015; and

- (b) os na fyddai'r materion sy'n peri'r tramgwydd honedig yn cyfrif fel trosedd o dan y Rheoliadau a restrir yn rheoliad 37.

(4) Os nad yw dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, neu ddŵr yfed wedi'i botelu, yn bodloni gofynion paragraff 1(c) o Ran 1 o Atodlen 7, ni chaniateir i swyddog awdurdodedig awdurdod bwyd gyflwyno hysbysiad gwella o dan adran 10(1) o'r Ddeddf, fel y'i cymhwysir a'i haddasir yn unol â pharagraff (1)—

- (a) os cafodd y dŵr dan sylw ei botelu neu ei werthu mewn Gwladwriaeth AEE ar wahân i'r Deyrnas Unedig; a
- (b) os oedd y dŵr yn cydymffurfio â'r gyfraith yn y Wladwriaeth AEE honno pan gafodd ei botelu neu ei werthu.

Cymhwyso'r Ddeddf: pwerau mynediad

34.—(1) Mae darpariaethau adran 32 o'r Ddeddf a bennir yng ngholofn 1 o Dabl 2 o Atodlen 12 yn gymwys at ddibenion galluogi y Rheoliadau hyn, gyda'r addasiadau a bennir yng ngholofn 2 o'r tabl hwnnw, i alluogi swyddog awdurdodedig awdurdod bwyd—

- (a) i arfer pŵer mynediad er mwyn canfod a oes un o ddarpariaethau Rheoliad 115/2010 a grybwyllir yng ngholofn 2 o'r tabl hwnnw yn cael neu wedi cael ei dorri;
- (b) i arfer pŵer mynediad er mwyn canfod a oes unrhyw dystiolaeth bod darpariaethau o'r fath wedi eu torri; ac
- (c) wrth arfer pŵer mynediad o dan y darpariaethau yn adran 32 a gymhwysir, i arfer y pwerau cysylltiedig yn is-adrannau (5) a (6) mewn perthynas â chofnodion.

(2) Nid yw paragraff (1) yn lleihau effaith cymhwyso adran 32 o'r Ddeddf at ddibenion ar wahân i'r rhai a bennir ym mharagraff (1).

Cymhwyso darpariaethau eraill y Ddeddf

35. Mae darpariaethau'r Ddeddf a bennir yng ngholofn 1 o Dabl 3 o Atodlen 12 yn gymwys at ddibenion y Rheoliadau hyn, gyda'r addasiadau a bennir yng ngholofn 2 o'r tabl hwnnw.

- (b) the matters constituting the alleged contravention would not have constituted an offence under the Regulations listed in regulation 37.

(4) If water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, or bottled drinking water, does not meet the requirements of paragraph 1(c) of Part 1 of Schedule 7, an authorised officer of a food authority must not serve an improvement notice under section 10(1) of the Act, as applied and modified in accordance with paragraph (1), if—

- (a) the water in question was bottled or sold in an EEA State other than the United Kingdom; and
- (b) the water complied with the law in that EEA State when it was bottled or sold.

Application of the Act: powers of entry

34.—(1) The provisions of section 32 of the Act specified in column 1 of Table 2 of Schedule 12 apply for the purposes of enabling these Regulations, with the modifications specified in column 2 of that table, to enable an authorised officer of a food authority—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of Regulation 115/2010 mentioned in column 2 of that table;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such provisions; and
- (c) where exercising a power of entry under the applied section 32 provisions, to exercise the associated powers in subsections (5) and (6) relating to records.

(2) Paragraph (1) is without prejudice to the application of section 32 of the Act for purposes other than those specified in paragraph (1).

Application of other provisions of the Act

35. The provisions of the Act specified in column 1 of Table 3 of Schedule 12 apply for the purposes of these Regulations, with the modifications specified in column 2 of that table.

Arbedion a darpariaethau trosiannol

36.—(1) Bydd unrhyw gydnabyddiaeth o ddŵr fel dŵr mwynol naturiol a roddwyd o dan Reoliadau Dŵr Mwynol Naturiol 1985, Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu 1999, neu Reoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007 ac sy'n bodoli ar y dyddiad y daw'r Rheoliadau hyn i rym—

- (a) yn achos dŵr a echdynnir o'r ddaear yng Nghymru, yn cael ei drin fel pe byddai'n gydnabyddiaeth a roddwyd gan yr awdurdod bwyd o dan reoliad 4(2)(a); a
- (b) yn achos dŵr a echdynnir o'r ddaear mewn gwlad ar wahân i Wladwriaeth AEE, yn cael ei drin fel pe byddai'n gydnabyddiaeth a roddwyd gan yr Asiantaeth o dan reoliad 4(2)(d)(i).

(2) Nid yw dirymiad y Rheoliadau a restrir yn rheoliad 37 yn effeithio ar ddilysrwydd unrhyw awdurdodiad, cydnabyddiaeth na hysbysiad a wnaed neu a roddwyd gan yr Asiantaeth neu'r awdurdod bwyd fel yr awdurdod perthnasol o dan y Rheoliadau hynny, ac mae unrhyw awdurdodiad, cydnabyddiaeth neu hysbysiad o'r fath yn parhau i gael effaith.

(3) Pan fo cais wedi ei wneud o dan y Rheoliadau a restrir yn rheoliad 37 i awdurdod bwyd am gydnabyddiaeth i ddŵr fel dŵr mwynol naturiol, mae'r cais i'w drin fel pe byddai wedi ei wneud o dan Rannau 1 neu 2 o Atodlen 1 i'r Rheoliadau hyn.

Dirymiadau

37. Mae'r Rheoliadau a ganlyn wedi eu dirymu—

- (a) Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007(1);
- (b) Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) (Diwygio) 2009(2);
- (c) Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) (Diwygio) 2010(3);
- (d) Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Diwygio) 2011(4).

(1) O.S. 2007/3165 (Cy. 276), diwygiwyd gan O.S. 2009/1897 (Cy. 170), 2010/748 (Cy. 76), 2011/400 (Cy. 57).

(2) O.S. 2009/1897.

(3) O.S. 2010/748.

(4) O.S. 2011/400.

Savings and transitional provisions

36.—(1) Any recognition of water as natural mineral water granted under the Natural Mineral Waters Regulations 1985, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999, or the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 and subsisting on the date that these Regulations come into force shall—

- (a) in the case of water extracted from the ground in Wales, be treated as if it were recognition granted by the food authority under regulation 4(2)(a); and
- (b) in the case of water extracted from the ground in a country other than an EEA State, be treated as if it were recognition granted by the Agency under regulation 4(2)(d)(i).

(2) The revocation of the Regulations listed in regulation 37 does not affect the validity of any authorisation, recognition or notification made or given by the Agency or the food authority as the relevant authority under those Regulations, and any such authorisation, recognition or notification continues in effect.

(3) Where an application has been made under the Regulations listed in regulation 37 to a food authority for recognition of water as natural mineral water, the application is to be treated as if it had been made under Parts 1 or 2 of Schedule 1 to these Regulations.

Revocations

37. The following Regulations are revoked—

- (a) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007(1);
- (b) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2009(2);
- (c) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2010(3);
- (d) the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2011(4).

(1) S.I. 2007/3165 (W. 276), amended by S.I. 2009/1897 (W. 170), 2010/748 (W.76), 2011/400 (W.57).

(2) S.I. 2009/1897.

(3) S.I. 2010/748.

(4) S.I. 2011/400.

Diwygiadau i ddeddfwriaeth arall

38. Mae Atodlen 13 (diwygiadau i ddeddfwriaeth arall) yn cael effaith.

Amendments to other legislation

38. Schedule 13 (amendments to other legislation) has effect.

Vaughan Gething

Y Dirprwy Weinidog Iechyd, un o Weinidogion
Cymru
4 Tachwedd 2015

Deputy Minister for Health, one of the Welsh
Ministers
4 November 2015

ATODLEN 1 Rheoliad 4(2)(a) a 4(2)(d)(i)

Cydnabod dŵr mwynol naturiol

RHAN 1

Dŵr mwynol naturiol a echdynnir o'r ddaear yng Nghymru

1. Rhaid i berson sy'n ceisio cael cydnabyddiaeth ar gyfer dŵr a echdynnir o'r ddaear yng Nghymru fel dŵr mwynol naturiol at ddibenion Erthygl 1 o Gyfarwyddeb 2009/54 wneud cais ysgrifenedig i'r awdurdod bwyd y mae'r dŵr a echdynnir yn ei ardal, gan roi'r wybodaeth a ganlyn—

- (a) y manylion a bennir ym mharagraff 10(a) o Ran 3;
- (b) y wybodaeth a geir o ganlyniad i'r arolygon a'r dadansoddiad y gofynnir amdanynt o dan baragraff 10(b) ac (c), fel y'i darllenir gyda pharagraff 11, o Ran 3; ac
- (c) tystiolaeth i ddangos nad yw'r dŵr yn cynnwys unrhyw sylwedd a restrir yn Rhan 1 o Atodlen 5 ar lefel sy'n fwy na'r terfyn uchaf a bennir o ran y sylwedd hwnnw yn yr Atodlen honno.

2. Pan fydd yn ofynnol rhoi gwybodaeth ar yr anionau, cationau, cyfansoddion sydd heb eu hïoneiddio ac yr elfennau hybrin yn unol â pharagraff 1(b), rhaid mynegi crynodiad bob anion, cation, cyfansoddyn sydd heb ei ìoneiddio ac elfen hybrin a bennir yng ngholofn gyntaf y tablau yn Rhan 4 o'r Atodlen hon yn yr uned fesur a bennir yn ail golofn y tablau yn Rhan 4.

3. Pan fydd gwybodaeth a ofynnir gan baragraff 1 wedi'i rhoi, rhaid i'r awdurdod bwyd ei hasesu a chydabod y dŵr y mae'r wybodaeth yn ymwneud ag ef yn ddŵr mwynol naturiol os yw wedi'i fodloni—

- (a) bod y dŵr yn ddŵr mwynol naturiol sy'n cydymffurfio â pharagraff 3 o Adran I o Atodiad 1 i Gyfarwyddeb 2009/54;
- (b) bod nodweddion y dŵr wedi eu hasesu yn unol â'r canlynol—
 - (i) y pwyntiau a rifir 1 i 4 ym mharagraff 2(a) o Adran I o Atodiad 1 i Gyfarwyddeb 2009/54;
 - (ii) y manylion a'r meini prawf a restrir yn Rhan 3 o'r Atodlen hon, a
 - (iii) dulliau gwyddonol cydnabyddedig.

SCHEDULE 1 Regulation 4(2)(a) and 4(2)(d)(i)

Recognition of natural mineral water

PART 1

Natural mineral water extracted from the ground in Wales

1. A person seeking to have water which is extracted from the ground in Wales recognised as natural mineral water for the purposes of Article 1 of Directive 2009/54 must apply in writing to the food authority within whose area the water is extracted, giving the following information—

- (a) the particulars specified in paragraph 10(a) of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraph 10(b) and (c), as read with paragraph 11, of Part 3; and
- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

2. Where information on the anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 1(b), the concentration of each anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must be expressed in the unit of measurement specified in the second column of the tables in Part 4.

3. Where information required by paragraph 1 has been given, the food authority must assess it and must recognise the water to which the information relates as natural mineral water if it is satisfied that—

- (a) the water is natural mineral water which complies with paragraph 3 of Section I of Annex 1 to Directive 2009/54;
- (b) the characteristics of the water have been assessed in accordance with—
 - (i) the points numbered 1 to 4 in paragraph 2(a) of Section I of Annex 1 to Directive 2009/54;
 - (ii) the particulars and criteria listed in Part 3 of this Schedule, and
 - (iii) recognised scientific methods.

4. Rhaid i'r awdurdod bwyd, wrth roi cydnabyddiaeth i ddŵr mwynol naturiol yn unol â pharagraff 3, gyhoeddi datganiad o gydnabyddiaeth o'r fath a'r rhesymau dros ei roi yn y London Gazette.

RHAN 2

Dŵr mwynol naturiol a echdynnir o'r ddaear mewn gwlad heblaw Gwladwriaeth AEE

5. Rhaid i berson sy'n ceisio cael cydnabyddiaeth ar gyfer dŵr a echdynnir o'r ddaear mewn gwlad heblaw Gwladwriaeth AEE yn ddŵr mwynol naturiol at ddibenion Erthygl 1 o Gyfarwyddeb 2009/54 wneud cais ysgrifenedig i'r Asiantaeth, gan roi'r wybodaeth ganlynol—

- (a) y manylion a bennir ym mharagraff 10(a) o Ran 3;
- (b) y wybodaeth a geir o ganlyniad i'r arolygon a'r dadansoddiad y gofynnir amdanynt o dan baragraff 10(b) ac (c), fel y'i darllenir gyda pharagraff 11, o Ran 3; ac
- (c) tystiolaeth i ddangos nad yw'r dŵr yn cynnwys unrhyw sylwedd a restrir yn Rhan 1 o Atodlen 5 ar lefel sy'n fwy na'r terfyn uchaf a bennir o ran y sylwedd hwnnw yn yr Atodlen honno.

6. Pan fydd yn ofynnol rhoi gwybodaeth ar yr anionau, cationau, cyfansoddion sydd heb eu hïoneiddio ac yr elfennau hybrin yn unol â pharagraff 5(b), rhaid mynegi crynodiad bob anion, cation, cyfansoddyn sydd heb ei ïoneiddio ac elfen hybrin a bennir yng ngholofn gyntaf y tablau yn Rhan 4 o'r Atodlen hon yn yr uned fesur a bennir yn ail golofn y tablau yn Rhan 4.

7. Rhaid i'r Asiantaeth gydnabod y cyfryw ddŵr os bydd yr awdurdod cyfrifol yn y wlad yr echdynnir y dŵr ohoni wedi ardstio—

- (a) ei fod wedi'i fodloni—
 - (i) bod y gofynion ym mharagraffau 10(b) ac (c) o Ran 3 wedi'u sefydlu;
 - (ii) gyda'r dystiolaeth a roddir yn unol â pharagraff 5(c); a
- (b) bod archwiliadau cyfnodol wedi cael eu gwneud i ganfod—
 - (i) bod y dŵr yn ddŵr mwynol naturiol sy'n cydymffurfio â pharagraff 3 o Adran I o Atodiad I i Gyfarwyddeb 2009/54;
 - (ii) bod nodweddion y dŵr wedi'u hasesu yn unol â'r canlynol—

4. The food authority must, on recognising a natural mineral water in accordance with paragraph 3, publish an announcement of such recognition and the grounds on which it has been granted in the London Gazette.

PART 2

Natural mineral water extracted from the ground in a country other than an EEA State

5. A person seeking to have a water which is extracted from the ground in a country other than an EEA State recognised as a natural mineral water for the purposes of Article 1 of Directive 2009/54 must apply in writing to the Agency, giving the following information—

- (a) the particulars specified in paragraph 10(a) of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraph 10(b) and (c), as read with paragraph 11, of Part 3; and
- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

6. Where information on the anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 5(b), the concentration of each anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must be expressed in the unit of measurement specified in the second column of the tables in Part 4.

7. The Agency must recognise such a water if the responsible authority of the country in which the water is extracted has certified that—

- (a) it is satisfied—
 - (i) that the requirements in paragraph 10(b) and (c) of Part 3 are established;
 - (ii) with the evidence given pursuant to paragraph 5(c); and
- (b) periodic checks are made to ascertain that—
 - (i) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I to Directive 2009/54;
 - (ii) the characteristics of the water are assessed in accordance with—

- (aa) y pwyntiau a rifir 1 i 4 ym mharagraff 2(a) o Adran I o Atodiad I i Gyfarwyddeb 2009/54;
 - (bb) y manylion a'r meini prawf a restrir yn Rhan 3 o'r Atodlen hon; ac
 - (cc) dulliau gwyddonol cydnabyddedig; a
- (iii) bod darpariaethau Atodlen 4 yn cael eu cymhwyso gan y person sy'n datblygu'r ffynnon.

8. Bydd cydnabyddiaeth o'r cyfryw ddŵr yn dirwyn i ben ar ôl cyfnod o bum mlynedd oni fydd awdurdod cyfrifol y wlad yr echdynnwyd y dŵr ohoni wedi adnewyddu'r ardstiad sy'n ofynnol gan baragraff 7.

9. Rhaid i'r Asiantaeth, pan fydd yn cydnabod dŵr yn unol â'r Rhan hon, gyhoeddi datganiad o gydnabyddiaeth o'r fath yn y London Gazette, yr Edinburgh Gazette a'r Belfast Gazette.

RHAN 3

Gofynion a meini prawf ar gyfer cydnabod dŵr mwynol naturiol

10. Rhaid i berson sy'n ceisio cael dŵr wedi'i gydnabod fel dŵr mwynol naturiol yn unol â pharagraff 1 o Ran 1 neu baragraff 5 o Ran 2 o'r Atodlen hon gynnal—

- (a) arolygon daearegol a hydroddaearegol sy'n cynnwys y manylion canlynol—
 - (i) union safle'r dalgylch gan ddangos ei uchder ar fap â graddfa heb fod yn fwy na 1:1,000;
 - (ii) adroddiad daearegol manwl ar darddiad a natur y tir;
 - (iii) stratigraffeg yr haen hydroddaearegol;
 - (iv) disgrifiad o weithrediadau'r dalgylch; a
 - (v) darnodi'r ardal neu fanylion o fesurau eraill sy'n diogelu'r ffynnon rhag llygredd.
- (b) arolygon ffisegol, cemegol a ffisigo-chemegol y mae'n rhaid iddynt sefydlu—
 - (i) cyfradd llif y ffynnon;
 - (ii) tymheredd y dŵr yn ei ffynhonnell a thymheredd yr awyrgylch;
 - (iii) y berthynas rhwng natur y tir a natur a math y mwynau yn y dŵr;
 - (iv) y gweddillion sych ar 180°C a 260°C;

- (aa) points numbered 1 to 4 in paragraph 2(a) of Section I of Annex I to Directive 2009/54;
 - (bb) the particulars and criteria listed in Part 3 of this Schedule; and
 - (cc) recognised scientific methods; and
- (iii) the provisions of Schedule 4 are being applied by the person exploiting the spring.

8. Recognition of such water lapses after a period of five years unless the responsible authority of the country in which the water is extracted has renewed the certification required by paragraph 7.

9. The Agency must, on recognising water in accordance with this Part, publish an announcement of such recognition in the London Gazette, the Edinburgh Gazette and the Belfast Gazette.

PART 3

Requirements and criteria for recognition as a natural mineral water

10. A person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 5 of Part 2 of this Schedule, must carry out—

- (a) geological and hydrological surveys which include the following particulars—
 - (i) the exact site of the catchment with an indication of its altitude, on a map with a scale of not more than 1:1,000;
 - (ii) a detailed geological report on the origin and nature of the terrain;
 - (iii) the stratigraphy of the hydrogeological layer;
 - (iv) a description of the catchment operations; and
 - (v) the demarcation of the area or details of other measures protecting the spring against pollution;
- (b) physical, chemical and physico-chemical surveys which must establish—
 - (i) the rate of flow of the spring;
 - (ii) the temperature of the water at source and the ambient temperature;
 - (iii) the relationship between the nature of the terrain and the nature and type of minerals in the water;
 - (iv) the dry residues at 180°C and 260°C;

- | | |
|---|---|
| <ul style="list-style-type: none"> (v) y dargludedd neu wrthedd trydanol, gan bennu mesur y tymheredd; (vi) y crynodiad ïonau hydrogen (pH); (vii) yr anionau a'r cationau; (viii) yr elfennau sydd heb eu hïoneiddio; (ix) yr elfennau hybrin; (x) y priodweddau radio-actinolegol yn y ffynhonnell; (xi) pan fydd yn briodol, lefelau isotop perthnasol elfennau ansoddol y dŵr, ocsigen (^{16}O–^{18}O) a hydrogen (protiw, dewteriwm, tritiwm); a (xii) gwenwyndra rhai elfennau ansoddol y dŵr, gan gymryd i ystyriaeth y terfynau a osodir ar gyfer pob un ohonynt; <p>(c) dadansoddiad microbiolegol yn y ffynhonnell y mae'n rhaid iddo ddangos—</p> <ul style="list-style-type: none"> (i) absenoldeb parasitiaid a micro-organebau pathogenig; (ii) penderfyniad meintiol cyfrif cytref y gellir ei adfywio sy'n dangos halogi ysgarthol, ac sy'n dangos absenoldeb— <ul style="list-style-type: none"> (aa) <i>Escherichia coli</i> a choliformau eraill mewn 250ml ar 37°C a 44.5°C, (bb) streptococi ysgarthol mewn 250ml, (cc) anerobau lleihau-sylffit sborynnol mewn 50ml, a (dd) <i>Pseudomonas aeruginosa</i> mewn 250ml; a (iii) cyfanswm cyfrif cytref y gellir ei adfywio fesul ml o ddŵr— <ul style="list-style-type: none"> (aa) ar 20 i 22°C mewn 72 awr ar agar-agar neu gymysgedd o agar-gelatin, a (bb) ar 37°C mewn 24 awr ar agar-agar. | <ul style="list-style-type: none"> (v) the electrical conductivity or resistivity, with the measurement temperature being specified; (vi) the hydrogen ion concentration (pH); (vii) the anions and cations; (viii) the non-ionised elements; (ix) the trace elements; (x) the radio-actinological properties at source; (xi) where appropriate, the relative isotope levels of the constituent elements of water, oxygen (^{16}O–^{18}O) and hydrogen (protium, deuterium, tritium); and (xii) the toxicity of certain constituent elements of the water, taking account of the limits laid down for each of them; <p>(c) a microbiological analysis at source which must show—</p> <ul style="list-style-type: none"> (i) the absence of parasites and pathogenic micro-organisms; (ii) quantitative determination of the revivable colony count indicative of faecal contamination, demonstrating an absence of— <ul style="list-style-type: none"> (aa) <i>Escherichia coli</i> and other coliforms in 250ml at 37°C and 44.5°C, (bb) faecal streptococci in 250ml, (cc) sporulated sulphite-reducing anaerobes in 50ml, and (dd) <i>Pseudomonas aeruginosa</i> in 250ml; and (iii) the revivable total colony count per ml of water— <ul style="list-style-type: none"> (aa) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture, and (bb) at 37°C in 24 hours on agar-agar. |
|---|---|

11.—(1) Yn ddarostyngedig i is-baragraff (2), rhaid i berson sy'n ceisio cael dŵr wedi'i gydnabod fel dŵr mwynol naturiol yn unol â pharagraff 1 o Ran 1 neu baragraff 5 o Ran 2 o'r Atodlen hon gynnal dadansoddiad clinigol a ffarmacolegol yn unol â dulliau gwyddonol cydnabyddedig a ddylai weddu i nodweddion arbennig y dŵr mwynol naturiol a'i effaith ar y corff dynol, megis troethlif, swyddogaethau gastrig a choluddol, a gwneud iawn am ddiffygion mwynol.

(2) Caniateir i ddadansoddiadau clinigol, mewn achosion priodol, gael eu cynnal yn lle'r dadansoddiadau ffarmacolegol y cyfeirir atynt yn is-baragraff (1), ar yr amod bod cysondeb a chytundeb

11.—(1) Subject to sub-paragraph (2), a person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 5 of Part 2 of this Schedule, must carry out clinical and pharmacological analyses in accordance with scientifically recognised methods which should be suited to the particular characteristics of the natural mineral water and its effect on the human body, such as diuresis, gastric and intestinal functions, and compensation for mineral deficiencies.

(2) Clinical analyses may, in appropriate cases, take the place of the pharmacological analyses referred to in sub-paragraph (1), provided that the consistency and

nifer sylweddol o arsylliadau clinigol yn galluogi bod modd cael yr un canlyniadau.

concordance of a substantial number of clinical observations enable the same results to be obtained.

RHAN 4

Manylion am anionau, cationau, cyfansoddion sydd heb eu hïoneiddio ac elfennau hybrin

Tabl A

| <i>Anionau</i> | <i>Uned fesur</i> |
|------------------------------------|-------------------|
| Borad BO_3^- | mg/l |
| Carbonad CO_3^{2-} | mg/l |
| Clorid Cl^- | mg/l |
| Fflworid F^- | mg/l |
| Hydrogen Carbonad HCO_3^- | mg/l |
| Nitrad NO_3^- | mg/l |
| Nitrid NO_2^- | mg/l |
| Ffosffad PO BO_4^{3-} | mg/l |
| Silicad SiO_2^{2-} | mg/l |
| Sylffad SO_4^{2-} | mg/l |
| Sylffid S^{2-} | mg/l |

Tabl B

| <i>Cationau</i> | <i>Uned fesur</i> |
|-------------------------|-------------------|
| Alwminiwm Al | mg/l |
| Amoniwm NH_4^+ | mg/l |
| Calsiwm Ca | mg/l |
| Magnesiwm Mg | mg/l |
| Potasiwm K | mg/l |
| Sodiwm Na | mg/l |

Tabl C

| <i>Cyfansoddion sydd heb eu hïoneiddio</i> | <i>Uned fesur</i> |
|--|-------------------|
| Cyfanswm carbon organig C | mg/l |
| Carbon deuocsid rhydd CO_2 | mg/l |
| Silica SiO_2 | mg/l |

PART 4

Particulars of anions, cations, non-ionised compounds and trace elements

Table A

| <i>Anions</i> | <i>Unit of measurement</i> |
|-------------------------------------|----------------------------|
| Borate BO_3^- | mg/l |
| Carbonate CO_3^{2-} | mg/l |
| Chloride Cl^- | mg/l |
| Fluoride F^- | mg/l |
| Hydrogen Carbonate HCO_3^- | mg/l |
| Nitrate NO_3^- | mg/l |
| Nitrite NO_2^- | mg/l |
| Phosphate PO BO_4^{3-} | mg/l |
| Silicate SiO_2^{2-} | mg/l |
| Sulphate SO_4^{2-} | mg/l |
| Sulphide S^{2-} | mg/l |

Table B

| <i>Cations</i> | <i>Unit of measurement</i> |
|--------------------------|----------------------------|
| Aluminium Al | mg/l |
| Ammonium NH_4^+ | mg/l |
| Calcium Ca | mg/l |
| Magnesium Mg | mg/l |
| Potassium K | mg/l |
| Sodium Na | mg/l |

Table C

| <i>Non-ionised compounds</i> | <i>Unit of measurement</i> |
|-----------------------------------|----------------------------|
| Total organic carbon C | mg/l |
| Free carbon dioxide CO_2 | mg/l |
| Silica SiO_2 | mg/l |

Tabl D

| <i>Elfennau hybrin</i> | <i>Uned fesur</i> |
|------------------------|-------------------|
| Bariwm Ba | mg/l |
| Bromin (cyfanswm) Br | mg/l |
| Cobalt Co | mg/l |
| Copr Cu | mg/l |
| İodin (cyfanswm) I | mg/l |
| Haearn Fe | mg/l |
| Lithiwm Li | mg/l |
| Manganîs Mn | mg/l |
| Molybdenwm Mo | mg/l |
| Strontiwm Sr | mg/l |
| Zinc Zn | mg/l |

Table D

| <i>Trace elements</i> | <i>Unit of measurement</i> |
|-----------------------|----------------------------|
| Barium Ba | mg/l |
| Bromine (total) Br | mg/l |
| Cobalt Co | mg/l |
| Copper Cu | mg/l |
| Iodine (total) I | mg/l |
| Iron Fe | mg/l |
| Lithium Li | mg/l |
| Manganese Mn | mg/l |
| Molybdenum Mo | mg/l |
| Strontium Sr | mg/l |
| Zinc Zn | mg/l |

ATODLEN 2 Rheoliadau 9(1)(a)(iii) a 15(a)(iii)**Triniaeth tynnu fflworid**

1. Ni chaiff neb roi triniaeth tynnu fflworid ar ddŵr mwynol naturiol na dŵr y bwriedir ei botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai bod y driniaeth honno wedi ei hawdurdodi gan yr awdurdod bwyd y mae'r dŵr a echdynnir yn ei ardal.

2. Rhaid i berson sy'n ceisio cael awdurdodiad i roi triniaeth tynnu fflworid—

- gwneud cais ysgrifenedig i'r awdurdod bwyd y mae'r dŵr a echdynnir yn ei ardal;
- caniatáu i gynrychiolwyr yr awdurdod hwnnw archwilio'r dull o drin arfaethedig a lle'r driniaeth a chymryd samplau ar gyfer eu dadansoddi; ac
- darparu'r wybodaeth honno i gefnogi'r cais fel y bydd yr awdurdod bwyd yn gofyn amdani.

3. Rhaid i'r awdurdod bwyd asesu'r cais ac unrhyw wybodaeth gefnogol a rhaid iddo awdurdodi'r driniaeth tynnu fflworid os yw'n fodlon—

- bod y driniaeth yn cydymffurfio ag Erthyglau 1 i 3 o Reoliad 115/2010; a
- na fydd i'r driniaeth gamau diheintio.

4. Pan fydd yr awdurdod bwyd yn penderfynu awdurdodi triniaeth tynnu fflworid yn unol â pharagraff 3, rhaid iddo hysbysu'r ceisydd yn ysgrifenedig a datgan y dyddiad pan fydd yr awdurdodiad ar gyfer defnydd o'r driniaeth yn effeithiol.

SCHEDULE 2 Regulations 9(1)(a)(iii) and 15(a)(iii)**Fluoride removal treatment**

1. No person may carry out fluoride removal treatment on natural mineral water or water intended to be bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, unless that treatment is authorised by the food authority within whose area the water is extracted.

2. A person seeking authorisation to carry out fluoride removal treatment must—

- apply in writing to the food authority within whose area the water is extracted;
- permit representatives of that authority to examine the proposed method of treatment and place of treatment and take samples for analysis; and
- provide such information in support of the application as is requested by the food authority.

3. The food authority must assess the application and any supporting information and must authorise the fluoride removal treatment if it is satisfied that—

- Articles 1 to 3 of Regulation 115/2010 are complied with in relation to the treatment; and
- the treatment does not have a disinfectant action.

4. Where the food authority decides to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing and state the date from which the authorisation for use of the treatment has effect.

5. Pan fydd yr awdurdod bwyd yn penderfynu gwrthod awdurdodi triniaeth tynnu fflworid yn unol â pharagraff 3, rhaid iddo hysbysu'r ceisydd yn ysgrifenedig, gan ddatgan ei resymau.

6. Pan fydd triniaeth tynnu fflworid wedi cael ei hawdurdodi yn unol â pharagraff 3, rhaid i'r person sy'n cyflawni'r driniaeth, er mwyn galluogi'r awdurdod bwyd i asesu p'un a yw'r amodau ym mharagraff 3 yn parhau i gael eu bodloni—

- (a) caniatáu cynrychiolwyr yr awdurdod i archwilio dull y driniaeth a lle'r driniaeth a chymryd samplau ar gyfer eu dadansoddi; a
- (b) darparu'r wybodaeth honno ynghylch y driniaeth y bydd yr awdurdod bwyd yn gofyn amdani.

7. Caiff yr awdurdod bwyd dynnu awdurdodiad triniaeth tynnu fflworid yn ôl os yw'n cael ei fodloni nad yw'r amodau a bennir ym mharagraff 3 yn cael eu bodloni mwyach, drwy roi hysbysiad ysgrifenedig i'r person sy'n gweithredu'r driniaeth gan ddatgan y rhesymau dros dynnu'n ôl.

8. Pan fydd yr awdurdod bwyd yn hysbysu person sy'n ceisio cael awdurdodiad i roi triniaeth tynnu fflworid o benderfyniad yr awdurdod i wrthod awdurdodi triniaeth o dan baragraff 3, neu'n hysbysu'r person sy'n gweithredu triniaeth o'i benderfyniad i dynnu awdurdodiad yn ôl o dan baragraff 7, caiff y person hwnnw wneud cais i'r Asiantaeth am adolygiad o fewn 6 mis i gael ei hysbysu o'r penderfyniad.

9. Rhaid i'r Asiantaeth, ar ôl cael cais o dan baragraff 8, wneud y canlynol o fewn 3 mis i ddyddiad y cais hwnnw—

- (a) ymchwilio i'r mater fel y mae'r Asiantaeth yn ystyried sy'n briodol;
- (b) ystyried canlyniadau'r ymchwiliadau hynny ac unrhyw ffeithiau perthnasol eraill; ac
- (c) un ai—
 - (i) cadarnhau'r penderfyniad; neu
 - (ii) cyfarwyddo'r awdurdod bwyd i roi neu adfer awdurdodiad o driniaeth tynnu fflworid fel y bo'n briodol.

10. Rhaid i'r awdurdod bwyd gydymffurfio â chyfarwyddyd yr Asiantaeth o dan baragraff 9(c)(ii) ar unwaith.

5. Where the food authority decides to refuse to authorise a fluoride removal treatment pursuant to paragraph 3, it must inform the applicant in writing, stating its reasons.

6. Where a fluoride removal treatment has been authorised pursuant to paragraph 3, the person carrying out the treatment must, for the purpose of enabling the food authority to assess whether the conditions in paragraph 3 continue to be satisfied—

- (a) permit representatives of the authority to examine the method of treatment and place of treatment and take samples for analysis; and
- (b) provide such information related to the treatment as is requested by the food authority.

7. The food authority may withdraw authorisation of a fluoride removal treatment if it is satisfied that the conditions specified in paragraph 3 are no longer fulfilled, by giving the person operating the treatment a written notice stating the grounds for withdrawal.

8. Where the food authority notifies a person seeking authorisation of a fluoride removal treatment of the authority's refusal to authorise a treatment under paragraph 3, or notifies the person operating a treatment of its decision to withdraw authorisation under paragraph 7, that person may, within 6 months of being notified of the decision, apply to the Agency for a review.

9. The Agency, upon receiving an application under paragraph 8, must within 3 months from the date of that application—

- (a) make such inquiries into the matter as the Agency considers appropriate;
- (b) consider the results of those inquiries and any other relevant facts; and
- (c) either—
 - (i) confirm the decision; or
 - (ii) direct the food authority to grant or restore authorisation of a fluoride removal treatment as appropriate.

10. The food authority must immediately comply with a direction of the Agency under paragraph 9(c)(ii).

ATODLEN 3 Rheoliadau 9(1)(a)(iv) a 15(a)(iv)

Triniaeth aer a gyfoethogir ag osôn

1. Ni chaiff neb roi triniaeth aer a gyfoethogir ag osôn i ddŵr mwynol naturiol na dŵr y bwriedir ei botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, oni bai—

- (a) ei fod at ddibenion gwahanu cyfansoddion haearn, manganîs, sylffwr ac arsenig o ddŵr lle y maent yn digwydd yn naturiol yn y ffynhonnell;
- (b) bod gofynion paragraffau 3, 4 a 5 o Atodlen 4 yn cael eu bodloni cyn y driniaeth; ac
- (c) na fydd i'r driniaeth gamau diheintio.

2. Rhaid i driniaeth aer a gyfoethogir ag osôn beidio â gwneud y canlynol—

- (a) addasu cyfansoddiad ffisigo-cemegol y dŵr o ran ei ansoddau nodweddiadol; neu
- (b) gadael gweddillion yn y dŵr a allai fod yn risg i iechyd cyhoeddus, neu, yn achos y sylweddau a restrir isod, yn uwch na'r lefelau penodedig.

| <i>Gweddillion y driniaeth</i> | <i>Terfyn uchaf ug/l</i> |
|--------------------------------|--------------------------|
| Osôn toddedig | 50 |
| Bromad | 3 |
| Bromofform | 1 |

3. Rhaid i berson sy'n ceisio cael awdurdodiad i roi triniaeth aer a gyfoethogir ag osôn—

- (a) gwneud cais ysgrifenedig i'r awdurdod bwyd y mae'r dŵr a echdynnir yn ei ardal;
- (b) caniatáu i gynrychiolwyr yr awdurdod hwnnw archwilio'r dull o drin arfaethedig a lle'r driniaeth a chymryd samplau ar gyfer eu dadansoddi; ac
- (c) darparu'r wybodaeth honno i gefnogi'r cais fel y bydd yr awdurdod bwyd yn gofyn amdani.

4. Rhaid i'r awdurdod bwyd asesu'r cais ac unrhyw wybodaeth gefnogol a rhaid iddo awdurdodi'r driniaeth aer a gyfoethogir ag osôn os yw'n fodlon—

- (a) bod cyfiawnhad i broses y driniaeth oherwydd cyfansoddiad y dŵr yn ei ffynhonnell o ran cyfansoddion haearn, manganîs, sylffwr ac arsenig;

SCHEDULE 3 Regulations 9(1)(a)(iv) and 15(a)(iv)

Ozone-enriched air treatment

1. No person may carry out an ozone-enriched air treatment on natural mineral water or water intended to be bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, unless—

- (a) it is for the purpose of separating compounds of iron, manganese, sulphur and arsenic from water in which they occur naturally at source;
- (b) prior to treatment the requirements of paragraphs 3, 4 and 5 of Schedule 4 are satisfied; and
- (c) the treatment does not have a disinfectant action.

2. An ozone-enriched air treatment must not—

- (a) modify the physico-chemical composition of the water in terms of its characteristic constituents; or
- (b) leave residues in the water which could pose a risk to public health, or, in the case of the substances listed below, above the levels specified.

| <i>Treatment residue</i> | <i>Maximum limit ug/l</i> |
|--------------------------|---------------------------|
| Dissolved ozone | 50 |
| Bromate | 3 |
| Bromoform | 1 |

3. A person seeking authorisation to carry out an ozone-enriched air treatment must—

- (a) make an application in writing to the food authority in whose area the water is extracted;
- (b) permit representatives of that authority to examine the proposed method of treatment and place of treatment and take samples for analysis; and
- (c) provide such information in support of the application as is requested by the food authority.

4. The food authority must assess the application and any supporting information and must authorise the ozone-enriched air treatment if it is satisfied that—

- (a) the treatment process is justified by the composition of the water at source in terms of compounds of iron, manganese, sulphur and arsenic;

- (b) bod y person sy'n gwneud y driniaeth yn cymryd pob cam angenrheidiol i sicrhau bod y driniaeth yn effeithiol ac yn ddiogel; ac
- (c) bod y driniaeth fel arall yn cydymffurfio â pharagraffau 1 a 2.

5. Pan fydd yr awdurdod bwyd yn penderfynu awdurdodi triniaeth aer a gyfoethogir ag osôn yn unol â pharagraff 4, rhaid iddo hysbysu'r ceisydd yn ysgrifenedig a datgan y dyddiad pan fydd yr awdurdodiad ar gyfer defnydd o'r driniaeth yn effeithiol.

6. Pan fydd yr awdurdod bwyd yn gwrthod awdurdodi triniaeth aer a gyfoethogir ag osôn yn unol â pharagraff 4, rhaid iddo hysbysu'r ceisydd yn ysgrifenedig, gan ddatgan ei resymau.

7. Pan fydd triniaeth aer a gyfoethogir ag osôn wedi cael ei hawdurdodi yn unol â pharagraff 4, rhaid i'r person sy'n cyflawni'r driniaeth, er mwyn galluogi'r awdurdod bwyd i asesu p'un a yw'r amodau ym mharagraff 4(a) a (b) yn parhau i gael eu bodloni—

- (a) caniatáu cynrychiolwyr yr awdurdod i archwilio dull y driniaeth a lle'r driniaeth a chymryd samplau ar gyfer eu dadansoddi; a
- (b) darparu'r wybodaeth honno ynghylch y driniaeth y bydd yr awdurdod bwyd yn gofyn amdani.

8. Caiff yr awdurdod bwyd dynnu awdurdodiad triniaeth aer a gyfoethogir ag osôn yn ôl os yw'n cael ei fodloni nad yw'r amodau a bennir ym mharagraff 4 yn cael eu bodloni mwyach, drwy roi hysbysiad ysgrifenedig i'r person sy'n gweithredu'r driniaeth gan ddatgan y rheswm dros dynnu'n ôl.

9. Pan fydd yr awdurdod bwyd yn hysbysu person sy'n ceisio cael awdurdodiad i roi triniaeth aer a gyfoethogir ag osôn o benderfyniad yr awdurdod i wrthod awdurdodi triniaeth o dan baragraff 4, neu'n hysbysu'r person sy'n gweithredu triniaeth o'i benderfyniad i dynnu awdurdodiad yn ôl o dan baragraff 8, caiff y person hwnnw wneud cais i'r Asiantaeth am adolygiad o fewn 6 mis i gael ei hysbysu o'r penderfyniad.

10. Rhaid i'r Asiantaeth, ar ôl cael cais o dan baragraff 9, wneud y canlynol o fewn 3 mis i ddyddiad y cais hwnnw—

- (a) ymchwilio i'r mater fel y mae'r Asiantaeth yn ystyried sy'n briodol;
- (b) ystyried canlyniadau'r ymchwiliadau hynny ac unrhyw ffeithiau perthnasol eraill; ac
- (c) un ai—
 - (i) cadarnhau'r penderfyniad; neu

- (b) the person carrying out the treatment is taking all necessary measures to ensure that the treatment is effective and safe; and
- (c) the treatment otherwise complies with paragraphs 1 and 2.

5. Where the food authority decides to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the applicant in writing and state the date from which the authorisation for use of the treatment has effect.

6. Where the food authority refuses to authorise an ozone-enriched air treatment pursuant to paragraph 4, it must inform the applicant in writing, stating its reasons.

7. Where an ozone-enriched air treatment has been authorised pursuant to paragraph 4, the person carrying out the treatment must, for the purpose of enabling the food authority to assess whether the conditions in paragraph 4(a) and (b) continue to be satisfied—

- (a) permit representatives of the authority to examine the method of treatment and place of treatment and take samples for analysis; and
- (b) provide such information related to the treatment as is requested by the food authority.

8. The food authority may withdraw authorisation of an ozone-enriched air treatment if it is satisfied that the conditions specified in paragraph 4 are no longer fulfilled, by giving the person operating the treatment a written notice stating the grounds for withdrawal.

9. Where the food authority notifies a person seeking authorisation of an ozone-enriched air treatment of the authority's refusal to authorise a treatment under paragraph 4, or notifies the person operating a treatment of its decision to withdraw authorisation under paragraph 8, that person may, within 6 months of being notified of the decision, apply to the Agency for a review.

10. The Agency, upon receiving an application under paragraph 9, must within 3 months from the date of that application—

- (a) make such inquiries into the matter as the Agency considers appropriate;
- (b) consider the results of those inquiries and any other relevant facts; and
- (c) either—
 - (i) confirm the decision; or

- (ii) cyfarwyddo'r awdurdod bwyd i roi neu adfer awdurdodiad o driniaeth aer a gyfoethogir ag osôn fel y bo'n briodol.

11. Rhaid i'r awdurdod bwyd gydymffurfio â chyfarwyddyd yr Asiantaeth o dan baragraff 10(c)(ii) ar unwaith.

ATODLEN 4 Rheoliadau 8, 10, 13 a 14

Gofynion datblygu a photelu ar gyfer dŵr mwynol naturiol a dŵr y bwriedir ei labelu a'i werthu fel "spring water" neu "dŵr ffynnon"

1. Rhaid i gyfarpar ar gyfer datblygu'r dŵr gael ei osod mewn modd sy'n osgoi unrhyw bosibilrwydd o halogi ac i ddiogelu'r priodweddau sy'n cyfateb i'r rheini a briodolir iddo sydd gan y dŵr yn ei ffynhonnell.

2. Rhaid amddiffyn y ffynnon neu'r allanfa rhag risg llygredd.

3. Rhaid i'r dalgylch, y pibellau a'r cronfeydd fod o ddeunyddiau sy'n addas ar gyfer dŵr ac o wneuthuriad sy'n rhwystro unrhyw newid cemegol, ffisigo-cemegol neu ficrobiolegol i'r dŵr.

4. Rhaid i'r amodau ar gyfer y datblygu, yn enwedig yr offer golchi a photelu, fodloni gofynion hylendid, yn cynnwys, yn benodol, bod rhaid i'r cynwysyddion fod wedi'u trin neu eu gweithgynhyrchu mewn modd sy'n osgoi effeithiau andwyol ar nodweddion microbiolegol a chemegol y dŵr.

5.—(1) Yn ddarostyngedig i is-baragraffau (2) a (3), rhaid peidio â chludo dŵr mewn cynwysyddion heblaw'r rhai a awdurdodwyd ar gyfer dosbarthu i'r defnyddiwr olaf.

(2) Caniateir cludo dŵr mwynol naturiol o'r ffynnon i'r man potelu mewn cynhwysydd nad yw ar gyfer ei ddosbarthu i'r defnyddiwr olaf os cludwyd dŵr o'r ffynnon honno yn y fath fodd cyn 17 Gorffennaf 1980.

(3) Caniateir cludo dŵr y bwriedir ei labelu a'i werthu fel "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, o'r ffynnon i'r man potelu mewn cynhwysydd nad yw ar gyfer ei ddosbarthu i'r defnyddiwr olaf os cludwyd dŵr o'r ffynnon honno yn y fath fodd ar neu cyn 13 Rhagfyr 1996.

6.—(1) Rhaid i gyfanswm cyfrif cytref y dŵr y gellir ei adfywio yn ei ffynhonnell, a benderfynir yn unol ag is-baragraff (2), gydymffurfio â chyfrif cytref hyfyw

- (ii) direct the food authority to grant or restore authorisation of the ozone-enriched air treatment as appropriate.

11. The food authority must immediately comply with a direction of the Agency under paragraph 10(c)(ii).

SCHEDULE 4 Regulations 8, 10, 13 and 14

Exploitation and bottling requirements for natural mineral water and water intended to be labelled and sold as "spring water" or "dŵr ffynnon"

1. Equipment for exploiting the water must be so installed as to avoid any possibility of contamination and to preserve the properties corresponding to those ascribed to it which the water possesses at source.

2. The spring or outlet must be protected against the risks of pollution.

3. The catchment, pipes and reservoirs must be of materials suitable for water and so built as to prevent any chemical, physico-chemical or microbiological alteration of the water.

4. The conditions of exploitation, particularly the washing and bottling equipment, must meet hygiene requirements including, in particular, that containers must be so treated or manufactured as to avoid adverse effects on the microbiological and chemical characteristics of the water.

5.—(1) Subject to sub-paragraphs (2) and (3), water must not be transported in containers other than those authorised for distribution to the ultimate consumer.

(2) Natural mineral water may be transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer if on or before 17 July 1980 water from that spring was so transported.

(3) Water intended to be labelled and sold as "spring water", "dŵr ffynnon", or its equivalent in any other language, may be transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer if, on or before 13 December 1996, water from that spring was so transported.

6.—(1) The revivable total colony count of the water at source, determined according to sub-paragraph (2), must conform to the normal viable colony count of that

arferol y dŵr hwnnw a rhaid iddo beidio â dangos bod ffynhonnell y dŵr hwnnw'n halogedig

(2) Y cyfrif cytref yw hwnnw a benderfynwyd fesul ml o ddŵr—

- (a) ar 20 i 22°C mewn 72 awr ar agar-agar neu gymysgedd o agar-gelatin; a
- (b) ar 37°C mewn 24 awr ar agar-agar.

7.—(1) Ar ôl potelu, ni chaiff cyfanswm cyfrif cytref y dŵr yn ei ffynhonnell fod yn fwy na—

- (a) 100 fesul ml ar 20 i 22°C mewn 72 awr ar agar-agar neu gymysgedd o agar-gelatin; a
- (b) 20 fesul ml ar 37°C mewn 24 awr ar agar-agar.

(2) Rhaid mesur cyfanswm cyfrif cytref y dŵr o fewn y cyfnod o 12 awr ar ôl potelu, gan gadw'r dŵr ar 4°C +/- 1°C yn ystod y cyfnod hwnnw.

8. Rhaid bod y dŵr yn rhydd o—

- (a) parasitiaid a micro-organebau pathogenig;
- (b) *Escherichia coli* a choliformau a streptococi ysgarthol eraill mewn unrhyw sampl 250ml a archwilir;
- (c) anerobau lleihau-sylffit sborynnol mewn unrhyw sampl 50ml a archwilir; a
- (d) *Pseudomonas aeruginosa* mewn unrhyw sampl 250ml a archwilir.

water and must not show that the source of that water is contaminated.

(2) The colony count is that determined per ml of water—

- (a) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture; and
- (b) at 37°C in 24 hours on agar-agar.

7.—(1) After bottling, the total colony count of the water at source may not exceed—

- (a) 100 per ml at 20 to 22°C in 72 hours on agar-agar or on agar-gelatine mixture; and
- (b) 20 per ml at 37°C in 24 hours on agar-agar.

(2) The total colony count of the water must be measured within a period of 12 hours following bottling, the water being maintained at 4°C +/- 1°C during that period.

8. Water must be free from—

- (a) parasites and pathogenic micro-organisms;
- (b) *Escherichia coli* and other coliforms and faecal streptococci in any 250ml sample examined;
- (c) sporulated sulphite-reducing anaerobes in any 50ml sample examined; and
- (d) *Pseudomonas aeruginosa* in any 250ml sample examined.

ATODLEN 5 Rheoliad 10
Ansoddau dŵr mwynol naturiol

SCHEDULE 5 Regulation 10
Constituents of natural mineral water

RHAN 1

Terfynau uchaf ar gyfer ansoddau dŵr mwynol naturiol

PART 1

Maximum limits for constituents of natural mineral water

| <i>Ansoddau⁽¹⁾</i> | <i>Terfynau uchaf (mg/l)</i> |
|-------------------------------|------------------------------|
| Antimoni | 0.0050 |
| Arsenig | 0.010 (fel cyfanswm) |
| Bariwm | 1.0 |
| Cadmiwm | 0.003 |
| Cromiwm | 0.050 |
| Copr | 1.0 |
| Cyanid | 0.070 |
| Fflworid | 5.0 |
| Plwm | 0.010 |
| Manganîs | 0.50 |
| Mercwri | 0.0010 |
| Nicel | 0.020 |
| Nitrad | 50 |
| Nitrid | 0.1 |
| Seleniwm | 0.010 |

⁽¹⁾ Mae'r ansoddau a ddisgrifir uchod yn cyfeirio at ansoddau sy'n bresennol yn naturiol yn y dŵr yn ei ffynhonnell ac nid at sylweddau sy'n bresennol o ganlyniad i halogi.

| <i>Constituents⁽¹⁾</i> | <i>Maximum limits (mg/l)</i> |
|-----------------------------------|------------------------------|
| Antimony | 0.0050 |
| Arsenic | 0.010 (as total) |
| Barium | 1.0 |
| Cadmium | 0.003 |
| Chromium | 0.050 |
| Copper | 1.0 |
| Cyanide | 0.070 |
| Fluoride | 5.0 |
| Lead | 0.010 |
| Manganese | 0.50 |
| Mercury | 0.0010 |
| Nickel | 0.020 |
| Nitrate | 50 |
| Nitrite | 0.1 |
| Selenium | 0.010 |

⁽¹⁾ The constituents described above refer to constituents naturally present in the water at source and not to substances present as the result of contamination.

RHAN 2

Nodweddion perfformiad ar gyfer dadansoddi'r ansoddau yn Rhan 1

| <i>Ansoddyn⁽¹⁾</i> | <i>Cywirdeb y gwerth paramedrig mewn %⁽²⁾</i> | <i>Trachywiredd gwerth paramedrig⁽³⁾ y</i> | <i>Terfyn canfod y gwerth paramedrig mewn %⁽⁴⁾</i> |
|-------------------------------|--|---|---|
| Antimoni | 25 | 25 | 25 |
| Arsenig | 10 | 10 | 10 |
| Bariwm | 25 | 25 | 25 |
| Cadmiwm | 10 | 10 | 10 |
| Cromiwm | 10 | 10 | 10 |
| Copr | 10 | 10 | 10 |
| Cyanid ⁽⁵⁾ | 10 | 10 | 10 |
| Fflworid | 10 | 10 | 10 |
| Plwm | 10 | 10 | 10 |
| Manganîs | 10 | 10 | 10 |
| Mercwri | 20 | 10 | 20 |
| Nicel | 10 | 10 | 10 |
| Nitrad | 10 | 10 | 10 |
| Nitrid | 10 | 10 | 10 |
| Seleniwm | 10 | 10 | 10 |

⁽¹⁾ Rhaid bod y dull dadansoddi a ddefnyddir i fesur crynodiad yr ansoddau yn Rhan 1 yn gallu mesur crynodiadau sy'n hafal i'r gwerthoedd paramedrig gyda'r cywirdeb penodedig, a'r terfynau trachywiredd a chanfod. Bid a fo am sensitifrwydd y dull dadansoddi, rhaid mynegi'r canlyniad i o leiaf yr un nifer o leoedd degol â'r terfyn uchaf a osodir yn Rhan 1 ar gyfer yr ansoddyn penodol sy'n cael ei ddadansoddi.

⁽²⁾ Cywirdeb yw'r gwall systematig ac mae'n cynrychioli'r gwahaniaeth rhwng y gwerth cyfartalog o nifer fawr o fesuriadau mynych a'r union werth.

⁽³⁾ Mae trachywiredd yn cynrychioli'r gwall ar hap a mynegir ef yn gyffredinol fel y gwyriad safonol (mewn swp a rhwng sypiau) o sampl o ganlyniadau o'r cyfartaledd. Mae trachywiredd derbyniol yn hafal i ddwywaith y gwyriad safonol perthynol.

⁽⁴⁾ O ran y terfyn canfod—

(a) mae'n dair gwaith y gwyriad safonol perthynol o fewn swp o sampl naturiol sy'n cynnwys crynodiad isel o'r ansoddyn; neu

(b) mae'n bum gwaith y gwyriad safonol perthynol o fewn swp o'r newydd.

⁽⁵⁾ Dylai'r dull ei gwneud yn bosibl canfod cyanid ar ei holl ffurfiau.

PART 2

Performance characteristics for analysing the constituents in Part 1

| <i>Constituents⁽¹⁾</i> | <i>Accuracy parametric value⁽²⁾</i> | <i>of value in parametric value⁽³⁾</i> | <i>of value⁽³⁾</i> | <i>Detection parametric value⁽⁴⁾</i> | <i>limit value in</i> |
|-----------------------------------|--|---|-----------------------------------|---|-------------------------------|
| Antimony | 25 | | 25 | | 25 |
| Arsenic | 10 | | 10 | | 10 |
| Barium | 25 | | 25 | | 25 |
| Cadmium | 10 | | 10 | | 10 |
| Chromium | 10 | | 10 | | 10 |
| Copper | 10 | | 10 | | 10 |
| Cyanide ⁽⁵⁾ | 10 | | 10 | | 10 |
| Fluoride | 10 | | 10 | | 10 |
| Lead | 10 | | 10 | | 10 |
| Manganese | 10 | | 10 | | 10 |
| Mercury | 20 | | 10 | | 20 |
| Nickel | 10 | | 10 | | 10 |
| Nitrate | 10 | | 10 | | 10 |
| Nitrite | 10 | | 10 | | 10 |
| Selenium | 10 | | 10 | | 10 |

⁽¹⁾ The method of analysis used to measure the concentration of the constituents in Part 1 must be capable of measuring concentrations equal to the parametric value with the specified accuracy, precision and detection limits. Regardless of the sensitivity of the method of analysis, the result must be expressed to at least the same number of decimal places as the maximum limit set out in Part 1 for the particular constituent being analysed.

⁽²⁾ Accuracy is the systematic error and represents the difference between the average value of a large number of repeated measurements and the exact value.

⁽³⁾ Precision represents the random error and is expressed in general as the standard deviation (within a batch and between batches) of a sample of results from the average. Acceptable precision is equal to twice the relative standard deviation.

⁽⁴⁾ The detection limit is—

(a) three times the relative standard deviation within a batch of a natural sample containing a low concentration of the constituent; or

(b) five times the relative standard deviation within a batch of a virgin sample.

⁽⁵⁾ The method should make it possible to determine cyanide in all its forms.

ATODLEN 6 Rheoliad 11(1)(e)

Mynegiadau labelu ar gyfer dŵr mwynol naturiol

SCHEDULE 6 Regulation 11(1)(e)

Labelling indications for natural mineral water

| <i>Mynegiad</i> | <i>Meini prawf</i> | <i>Indication</i> | <i>Criteria</i> |
|---------------------------------------|---|--------------------------------|--|
| Cynnwys isel o fwynau | Cynnwys halwyn mwynol, wedi'i gyfrifo fel gweddill penodol, dim mwy na 500 mg/l | Low mineral content | Mineral salt content, calculated as a fixed residue, not greater than 500 mg/l |
| Cynnwys isel iawn o fwynau | Cynnwys halwyn mwynol, wedi'i gyfrifo fel gweddill penodol, dim mwy na 50 mg/l | Very low mineral content | Mineral salt content, calculated as a fixed residue, not greater than 50 mg/l |
| Cyfoethog mewn halwynau mwynol | Cynnwys halwyn mwynol, wedi'i gyfrifo fel gweddill penodol, mwy na 1500 mg/l | Rich in mineral salts | Mineral salt content, calculated as a fixed residue, greater than 1500 mg/l |
| Yn cynnwys bicarbonad | Cynnwys bicarbonad sy'n fwy na 600 mg/l | Contains bicarbonate | Bicarbonate content greater than 600 mg/l |
| Yn cynnwys sylffad | Cynnwys sylffad sy'n fwy na 200 mg/l | Contains sulphate | Sulphate content greater than 200 mg/l |
| Yn cynnwys clorid | Cynnwys clorid sy'n fwy na 200 mg/l | Contains chloride | Chloride content greater than 200 mg/l |
| Yn cynnwys calsiwm | Cynnwys calsiwm sy'n fwy na 150 mg/l | Contains calcium | Calcium content greater than 150 mg/l |
| Yn cynnwys magnesiwm | Cynnwys magnesiwm sy'n fwy na 50 mg/l | Contains magnesium | Magnesium content greater than 50 mg/l |
| Yn cynnwys fflworid | Cynnwys fflworid sy'n fwy na 1 mg/l | Contains fluoride | Fluoride content greater than 1 mg/l |
| Yn cynnwys haearn | Cynnwys deufalent haearn sy'n fwy na 1 mg/l | Contains iron | Bivalent iron content greater than 1 mg/l |
| Asidig | Cynnwys carbon deuocsid rhydd sy'n fwy na 250 mg/l | Acidic | Free carbon dioxide content greater than 250 mg/l |
| Yn cynnwys sodiwm | Cynnwys sodiwm sy'n fwy na 200 mg/l | Contains sodium | Sodium content greater than 200 mg/l |
| Addas ar gyfer deiet isel mewn sodiwm | Cynnwys sodiwm sy'n llai na 20 mg/l | Suitable for a low-sodium diet | Sodium content less than 20 mg/l |

ATODLEN 7 Rheoliadau 14(1)(d) a 19

Gofynion ar gyfer dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu gan gynnwys crynodiadau neu werthoedd a ragnodwyd o'r paramedrau

RHAN 1

Gofynion ar gyfer dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

1. Mae dŵr yn bodloni gofynion yr Atodlen hon—

- (a) os nad yw'r dŵr yn cynnwys unrhyw ficro-organebau (heblaw paramedr) neu barasit, neu unrhyw briodwedd, elfen neu sylwedd (heblaw paramedr) mewn crynodiad neu werth a fyddai'n golygu perygl posibl i iechyd dynol;
- (b) os nad yw'r dŵr yn cynnwys unrhyw sylwedd (p'un a ydyw'n baramedr ai peidio) ar grynodiad neu werth a fyddai, ar y cyd ag unrhyw briodwedd, elfen, sylwedd neu organeb arall y mae'n eu cynnwys (p'un a ydyw'n baramedr ai peidio), yn golygu perygl posibl i iechyd dynol; ac
- (c) os nad yw'r dŵr yn cynnwys crynodiadau neu werthoedd o unrhyw rai o'r paramedrau a restrir yn y tablau yn Rhan 2, Rhan 3 a Rhan 4 o'r Atodlen hon yn fwy na'r crynodiadau neu werthoedd a ragnodwyd.

2. Rhaid darllen crynodiadau neu werthoedd y paramedrau a restrir yn y tablau yn Rhan 2, Rhan 3 a Rhan 4 o'r Atodlen hon ar y cyd â'r nodiadau ar y tablau hynny.

SCHEDULE 7 Regulations 14(1)(d) and 19

Requirements for water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water including prescribed concentrations or values of parameters

PART 1

Requirements for water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

1. Water satisfies the requirements of this Schedule if—

- (a) the water does not contain any micro-organism (other than a parameter) or parasite, or any property, element or substance (other than a parameter) at a concentration or value which would constitute a potential danger to human health;
- (b) the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other property, element, substance or organism it contains (whether or not a parameter), would constitute a potential danger to human health; and
- (c) the water does not contain concentrations or values of any of the parameters listed in the tables in Part 2, Part 3 and Part 4 of this Schedule in excess of the prescribed concentrations or values.

2. The concentrations or values of the parameters listed in the tables in Part 2, Part 3 and Part 4 of this Schedule must be read in conjunction with the notes to those tables.

RHAN 2

Gwerthoedd paramedrig ar gyfer paramedrau microbiolegol a chemegol

Tabl A: Paramedrau Microbiolegol

| <i>Eitem</i> | <i>Paramedr</i> | <i>Unedau Mesur</i> | <i>Crynodiad neu Werth Mwyaf</i> |
|--------------|--|---------------------|----------------------------------|
| 1. | <i>Escherichia coli</i> (<i>E coli</i>) | nifer/250 ml | 0/250 ml |
| 2. | Enterococi | nifer/250 ml | 0/250 ml |
| 3. | <i>Pseudomonas aeruginosa</i> | nifer/250ml | 0/250 ml |
| 4. | Cyfrif cytref 22°C | nifer/ml | 100/ml ⁽¹⁾⁽²⁾ |
| 5. | Cyfrif cytref 37°C | nifer/ml | 20/ml ⁽¹⁾⁽³⁾ |

⁽¹⁾ Dylid mesur y cyfanswm cyfrif cytref hyfyw o fewn 12 awr ar ôl potelu, gan gadw'r sampl dŵr ar dymheredd cyson yn ystod y cyfnod hwnnw o 12 awr. Ni ddylai unrhyw gynnydd yng nghyfanswm cyfrif cytref hyfyw'r dŵr rhwng y 12 awr ar ôl ei botelu ac adeg y gwerthu fod yn fwy na'r hyn a ddisgwylir yn arferol.

⁽²⁾ Mewn 72 awr ar agar-agar neu gymysgedd o agar-gelatin.

⁽³⁾ Mewn 24 awr ar agar-agar.

Tabl B: Paramedrau Cemegol

| <i>Eitem</i> | <i>Paramedr</i> | <i>Unedau Mesur</i> | <i>Crynodiad neu Werth Mwyaf</i> |
|--------------|--|--------------------------|---|
| 1. | Acrylamid | µg/l | 0.10 ⁽¹⁾ |
| 2. | Antimoni | µg Sb/l | 5 |
| 3. | Arsenig | µg As/l | 10 |
| 4. | Bensen | µg/l | 1.0 |
| 5. | Benso (a) pyren | µg/l | 0.010 |
| 6. | Boron | mg/l | 1.0 |
| 7. | Bromad | µg/l BrO ₃ /l | 10 |
| 8. | Cadmiwm | µg Cd/l | 5 |
| 9. | Cromiwm | µg Cr/l | 50 |
| 10. | Copr | mg Cu/l | 2 |
| 11. | Cyanid | µg CN/l | 50 |
| 12. | 1,2-dicloroethan | µg/l | 3.0 |
| 13. | Epicolorohydryn | µg/l | 0.10 ⁽¹⁾ |
| 14. | Fflworid | mg F/l | 1.5 |
| 15. | Plwm | µg Pb/l | 10 |
| 16. | Mercwri | µg Hg/l | 1 |
| 17. | Nicel | µg Ni/l | 20 |
| 18. | Nitrad | mg NO ₃ /l | 50 ⁽²⁾ |
| 19. | Nitrid | mg NO ₂ /l | 0.5 ⁽²⁾ |
| 20. | Plaleiddiaid a chynhyrchion perthynol: | | |
| | - sylweddau unigol | µg/l | 0.10 ⁽³⁾⁽⁴⁾ |
| | - cyfanswm y sylweddau | µg/l | 0.50 ⁽³⁾⁽⁵⁾ |
| 21. | Hydrocarbonau aromatig polysyclig | µg/l | 0.1 swm crynodiadau cyfansoddion penodedig ⁽⁶⁾ |
| 22. | Seleniwm | µg Se/l | 10 |
| 23. | Tetracloroethen a Thricloroethen | µg/l | 10 ⁽⁷⁾ |

| | | | |
|-----|--|------|---------------------|
| 24. | Tricloromethen, Dicolrorbromomethan, Dibromocolromethan a Thribromomethan | µg/l | 100 ⁽⁷⁾ |
| 25. | Fynyl clorid | µg/l | 0.50 ⁽¹⁾ |

⁽¹⁾ Mae'r gwerth paramedrig yn cyfeirio at y crynodiad monomer gweddilliol yn y dŵr fel y'i cyfrifir yn unol â manylebau mwyafswm y gollyngiad o'r polymer cyfatebol sydd mewn cyffyrddiad â'r dŵr.

⁽²⁾ Rhaid i grynodiad (mg/l) nitrad wedi'i rannu â 50 a ychwanegir i grynodiad (mg/l) o nitrid wedi'i rannu â 3 beidio â bod yn fwy nag 1.

⁽³⁾ Ystyr "Plaleiddiad" yw:

- pryfleiddiad organig,
- chwynleiddiad organig,
- ffyngleiddiad organig,
- nematoleiddiad organig,
- gwiddonleiddiaid organig,
- algaleiddiaid organig,
- llygodleiddiaid organig,
- llysnafedleiddiaid organig, a
- cynhyrchion perthynol (*inter alia*, rheoleiddwyr tyfiant) a'u metabolion, eu cynnyrch diraddio ac adweithio perthnasol.

Dim ond y plaleiddiaid hynny sy'n debygol o fod yn bresennol mewn dŵr penodol sydd angen eu monitro.

⁽⁴⁾ Mae mwyafswm crynodiad yn gymwys i bob plaleiddiad unigol. Yn achos aldrin, deueldrin, heptaclor a heptaclor epocsid mwyafswm y crynodiad yw 0.030 µg/l.

⁽⁵⁾ Mae mwyafswm y crynodiad ar gyfer "cyfanswm y sylweddau" yn cyfeirio at swm y crynodiadau o bob plaleiddiad unigol a ganfyddir ac a feintolir yn y weithdrefn fonitro.

⁽⁶⁾ Y cyfansoddion penodedig yw benso(b)ffloranthen, benso(k)ffloranthen, benso(ghi)perylen, indeno(1.2,3-cd) pyren.

⁽⁷⁾ Mae'r crynodiad mwyaf a bennir yn gymwys i swm crynodiadau'r paramedrau penodedig.

RHAN 3

Gwerthoedd paramedrig ar gyfer paramedrau dangosol

Tabl C: Paramedrau Dangosol

| <i>Eitem</i> | <i>Paramedr</i> | <i>Unedau Mesur</i> | <i>Crynodiad neu Werth Mwyaf</i> |
|--------------|---|-----------------------------|--|
| 1. | Alwminiwm | µg/l | 200 |
| 2. | Amoniwm | mg/l | 0.50 |
| 3. | Clorid | mg/l | 250 ⁽¹⁾ |
| 4. | <i>Clostridium perfringens</i> (gan gynnwys sborau) | nifer/100ml | 0 ⁽²⁾ |
| 5. | Lliw | graddfa Mg/1 Pt/Co | 20 |
| 6. | Dargludedd | µS cm ⁻¹ ar 20°C | 2500 ⁽¹⁾ |
| 7. | Crynodiad ïonau hydrogen | unedau pH | 4.5 (lleiaf) 9.5 (mwyaf) ⁽¹⁾ |
| 8. | Haearn | µg/l | 200 |
| 9. | Manganîs | µg/l | 50 |
| 10. | Arogl | Rhif gwanediad | 3 at 25°C |
| 11. | Ocsidioldeb | mg/l O ₂ | 5 ⁽³⁾ |
| 12. | Sylffad | mg/l | 250 ⁽¹⁾ |
| 13. | Sodiwm | mg/l | 200 |

| | | | |
|-----|-------------------------|--|-----------|
| 14. | Blas | Rhif gwanediad | 3 ar 25°C |
| 15. | Cyfrif cytref 22°C | Dim newid annormal | |
| 16. | Bacteria Coliform | nifer/250ml | 0 |
| 17. | Cyfanswm Carbon Organig | Dim newid annormal | (4) |
| 18. | Cymylogrwydd | Derbyniol i ddefnyddwyr a dim newid annormal | |

(1) Rhaid i'r dŵr beidio bod yn ffyrnig.

(2) Dim ond yn angenrheidiol os yw'r dŵr yn deillio o ddŵr arwyneb neu'n cael ei ddylanwadu gan ddŵr arwyneb.

(3) Nid oes angen mesur y paramedr hwn os yw Cyfanswm Carbon Organig y paramedr yn cael ei ddadansoddi.

(4) Nid oes angen mesur y paramedr hwn ar gyfer cyflenwadau o lai na 10,000m³ y dydd.

RHAN 4

Gwerthoedd paramedrig ar gyfer radon, tritiwm a dogn dangosiadol (ID)

Tabl D:

| <i>Eitem</i> | <i>Paramedr</i> | <i>Uned Fesur</i> | <i>Crynodeiad neu Werth Mwyaf</i> |
|--------------|------------------|-------------------|-----------------------------------|
| 1. | Radon | Bq/l | 100 ⁽¹⁾ |
| 2. | Tritiwm | Bq/l | 100 ⁽²⁾ |
| 3. | Dogn Dangosiadol | mSv | 0.10 |

(1) Bernir bod cyfiawnhad i gamau adferol ar sail diogelwch radiolegol, heb ystyriaeth bellach, pan fo crynodeiadau radon yn fwy na 1000 Bq/l.

(2) Gallai lefelau ymgodol o dritiwm ddangos presenoldeb radioniwclidau artiffisial eraill. Os bydd y crynodeiad tritiwm yn uwch na'i werth paramedrig, bydd dadansoddiad o bresenoldeb radioniwclidau artiffisial eraill yn ofynnol.

PART 2

Parametric values for microbiological and chemical parameters

Table A: Microbiological Parameters

| <i>Item</i> | <i>Parameter</i> | <i>Units of Measurement</i> | <i>Maximum Concentration or Value</i> |
|-------------|--|-----------------------------|---------------------------------------|
| 1. | <i>Escherichia coli</i> (<i>E coli</i>) | number/250 ml | 0/250 ml |
| 2. | Enterococci | number/250 ml | 0/250 ml |
| 3. | <i>Pseudomonas aeruginosa</i> | number/250ml | 0/250 ml |
| 4. | Colony count 22°C | number/ml | 100/ml ^{(1) (2)} |
| 5. | Colony count 37°C | number/ml | 20/ml ^{(1) (3)} |

⁽¹⁾ The total viable colony count should be measured within 12 hours of bottling, with the sample water being kept at a constant temperature during that 12 hour period. Any increase in the total viable colony count of the water between 12 hours after bottling and the time of sale should not be greater than that normally expected.

⁽²⁾ In 72 hours on agar-agar or an agar-gelatine mixture.

⁽³⁾ In 24 hours on agar-agar.

Table B: Chemical Parameters

| <i>Item</i> | <i>Parameter</i> | <i>Units of Measurement</i> | <i>Maximum Concentration or Value</i> |
|-------------|---------------------------------------|-----------------------------|---|
| 1. | Acrylamide | µg/l | 0.10 ⁽¹⁾ |
| 2. | Antimony | µg Sb/l | 5 |
| 3. | Arsenic | µg As/l | 10 |
| 4. | Benzene | µg/l | 1.0 |
| 5. | Benzo (a) pyrene | µg/l | 0.010 |
| 6. | Boron | mg/l | 1.0 |
| 7. | Bromate | µg/l BrO ₃ /l | 10 |
| 8. | Cadmium | µg Cd/l | 5 |
| 9. | Chromium | µg Cr/l | 50 |
| 10. | Copper | mg Cu/l | 2 |
| 11. | Cyanide | µg CN/l | 50 |
| 12. | 1,2-dichloroethane | µg/l | 3.0 |
| 13. | Epichlorohydrin | µg/l | 0.10 ⁽¹⁾ |
| 14. | Fluoride | mg F/l | 1.5 |
| 15. | Lead | µg Pb/l | 10 |
| 16. | Mercury | µg Hg/l | 1 |
| 17. | Nickel | µg Ni/l | 20 |
| 18. | Nitrate | mg NO ₃ /l | 50 ⁽²⁾ |
| 19. | Nitrite | mg NO ₂ /l | 0.5 ⁽²⁾ |
| 20. | Pesticides and related products: | | |
| | - individual substances | µg/l | 0.10 ^{(3) (4)} |
| | - total substances | µg/l | 0.50 ^{(3) (5)} |
| 21. | Polycyclic aromatic hydrocarbons | µg/l | 0.1 sum of concentrations of specified compounds ⁽⁶⁾ |
| 22. | Selenium | µg Se/l | 10 |
| 23. | Tetrachloroethene and Trichloroethene | µg/l | 10 ⁽⁷⁾ |

| | | | |
|-----|---|------|---------------------|
| 24. | Trichloromethane, Dichlorobromomethane, Dibromochloromethane and Tribromomethane | µg/l | 100 ⁽⁷⁾ |
| 25. | Vinyl chloride | µg/l | 0.50 ⁽¹⁾ |

⁽¹⁾ The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.

⁽²⁾ The concentration (mg/l) of nitrate divided by 50 added to the concentration (mg/l) of nitrite divided by 3 must not exceed 1.

⁽³⁾ "Pesticides" means:

- organic insecticides,
- organic herbicides,
- organic fungicides,
- organic nematocides,
- organic acaricides,
- organic algicides,
- organic rodenticides,
- organic slimicides, and
- related products (*inter alia*, growth regulators) and their relevant metabolites, degradation and reaction products.

Only those pesticides which are likely to be present in a given water need to be monitored.

⁽⁴⁾ The maximum concentration applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the maximum concentration is 0.030 µg/l.

⁽⁵⁾ The maximum concentration for "total substances" refers to the sum of the concentrations of all individual pesticides detected and quantified in the monitoring procedure.

⁽⁶⁾ The specified compounds are benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, indeno(1,2,3-cd)pyrene.

⁽⁷⁾ The maximum concentration specified applies to the sum of the concentrations of the specified parameters.

PART 3

Parametric values for indicator parameters

Table C: Indicator Parameters

| <i>Item</i> | <i>Parameter</i> | <i>Units of Measurement</i> | <i>Maximum Concentration or Value</i> |
|-------------|---|-----------------------------|---|
| 1. | Aluminium | µg/l | 200 |
| 2. | Ammonium | mg/l | 0.50 |
| 3. | Chloride | mg/l | 250 ⁽¹⁾ |
| 4. | <i>Clostridium perfringens</i> (including spores) | number/100ml | 0 ⁽²⁾ |
| 5. | Colour | Mg/1 Pt/Co scale | 20 |
| 6. | Conductivity | µS cm ⁻¹ at 20°C | 2500 ⁽¹⁾ |
| 7. | Hydrogen ion concentration | pH units | 4.5 (minimum) 9.5 (maximum) ⁽¹⁾ |
| 8. | Iron | µg/l | 200 |
| 9. | Manganese | µg/l | 50 |
| 10. | Odour | Dilution number | 3 at 25°C |
| 11. | Oxidisability | mg/l O ₂ | 5 ⁽³⁾ |
| 12. | Sulphate | mg/l | 250 ⁽¹⁾ |

| | | | |
|-----|----------------------|--|-----------|
| 13. | Sodium | mg/l | 200 |
| 14. | Taste | Dilution number | 3 at 25°C |
| 15. | Colony Count 22°C | No abnormal change | |
| 16. | Coliform bacteria | number/250ml | 0 |
| 17. | Total Organic Carbon | No abnormal change | (4) |
| 18. | Turbidity | Acceptable to consumers and no abnormal change | |

(1) The water must not be aggressive.

(2) Necessary only if the water originates from or is influenced by surface water.

(3) This parameter need not be measured if the parameter Total Organic Carbon is analysed.

(4) This parameter need not be measured for supplies of less than 10,000m³ a day.

PART 4

Parametric values for radon, tritium and indicative dose (ID)

Table D:

| <i>Item</i> | <i>Parameter</i> | <i>Unit of Measurement</i> | <i>Maximum Concentration or Value</i> |
|-------------|------------------|----------------------------|---------------------------------------|
| 1. | Radon | Bq/l | 100 ⁽¹⁾ |
| 2. | Tritium | Bq/l | 100 ⁽²⁾ |
| 3. | Indicative Dose | mSv | 0.10 |

(1) Remedial action is deemed to be justified on radiological protection grounds, without further consideration, where radon concentrations exceed 1000 Bq/l.

(2) Elevated levels of tritium may indicate the presence of other artificial radionuclides. If the tritium concentration exceeds its parametric value, an analysis of the presence of other artificial radionuclides is required.

ATODLEN 8 Rheoliad 24(2)(a)

Monitro ar gyfer paramedrau heblaw sylweddau ymbelydrol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

RHAN 1

Gwiriadau

Samplu

1. Rhaid i bob awdurdod bwyd gynnal gwiriadau yn unol â'r Rhan hon.

2. Ystyr gwirio yw samplu dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, a dŵr yfed wedi'i botelu, ar gyfer bob paramedr a restrir yn Nhabl 1 yn yr amgylchiadau a restrir yn y tabl hwnnw er mwyn—

- (a) penderfynu a yw'r dŵr yn cydymffurfio â'r crynodiadau neu'r gwerthoedd parametrig perthnasol a bennir yn Rhannau 2 a 3 o Atodlen 7;
- (b) darparu gwybodaeth ar ansawdd organoleptig a microbiolegol y dŵr; ac
- (c) sefydlu effeithiolrwydd y driniaeth, gan gynnwys diheintiad.

Tabl 1

| <i>Paramedr</i> | <i>Amgylchiadau</i> |
|---|---|
| Alwminiwm | Angenrheidiol pan y'i defnyddir fel clystyrdde yn unig. |
| Amoniwm | Ym mhob cyflenwad |
| Lliw | Ym mhob cyflenwad |
| Dargludedd | Ym mhob cyflenwad |
| <i>Clostridium perfringens</i> (gan gynnwys sborynau) | Dim ond yn angenrheidiol os yw'r dŵr yn deillio o ddŵr arwyneb neu'n cael ei ddylanwadu gan ddŵr arwyneb. |
| <i>Escherichia coli</i> (<i>E. Coli</i>) | Ym mhob cyflenwad |
| Crynodiad ïonau hydrogen | Ym mhob cyflenwad |
| Haeam | Angenrheidiol pan y'i defnyddir fel clystyrdde yn unig. |

SCHEDULE 8 Regulation 24(2)(a)

Monitoring for parameters other than radioactive substances in water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

PART 1

Check monitoring

Sampling

1. Each food authority must undertake check monitoring in accordance with this Part.

2. Check monitoring means sampling water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, and bottled drinking water, for each parameter listed in Table 1 in the circumstances listed in that table in order—

- (a) to determine whether the water complies with the relevant parametric concentrations or values specified in Parts 2 and 3 of Schedule 7;
- (b) to provide information on the organoleptic and microbiological quality of the water; and
- (c) to establish the effectiveness of the treatment of the water, including disinfection.

Table 1

| <i>Parameter</i> | <i>Circumstances</i> |
|---|--|
| Aluminium | Necessary only when used as flocculant. |
| Ammonium | In all supplies |
| Colour | In all supplies |
| Conductivity | In all supplies |
| <i>Clostridium perfringens</i> (including spores) | Necessary only if the water originates from or is influenced by surface water. |
| <i>Escherichia coli</i> (<i>E. Coli</i>) | In all supplies |
| Hydrogen ion concentration | In all supplies |
| Iron | Necessary only when used as flocculant. |
| Nitrite | Necessary only when chloramination is used as a disinfectant. |
| Odour | In all supplies |

| | | | |
|-------------------------------|--|-------------------------------|-----------------|
| Nitrad | Angenrheidiol pan ddefnyddir cloramineddio i ddiheintio. | <i>Pseudomonas aeruginosa</i> | In all supplies |
| Arogl | Ym mhob cyflenwad | Taste | In all supplies |
| <i>Pseudomonas aeruginosa</i> | Ym mhob cyflenwad | Colony count 22°C and 37°C | In all supplies |
| Blas | Ym mhob cyflenwad | Coliform bacteria | In all supplies |
| Cyfrif cytref 22°C a 37°C | Ym mhob cyflenwad | Turbidity | In all supplies |
| Bacteria coliform | Ym mhob cyflenwad | | |
| Cymylogrwydd | Ym mhob cyflenwad | | |

Amllder y samplu

3. Rhaid cyflawni'r samplu ar yr amllderau a bennir yn Nhabl 2.

Tabl 2

| Cyfaint y dŵr a gynhyrchir i'w gynnig ar werth mewn poteli neu gynnwysyddion bob diwrnod (m ³) ⁽¹⁾ | Nifer o samplau bob blwyddyn |
|---|---|
| ≤ 10 | 1 |
| > 10 ≤ 60 | 12 |
| > 60 | 1 am bob 5m ³ a rhan o hynny yn y cyfanswm cyfaint |

⁽¹⁾ Cyfrifir y cyfeintiau fel cyfartaledd dros flwyddyn galendr.

Frequency of sampling

3. Sampling must be carried out at the frequencies specified in Table 2.

Table 2

| Volume of water produced for offering for sale in bottles or containers each day (m ³) ⁽¹⁾ | Number of samples per year |
|---|---|
| ≤ 10 | 1 |
| > 10 ≤ 60 | 12 |
| > 60 | 1 for each 5m ³ and part thereof of the total volume |

⁽¹⁾ The volumes are calculated as averages taken over a calendar year.

RHAN 2

Monitro archwiliad

Samplu

4. Rhaid i bob awdurdod bwyd fonitro archwiliadau yn unol â'r Rhan hon.

5. Ystyr monitro archwiliad yw samplu dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, a dŵr yfed mewn potel, ar gyfer bob paramedr a bennir yn Rhannau 2 a 3 o Atodlen 7 (heblaw paramedrau sy'n cael eu samplu'n barod drwy wiriadau) er mwyn—

- (a) darparu'r wybodaeth y mae ei hangen er mwyn penderfynu a yw'r dŵr yn cydymffurfio â'r crynodiadau neu'r gwerthoedd paramedrig perthnasol a bennir yn Rhannau 2 a 3 o Atodlen 7; a

PART 2

Audit monitoring

Sampling

4. Each food authority must undertake audit monitoring in accordance with this Part.

5. Audit monitoring means sampling water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, and drinking water in a bottle, for each parameter specified in Parts 2 and 3 of Schedule 7 (other than parameters already being sampled under check monitoring) in order to—

- (a) provide the information necessary to determine whether the water complies with the relevant parametric concentrations or values specified in Parts 2 and 3 of Schedule 7; and

- (b) gwneud yn siŵr bod unrhyw sgil-gynhyrchion diheintio yn cael eu cadw cyn ised â phosibl heb beryglu'r diheintio, os defnyddir diheintiad yn achos dŵr yfed wedi'i botelu.

- (b) check that, if disinfection is used in the case of bottled drinking water, disinfection by-products are kept as low as possible without compromising disinfection.

Amllder y samplu

6. Rhaid cyflawni'r samplu ar yr amllderau a bennir yn Nhabl 3.

Tabl 3

| <i>Cyfaint y dŵr a gynhyrchir i'w gynnig ar werth mewn poteli neu gynwysyddion bob diwrnod (m³)⁽¹⁾</i> | <i>Nifer o samplau bob blwyddyn</i> |
|--|--|
| ≤ 10 | 1 |
| > 10 ≥ 60 | 1 |
| > 60 | 1 am bob 100 m ³ a rhan o hynny yn y cyfanswm cyfaint |

⁽¹⁾ Cyfrifir y cyfeintiau fel cyfartaledd dros flwyddyn galendr.

Frequency of sampling

6. Sampling must be carried out at the frequencies specified in Table 3.

Table 3

| <i>Volume of water produced for offering for sale in bottles or containers each day (m³)⁽¹⁾</i> | <i>Number of samples per year</i> |
|---|--|
| ≤ 10 | 1 |
| > 10 ≥ 60 | 1 |
| > 60 | 1 for each 100 m ³ and part thereof of the total volume |

⁽¹⁾ The volumes are calculated as averages taken over a calendar year.

ATODLEN 9 Rheoliad 24(2)(b)

Monitro ar gyfer sylweddau ymbelydrol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

RHAN 1

Cyffredinol

1. Rhaid i bob awdurdod bwyd fonitro dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, a dŵr yfed wedi'i botelu, ar gyfer radon, tritiwm a dogn dangosiadol yn unol â'r Rhan hon.

Radon

2. Rhaid i bob awdurdod bwyd gynnal arolygon cynrychioliadol er mwyn penderfynu ar raddfa a natur cysylltiad tebygol â radon o wahanol fathau o ffynonellau dŵr daear a ffynhonnau mewn gwahanol ardaloedd daearegol.

SCHEDULE 9 Regulation 24(2)(b)

Monitoring for radioactive substances in water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

PART 1

General

1. Each food authority must monitor water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, and bottled drinking water, for radon, tritium and indicative dose in accordance with this Part.

Radon

2. Each food authority must undertake representative surveys to determine the scale and nature of likely exposure to radon originating from different types of ground water sources and wells in different geological areas.

3. Rhaid i'r arolygon cynrychioliadol gael eu cynllunio mewn modd sy'n golygu bod modd adnabod paramedrau gwaelodol, gan gynnwys daeareg a hydroleg yr ardal, ymbelydredd y graig neu'r pridd a math y ffynnon a'u defnyddio i gyfeirio camau pellach i ardaloedd lle mae cyswllt uchel yn debygol.

4. Rhaid i bob awdurdod bwyd fonitro ar gyfer radon os oes rheswm i gredu, ar sail canlyniadau'r arolygon cynrychioliadol neu wybodaeth ddibynadwy arall, y gallai gwerth paramedrig y radon fod yn uwch na'r gwerth paramedrig a bennir yn Rhan 4 o Atodlen 7.

Tritium

5. Rhaid i bob awdurdod bwyd fonitro ar gyfer tritiwm os oes ffynhonnell anthropogenig o dritiwm neu radioniwclid artiffisial arall yn bresennol o fewn y dalgylch ac ni ellir ei ddangos ar sail rhaglenni gwyliadwriaeth nac ymchwiliadau eraill bod lefel y tritiwm yn is na'r gwerth paramedrig a bennir yn Rhan 4 o Atodlen 7.

6. Rhaid cyflawni'r samplu ar yr amlderau a bennir yn y Tabl yn Rhan 2 o'r Atodlen hon.

7. Os yw'r crynodiad o dritiwm yn uwch na'r gwerth paramedrig a bennir yn Rhan 4 o Atodlen 7, rhaid i'r awdurdod bwyd ymchwilio i bresenoldeb radioniwclidau artiffisial eraill.

Dogn dangosiadol

8. Rhaid i bob awdurdod bwyd fonitro ar gyfer dogn dangosiadol os oes ffynhonnell o ymbelydredd artiffisial neu ymbelydredd naturiol uchel yn bresennol ac na ellir dangos ar sail rhaglenni monitro cynrychioliadol nac ymchwiliadau eraill bod lefel y dogn dangosiadol yn is na'r gwerth paramedrig a bennir yn Rhan 4 o Atodlen 7.

9. Rhaid cyflawni'r samplu ar yr amlderau a bennir yn y Tabl yn Rhan 2 o'r Atodlen hon.

10. Caiff yr awdurdod bwyd ddefnyddio amrywiol strategaethau sgrinio dibynadwy er mwyn monitro gwerth dangosydd paramedrig y dogn dangosiadol.

11. Os yw'r awdurdod bwyd yn sgrinio am radioniwclid unigol neu radioniwclidau penodol ac—

- (a) mae un o'r crynodiadau gweithgaredd yn uwch na 20% o'r gwerth deilliadol cyfatebol a bennir yn Nhabl 1 yn Rhan 2 o Atodlen 11; neu
- (b) pan fo'n briodol, mae crynodiad y tritiwm yn uwch na'r gwerth paramedrig a bennir yn Rhan 4 o Atodlen 7, rhaid i'r awdurdod bwyd ymchwilio i bresenoldeb radioniwclidau

3. The representative surveys must be designed in such a way that underlying parameters, including the geology and hydrology of the area, radioactivity of rock or soil and well type, can be identified and used to direct further action to areas of likely high exposure.

4. Each food authority must monitor for radon if there is reason to believe, on the basis of the results of the representative surveys or other reliable information, that the parametric value for radon specified in Part 4 of Schedule 7 might be exceeded.

Tritium

5. Each food authority must monitor for tritium if an anthropogenic source of tritium or other artificial radionuclide is present within the catchment area and it cannot be shown on the basis of other surveillance programmes or investigations that the level of tritium is below the parametric value specified in Part 4 of Schedule 7.

6. Sampling must be carried out at the frequencies specified in the Table in Part 2 of this Schedule.

7. If the concentration of tritium exceeds the parametric value specified in Part 4 of Schedule 7, the food authority must investigate the presence of other artificial radionuclides.

Indicative dose

8. Each food authority must monitor for indicative dose if a source of artificial or elevated natural radioactivity is present and it cannot be shown on the basis of representative monitoring programmes or other investigations that the level of indicative dose is below the parametric value specified in Part 4 of Schedule 7.

9. Sampling must be carried out at the frequencies specified in the Table in Part 2 of this Schedule.

10. The food authority may use various reliable screening strategies to monitor for the parametric indicator value for indicative dose.

11. If the food authority screens for an individual radionuclide or certain radionuclides and—

- (a) one of the activity concentrations exceeds 20% of the corresponding derived value specified in Table 1 in Part 2 of Schedule 11; or
- (b) where applicable, the concentration of tritium exceeds the parametric value specified in Part 4 of Schedule 7, the food authority must investigate the presence of other radionuclides, as determined by the food

eraill, fel y penderfynir gan yr awdurdod bwyd, gan roi ystyriaeth i bob gwybodaeth berthnasol ynghylch ffynonellau tebygol o ymbelydredd.

12.—(1) Os yw'r awdurdod bwyd yn sgrinio am weithgaredd alffa gros a gweithgaredd beta gros ac—

- (a) mae'r lefel sgrinio ar gyfer gweithgaredd alffa gros yn uwch na 0.1 Bq/l; neu
- (b) mae'r lefel sgrinio ar gyfer gweithgaredd beta gros yn uwch na 1.0 Bq/l,

rhaidd i'r awdurdod bwyd ymchwilio i bresenoldeb radioniwclidau eraill fel y penderfynir gan yr awdurdod bwyd, gan roi ystyriaeth i bob gwybodaeth berthnasol arall ynghylch ffynonellau tebygol o ymbelydredd.

(2) Caiff yr awdurdod bwyd osod lefelau sgrinio amgen ar gyfer gweithgaredd alffa gros a gweithgaredd beta gros os gall ddangos bod y lefelau amgen yn cydymffurfio â dogn dangosiadol o 0.1 mSv.

(3) Os canfyddir lefelau uwch o dritiwm sy'n dangos presenoldeb radioniwclidau artiffisial eraill, rhaidd mesur tritiwm, gweithgaredd alffa gros a gweithgaredd beta gros yn yr un sampl.

(4) Os yw'r gweithgaredd alffa gros a'r gweithgaredd beta gros yn llai na 0.1 Bq/l ac 1.0 Bq/l yn ôl eu trefn, caiff yr awdurdod bwyd dybio bod y dogn dangosiadol yn is na'r gwerth paramedrig o 0.1 mSv ac os digwydd hynny nid oes angen ymchwiliad radiolegol pellach oni bai ei bod yn hysbys o ffynonellau gwybodaeth eraill bod radioniwclidau penodol yn bresennol yn y dŵr sy'n dueddol i achosi dos dangosiadol sy'n uwch na 0.1 mSv.

Esemptiad o'r monitro

13. Nid yw'n ofynnol i awdurdod bwyd fonitro dŵr wedi'i botelu a'i labelu'n "spring water", "dŵr ffynnon", neu'r hyn sy'n cyfateb i hynny mewn unrhyw iaith arall, na dŵr yfed wedi'i botelu, ar gyfer radon, tritiwm na dogn dangosiadol—

- (a) os yw'n fodlon ar sail arolygon cynrychioladol, data monitro neu wybodaeth ddibynadwy arall, y bydd y paramedr dan sylw yn aros islaw'r priod werth paramedrig a bennir yn Rhan 4 o Atodlen 7 am gyfnod o 5 mlynedd o leiaf; a
- (b) os yw'n hysbysu'r Asiantaeth o'r penderfyniad hwnnw ac yn rhoi copi o'r arolygon cynrychioliadol, y data monitro neu'r wybodaeth ddibynadwy arall y cyfeirir atynt yn is-baragraff (a) i'r Asiantaeth.

authority, taking into account all relevant information about likely sources of radioactivity.

12.—(1) If the food authority screens for gross alpha activity and gross beta activity and—

- (a) the screening level for gross alpha activity exceeds 0.1 Bq/l; or
- (b) the screening level for gross beta activity exceeds 1.0 Bq/l,

the food authority must investigate the presence of other radionuclides as determined by the food authority, taking into account all relevant information about likely sources of radioactivity.

(2) The food authority may set alternative screening levels for gross alpha activity and gross beta activity if it can demonstrate that the alternative levels are in compliance with an indicative dose of 0.1 mSv.

(3) If elevated levels of tritium are detected which indicate the presence of other artificial radionuclides, tritium, gross alpha activity and gross beta activity must be measured in the same sample.

(4) If the gross alpha activity and gross beta activity are less than 0.1 Bq/l and 1.0 Bq/l respectively, the food authority may assume that the indicative dose is less than the parametric value of 0.1 mSv in which case further radiological investigation is not required unless it is known from other sources of information that specific radionuclides are present in the water that are liable to cause an indicative dose in excess of 0.1 mSv.

Exemption from monitoring

13. A food authority is not required to monitor water bottled and labelled as "spring water", "dŵr ffynnon", or its equivalent in any other language, or bottled drinking water, for radon, tritium or indicative dose if—

- (a) it is satisfied on the basis of representative surveys, monitoring data or other reliable information that, for a minimum period of 5 years, the parameter in question will remain below the respective parametric value specified in Part 4 of Schedule 7; and
- (b) it notifies the Agency of that decision and provides the Agency with a copy of the representative surveys, monitoring data or other reliable information referred to in subparagraph (a).

Trin dŵr yfed wedi'i botelu

14. Pan fo dŵr yfed wedi'i botelu wedi ei drin er mwyn gostwng lefel y radionuclidau, rhaid i'r awdurdod bwyd fonitro ar yr amlderau a ddynodir yn y Tabl yn Rhan 2 er mwyn sicrhau bod y driniaeth honno yn parhau i fod yn effeithiol.

Cyfartaleddu

15. Os bydd y gwerth paramedrig mewn sampl o ddŵr yn uwch na'r gwerth a bennir yn Rhan 4 o Atodlen 7, rhaid i'r awdurdod bwyd gymryd mwy o samplau fel y bo'n briodol, gan roi sylw i ganllawiau a ddyroddir gan yr Asiantaeth, er mwyn sicrhau bod y gwerthoedd a fesurwyd yn cynrychioli crynodiad gweithgaredd cyfartalog blwyddyn gyfan.

Treatment of bottled drinking water

14. Where bottled drinking water has been treated to reduce the level of radionuclides, the food authority must carry out monitoring at the frequencies indicated in the Table in Part 2 to ensure the continued efficacy of that treatment.

Averaging

15. If a parametric value specified in Part 4 of Schedule 7 is exceeded in a sample of water, the food authority must take further samples as appropriate, having regard to guidance issued by the Agency, to ensure that the measured values are representative of an average activity concentration for a full year.

RHAN 2

Amllderau gofynnol samplu a dadansoddi

| <i>Cyfaint y dŵr a gynhyrchir bob dydd o fewn parth cyflenwi</i> ⁽¹⁾⁽²⁾ <i>m³</i> | <i>Nifer y samplau y flwyddyn</i> ⁽³⁾ |
|--|---|
| cyfaint \leq 100 | 1 |
| 100 < cyfaint \leq 100 | 1 |
| 1,000 < cyfaint \leq 10,000 | 1 +1 am bob 3,300m ³ /d a rhan o hynny yn y cyfanswm cyfaint |
| 10, 000 < cyfaint \leq 100,000 | 3 +1 am bob 10,000 m ³ /d a rhan o hynny yn y cyfanswm cyfaint |
| cyfaint > 100,000 | 10 +1 am bob 25,000 m ³ /d a rhan o hynny yn y cyfanswm cyfaint |

⁽¹⁾ Parth cyflenwi yw ardal ddaearyddol ddiffiniedig y daw dŵr a fwriedir i'w yfed gan bobl o un ffynhonnell neu fwy ohoni ac y gellid ystyried bod ansawdd y dŵr oddi mewn iddi yn weddol unffurf.

⁽²⁾ Cyfrifir y cyfeintiau fel cyfartaleddau dros flwyddyn galendr.

⁽³⁾ Dylai nifer y samplau gael eu dosbarthu'n gyfartal o ran amser a lleoliad cyn belled ag y bo'n bosibl.

PART 2

Minimum sampling and analysis frequencies

| <i>Volume of water produced each day within a supply zone⁽¹⁾⁽²⁾</i> <i>m³</i> | <i>Number of samples per year⁽³⁾</i> |
|--|---|
| volume ≤ 100 | 1 |
| 100 < volume ≤ 100 | 1 |
| 1,000 < volume ≤ 10,000 | 1 +1 for each 3,300m ³ /d and part thereof of the total volume |
| 10, 000 < volume ≤ 100,000 | 3 +1 for each 10,000 m ³ /d and part thereof of the total volume |
| volume > 100,000 | 10 +1 for each 25,000 m ³ /d and part thereof of the total volume |

⁽¹⁾ A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and within which water quality may be considered as being approximately uniform.

⁽²⁾ The volumes are calculated as averages taken over a calendar year.

⁽³⁾ As far as possible, the number of samples should be distributed equally in time and location.

ATODLEN 10 Rheoliad 25(1)(a)

Samplu a dadansoddi paramedrau heblaw sylweddau ymbelydrol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

RHAN 1

Cyffredinol

Dadansoddi samplau

1.—(1) Rhaid i'r awdurdod bwyd sicrhau bod bob sampl yn cael ei ddadansoddi'n unol ag Atodiad III i Gyfarwydddeb 98/83 a'r Atodlen hon.

(2) Am bob paramedr a bennir yng ngholofn gyntaf Tabl 1 yn Rhan 2 o'r Atodlen hon, pennir y dull dadansoddi yn yr ail golofn o'r tabl hwnnw.

(3) Am bob paramedr a bennir yng ngholofn gyntaf Tabl 2 yn Rhan 2 o'r Atodlen hon, mae'r dull dadansoddi yn un sy'n gallu—

- (a) mesur crynodiadau a gwerthoedd gyda'r cywirdeb a'r thrachywiredd a bennir yn ail a thrydedd golofn y tabl hwnnw; a
- (b) canfod paramedr ar y terfyn canfod a bennir ym mhedwaredd golofn y tabl hwnnw.

(4) Ar gyfer ionau hydrogen, rhaid i'r dull dadansoddi allu mesur gwerth gyda chywirdeb o 0.2pH uned a thrachywiredd o 0.2pH uned.

(5) Rhaid i'r dull dadansoddi a ddefnyddir ar gyfer paramedrau aroglau a blas allu mesur gwerthoedd cyfartal i'r gwerth paramedrig gyda thrachywiredd o 1 rhif gwanhad o 25°C.

(6) At ddibenion y paragraff hwn—

"cywirdeb" ("*trueness*") (y gwall systematig) yw'r gwahaniaeth rhwng gwerth cymedr y nifer fawr o fesuriadau mynych a'r union werth;

"terfyn canfod" ("*limit of detection*") yw—

- (a) tair gwaith y gwyriad safonol perthynol o fewn swp o sampl naturiol sy'n cynnwys crynodiad is o'r paramedr; neu
- (b) pum gwaith y gwyriad safonol perthynol o fewn swp o sampl gwag;

SCHEDULE 10 Regulation 25(1)(a)

Sampling and analysis for parameters other than radioactive substances in water bottled and labelled as "spring water" or "dŵr ffynnon" and bottled drinking water

PART 1

General

Analysis of samples

1.—(1) The food authority must ensure that each sample is analysed in accordance with Annex III to Directive 98/83 and this Schedule.

(2) For each parameter specified in the first column of Table 1 in Part 2 of this Schedule the method of analysis is specified in the second column of that table.

(3) For each parameter specified in the first column of Table 2 in Part 2 of this Schedule the method of analysis is one that is capable of—

- (a) measuring concentrations and values with the trueness and precision specified in the second and third columns of that table; and
- (b) detecting the parameter at the limit of detection specified in the fourth column of that table.

(4) For hydrogen ion, the method of analysis must be capable of measuring a value with a trueness of 0.2pH unit and a precision of 0.2pH unit.

(5) The method of analysis used for odour and taste parameters must be capable of measuring values equal to the parametric value with a precision of 1 dilution number at 25°C.

(6) For the purposes of this paragraph—

"limit of detection" ("*terfyn canfod*") is—

- (a) three times the relative within-batch standard deviation of a natural sample containing a low concentration of the parameter; or
- (b) five times the relative within-batch standard deviation of a blank sample;

"precision" ("*trachywiredd*") (the random error) is twice the standard deviation (within a batch and between batches) of the spread of results about the mean;

“trachywiredd” (“*precision*”) (y gwall ar hap) yw ddwywaith y gwriad safonol (o fewn swp a rhwng sypiau) o wasgariad y canlyniadau o amgylch y cymedr.

Awdurdodiad ar gyfer dulliau dadansoddi amgen

2.—(1) Caiff yr Asiantaeth awdurdodi dull sy'n wahanol i'r un a nodir yn Rhan 2 yr Atodlen hon os yw'n fodlon ei fod o leiaf mor ddibynadwy.

(2) Caniateir bod cyfyngiad amser ar awdurdodiad a chaniateir ei ddirymu ar unrhyw adeg.

Samplu a dadansoddi gan bersonau heblaw awdurdodau bwyd

3.—(1) Caiff awdurdod bwyd ymrwymo i gytundeb er mwyn i unrhyw berson gymryd a dadansoddi samplau ar ei ran.

(2) Ni chaiff awdurdod bwyd ymrwymo i gytundeb o dan is-baragraff (1) oni bai—

- (a) ei fod yn fodlon y bydd y dasg yn cael ei chynnal yn brydlon gan berson sy'n gymwys i'w pherfformio; a
- (b) ei fod wedi gwneud trefniadau i sicrhau bod unrhyw achos o dorri'r Rheoliadau hyn yn cael ei gyfathrebu iddo ar unwaith, a bod unrhyw ganlyniad arall yn cael ei gyfathrebu iddo o fewn 28 diwrnod.

“trueness” (“*cywirdeb*”) (the systematic error) is the difference between the mean value of the large number of repeated measurements and the true value.

Authorisation of alternative methods of analysis

2.—(1) The Agency may authorise a method different from that set out in Part 2 of this Schedule if satisfied that it is at least as reliable.

(2) An authorisation may be time-limited and may be revoked at any time.

Sampling and analysis by persons other than food authorities

3.—(1) A food authority may enter into an arrangement for any person to take and analyse samples on its behalf.

(2) A food authority must not enter into an arrangement under sub-paragraph (1) unless—

- (a) it is satisfied that the task will be carried out promptly by a person competent to perform it; and
- (b) it has made arrangements that ensure that any breach of these Regulations is communicated to it immediately, and any other result is communicated to it within 28 days.

RHAN 2

Dulliau dadansoddi a nodweddion perfformiad

Tabl 1

Dulliau dadansoddi rhagnodedig

| <i>Paramedr</i> | <i>Dull</i> |
|--|---|
| <i>Clostridium perfringens</i> (gan gynnwys sborau) | Hidlo drwy bilen ac yna deor y bilen yn anerobig ar m-CP agar ⁽¹⁾ ar 44 ±1°C am 21± 3 awr. Cyfrif y cytrefi melyn di-draidd sy'n troi'n binc neu'n goch ar ôl cyswllt ag anweddau amoniwm hydrocsid am 20 i 30 eiliad. |
| Bacteria coliform | BS-EN ISO 9308-1 |
| Cyfrif cytref 22°C – cyfrif o'r micro-organebau meithrinadwy | BS-EN ISO 6222 |
| Cyfrif cytref 37°C – cyfrif o'r micro-organebau meithrinadwy | BS-EN ISO 6222 |
| Enterococi | BS-EN ISO 7899-2 |
| <i>Escherichia coli</i> (<i>E. Coli</i>) | BS-EN ISO 9308-1 |
| <i>Pseudomonas aeruginosa</i> | BS-EN ISO 12780 |

⁽¹⁾ Defnyddiwch y dull canlynol i wneud m-CP agar:

| | |
|--|-----------|
| Gnewch gyfrwng gwaelodol sy'n cynnwys— | |
| Tryptose | 30.0g |
| Rhin Burum | 20.0g |
| Swcros | 5.0g |
| L-cystein hydroclorid | 1.0g |
| MgSO ₄ .7H ₂ O | 0.1g |
| Bromocresol porffor | 40.0mg |
| Agar | 15.0g |
| Dŵr | 1,000.0ml |

Toddwch y cynhwysion o gyfrwng gwaelodol, addasu'r pH i 7.6 ac awtoclafio ar 121°C am 15 munud. Gadewch i'r cyfrwng oeri.

| | |
|----------------------|---------|
| Toddwch— | |
| D-cycloserin | 400.0mg |
| Polymyxine-B sylffad | 25.0mg |
| Indoxl-β-D-glwcosid | 60.0mg |

i 8ml o ddŵr diheintiedig a'i ychwanegu i'r cyfrwng.

| | |
|--|--------|
| Ychwanegwch i'r cyfrwng— | |
| Hydoddiant ffenolffthalein diffosohad 0.5% wedi ei sterileiddio â hidlen | 20.0ml |
| 4.5% FeCl ₃ .6H ₂ O wedi ei sterileiddio â hidlen | 2.0ml |

Tabl 2**Nodweddion perfformiad rhagnodedig ar gyfer dulliau dadansoddi**

| <i>Paramedrau</i> | <i>% Cywirdeb y crynodiad neu'r gwerth neu'r fanyleb a ragnodwyd</i> | <i>% Trachywiredd y crynodiad neu'r gwerth neu'r fanyleb a ragnodwyd</i> | <i>% Terfyn canfod y crynodiad neu'r gwerth neu'r fanyleb a ragnodwyd</i> |
|--|--|--|---|
| Alwminiwm | 10 | 10 | 10 |
| Amoniwm | 10 | 10 | 10 |
| Antimoni | 25 | 25 | 25 |
| Arsenig | 10 | 10 | 10 |
| Bensen | 25 | 25 | 25 |
| Benso(a)pyren | 25 | 25 | 25 |
| Boron | 10 | 10 | 10 |
| Bromad | 25 | 25 | 25 |
| Cadmiwm | 10 | 10 | 10 |
| Clorid | 10 | 10 | 10 |
| Cromiwm | 10 | 10 | 10 |
| Dargludedd | 10 | 10 | 10 |
| Copr | 10 | 10 | 10 |
| Cyanid ⁽¹⁾ | 10 | 10 | 10 |
| 1,2-dicloroethan | 25 | 25 | 10 |
| Fflworid | 10 | 10 | 10 |
| Haearn | 10 | 10 | 10 |
| Plwm | 10 | 10 | 10 |
| Manganîs | 10 | 10 | 10 |
| Mercwri | 20 | 10 | 20 |
| Nicel | 10 | 10 | 10 |
| Nitrad | 10 | 10 | 10 |
| Nitrid | 10 | 10 | 10 |
| Ocsidioldeb ⁽²⁾ | 25 | 25 | 10 |
| Plaleiddiaid a chynhyrchion perthynol ⁽³⁾ | 25 | 25 | 25 |
| Hydrocarbonau aromatig polysyclig ⁽⁴⁾ | 25 | 25 | 25 |
| Seleniwm | 10 | 10 | 10 |
| Sodiwm | 10 | 10 | 10 |
| Sylffad | 10 | 10 | 10 |
| Tetracloroethen ⁽⁵⁾ | 25 | 25 | 10 |
| Tricloroethen ⁽⁵⁾ | 25 | 25 | 10 |
| Trihalomethanau ⁽⁴⁾ | 25 | 25 | 10 |

⁽¹⁾ Dylai'r dull dadansoddi benderfynu cyfanswm y cyanid ar bob ffurf.

⁽²⁾ Dylai ocsideiddio gael ei gynnal am 10 munud ar 100°C o dan amodau asid gan ddefnyddio permanganad.

⁽²⁾ Mae'r nodweddion perfformiad yn gymwys i bob plaleiddiad unigol a bydd yn ddibynnol ar y plaleiddiad dan sylw.

⁽³⁾ Mae'r nodweddion perfformiad yn gymwys i'r sylweddau unigol y pennir ei fod yn 25% o'r gwerth paramedrig yn Nhabl B yn Rhan 2, Atodlen 7.

⁽⁴⁾ Mae'r nodweddion perfformiad yn gymwys i'r sylwedd unigol y pennir ei fod yn 50% o'r gwerth paramedrig yn Nhabl B yn Rhan 2, Atodlen 7.

ATODLEN 11 Rheoliad 25(1)(b)

Samplu a dadansoddi ar gyfer dogn dangosiadol mewn dŵr wedi'i botelu a'i labelu'n "spring water" neu "dŵr ffynnon" a dŵr yfed wedi'i botelu

RHAN 1

Cyffredinol

Dadansoddi samplau

1. Rhaid i'r awdurdod bwyd sicrhau bod pob sampl yn cael ei ddadansoddi ar gyfer dogn dangosiadol yn unol ag Atodiad III i Gyfarwyddeb 2013/51 a'r Rhan hon.

2. Ar gyfer bob paramedr a radioniwclid a bennir yng nghlofn gyntaf Tabl 1 yn Rhan 2 o'r Atodlen hon, pennir cyfeirnod y crynodiad a'r dogn deilliadol ar gyfer cyfrifo'r dogn dangosiadol yn ail golofn y tabl hwnnw.

3. Ar gyfer pob paramedr a bennir yng nghlofn gyntaf Tabl 2 yn Rhan 2 o'r Atodlen hon, rhaid i'r dull dadansoddi fod yn un sy'n gallu canfod y paramedr ar y terfyn canfod a bennir yn ail golofn y tabl hwnnw.

4. Os bodlonir y fformiwla ganlynol, ystyrir y bydd y dogn dangosiadol yn llai na gwerth paramedrig 0.1 mSv ac nid oes angen mwy o ymchwil—

$$\sum_{i=1}^n \frac{C_i(obs)}{C_i(der)} \leq 1$$

pan fo

$C_i(obs)$ = crynodiad radioniwclid a arsylwyd i

$C_i(der)$ = crynodiad radioniwclid deilliadol i

n = nifer y radioniwclidau a ganfuwyd

RHAN 2

Dulliau dadansoddi a nodweddion perfformiad

Tabl 1

Crynologiadau deilliadol ar gyfer ymbelydredd

| <i>Tarddiad</i> | <i>Niwclid</i> | <i>Crynodiad deilliadol</i> |
|-----------------|----------------------|-----------------------------|
| Naturiol | U-238 ⁽¹⁾ | 3.0 Bq/l |
| | U-234 ⁽¹⁾ | 2.8 Bq/l |
| | Ra-226 | 0.5 Bq/l |
| | Ra-228 | 0.2 Bq/l |
| | Pb-210 | 0.2 Bq/l |
| | Po-210 | 0.1 Bq/l |
| Artiffisial | C-14 | 240 Bq/l |
| | Sr-90 | 4.9 Bq/l |
| | Pu-239/Pu-240 | 0.6 Bq/l |

| | |
|--------|----------|
| Am-241 | 0.7 Bq/l |
| Co-60 | 40 Bq/l |
| Cs-134 | 7.2 Bq/l |
| Cs-137 | 11 Bq/l |
| I-131 | 6.2 Bq/l |

⁽¹⁾ Mae'r tabl hwn yn caniatáu ar gyfer nodweddion radiolegol wraniwm yn unig, nid ei wenwyndra cemegol.

Tabl 2

Nodweddion perfformiad a dulliau dadansoddi

| <i>Paramedrau a radioniwclidau</i> | <i>Terfyn canfod</i> ⁽¹⁾⁽²⁾ |
|------------------------------------|--|
| Tritiwm | 10 Bq/l ⁽³⁾ |
| Radon | 10 Bq/l ⁽³⁾ |
| gweithgaredd alffa gros | 0.04 Bq/l ⁽⁴⁾ |
| gweithgaredd beta gros | 0.4 Bq/l ⁽⁴⁾ |
| U-238 | 0.02 Bq/l |
| U-234 | 0.02 Bq/l |
| Ra-226 | 0.04 Bq/l |
| Ra-228 | 0.02 Bq/l ⁽⁵⁾ |
| Pb-210 | 0.02 Bq/l |
| Po-210 | 0.01 Bq/l |
| C-14 | 20 Bq/l |
| Sr-90 | 0.4 Bq/l |
| Pu-239/Pu-240 | 0.04 Bq/l |
| Am-241 | 0.06 Bq/l |
| Co-60 | 0.5 Bq/l |
| Cs-134 | 0.5 Bq/l |
| Cs-137 | 0.5 Bq/l |
| I-131 | 0.5 Bq/l |

⁽¹⁾ Cyfrifir y terfyn canfod yn unol â safon ISO 11929: Penderfynu ar derfynau'r nodweddion (trothwy penderfynu, terfyn canfod a therfynau'r cyfnod hyder) ar gyfer mesuriadau ymbelydredd ìoneiddio - Sylfeini a chymhwysiad, gyda thebygolrwydd o wallau o'r math 1af a'r 2ail o 0.05 yr un.

⁽²⁾ Cyfrifir ansicrwydd yn y mesuriadau a'u hadrodd fel ansicrwydd safonol cyflawn, neu fel ansicrwydd safonol ehangedig gyda ffactor ehangiad o 1.96, yn ôl Canllaw ISO ar gyfer Mynegiant o Ansicrwydd mewn Mesuriadau.

⁽³⁾ Y terfyn canfod ar gyfer tritiwm a radon yw 10% o'i werth paramedrig o 100 Bq/l.

⁽⁴⁾ Y terfyn canfod ar gyfer gweithgaredd alffa gros a gweithgaredd beta gros yw 40% o'r gwerthoedd sgrinio o 0.1 ac 1.0 Bq/l yn ôl eu trefn.

⁽⁵⁾ Mae'r cyfyngiad canfod yn gymwys i sgrinio cychwynnol ar gyfer dogn dangosiadol ar gyfer ffynhonnell ddŵr newydd yn unig. Os yw'r gwirio cychwynnol yn dangos nad yw'n debygol bod Ra-228 yn uwch na 20% o'r crynodiad deilliadol, caniateir cynyddu'r terfyn canfod i 0.08 Bq/l ar gyfer mesuriadau niwclid Ra-228 benodol arferol, hyd nes bod angen ail-wiriad dilynol.

ATODLEN 12 Rheoliadau 33, 34 a 35
Cymhwyso ac addasu darpariaethau'r Ddeddf

Tabl 1
Hysbysiadau gwella

| <i>Darpariaethau'r Ddeddf</i> | <i>Addasiadau</i> |
|--|--|
| Adran 10(1) a (2) (hysbysiadau gwella) | <p>(1) Yn lle is-adran (1) rhodder—</p> <p>“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any provision specified in sub-section (1A) or is carrying out either a fluoride removal treatment or an ozone-enriched air treatment that has a disinfectant action, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—</p> <ul style="list-style-type: none"> (a) state the authorised officer’s grounds for believing that the person is failing to comply with the relevant provision; (b) specify the matters which constitute the person’s failure so to comply; (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and (d) require the person to take those measures or measures that are at least equivalent to them, within such period as may be specified in the notice. <p>(1A) The provisions referred to in sub-section (1) are—</p> <ul style="list-style-type: none"> (e) any of regulations 8 to 22 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015; and (f) any of the following provisions of Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters⁽¹⁾—waters⁽¹⁾— <ul style="list-style-type: none"> (i) Article 1.2 (requirement that any fluoride removal treatment be performed in accordance with the technical requirements set out in the Annex); |

(1) OJ Rhif L 37, 10.2.2010, t 13.

- (ii) the first sentence of Article 2 (requirement that the release of residues into natural mineral water or spring water as a result of any fluoride removal treatment be as low as technically feasible according to the best practices and not pose a risk to public health);
- (iii) the second sentence of Article 2 (requirement to ensure compliance with the first sentence of Article 2, operators implement and monitor the critical processing steps set out in the Annex);
- (iv) Article 3.1 (requirement that the application of any fluoride removal treatment be notified to the competent authorities at least three months prior to use); and
- (v) Article 4 (requirement that the label on natural mineral water or spring water subjected to any fluoride removal treatment include specified information in proximity to the statement of the analytical composition).”

Tabl 2

Pwerau Mynediad

| <i>Darpariaethau'r Ddeddf</i> | <i>Addasiadau</i> |
|-------------------------------------|---|
| Adran 32(1) i (7) (pwerau mynediad) | <p>Yn is-adran (1), yn lle paragraffau (a) i (c) rhodder—</p> <p>“(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises a contravention of any of the following provisions of Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters—</p> <ul style="list-style-type: none"> (vi) Article 1.2 (requirement that any fluoride removal treatment be performed in accordance with the technical requirements set out in the Annex); (vii) the first sentence of Article 2 (requirement that the release of residues into natural mineral water or spring water as a result of |

- any fluoride removal treatment be as low as technically feasible according to the best practices and not pose a risk to public health);
- (viii) the second sentence of Article 2 (requirement to ensure compliance with the first sentence of Article 2, operators implement and monitor the critical processing steps set out in the Annex);
 - (ix) Article 3.1 (requirement that the application of any fluoride removal treatment be notified to the competent authorities at least three months prior to use); and
 - (x) Article 4 (requirement that the label on natural mineral water or spring water subjected to any fluoride removal treatment include specified information in proximity to the statement of the analytical composition); and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of the provisions set out in paragraph (a); ”.

Tabl 3
Darpariaethau eraill y Ddeddf

| <i>Darpariaethau'r Ddeddf</i> | <i>Addasiadau</i> |
|---|--|
| Adran 2(1) (ystyr estynedig “sale” etc.) | Yn is-adran (1), yn lle “this Act” rhodder “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. Yn is-adran (2), yn lle “This Act” rhodder “The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 3 (rhagdybio bod bwyd wedi'i fwriadu i bobl ei fwyta) | Yn is-adran (1), yn lle “this Act” rhodder “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 20 (troseddau oherwydd bai person arall) | Yn lle “any of the preceding provisions of this part” rhodder “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations |

(1) Diwygiwyd adran 2(1) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28) a pharagraff 8 o Atodlen 5 iddi.

| | |
|---|---|
| Adran 21(1) a (5)(1) (amddiffyn diwydrwydd dyladwy) | 2015,”. Yn is-adran (1), yn lle “any of the preceding provisions of this Part” rhodder “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015,”. |
| Adran 22 (amddiffyniad cyhoeddi yng nghwrs busnes) | Yn lle “any of the preceding provisions of this Part” rhodder “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 29 (caffael samplau) | Ym mharagraff (b)(ii), ar ôl “under section 32 below”, mewnosoder “as applied by regulation 34 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 30(6) a (8) (sy’n ymwneud â thystiolaeth tystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd) | Yn is-adran (8), yn lle “this Act” rhodder “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 33 (rhwystro etc. swyddogion) | Yn is-adran (1), yn lle “this Act” (ym mhob man lle y mae’n digwydd) rhodder “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 35(1)(2) a (2) (cosbi troseddau) | Yn is-adran (1), ar ôl “section 33(1) above” mewnosoder “, as applied and modified by regulation 35 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015,”. Ar ôl is-adran (1), mewnosoder— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.” |
| Adran 36 (troseddau gan gyrff corfforaethol) | Yn is-adran (2), yn y geiriau agoriadol, yn lle “any other offence under this Act” rhodder “an offence under section 33(2), as applied by regulation 35 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015,”. Yn is-adran (1), yn lle “this Act” rhodder “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water |

(1) Diwygiwyd adran 21(2) gan O.S. 2004/3279.

(2) Mae adran 35(1) i gael ei diwygio gan adran 280(2) o Ddeddf Cyfiawnder Troseddol 2003 (p. 44) a pharagraff 42 o Atodlen 26 iddi, o ddyddiad sydd i’w bennu.

| | |
|--|--|
| Adran 36A(1) (troseddau gan bartneriaethau Albanaidd) | (Wales) Regulations 2015”. Yn lle “this Act” rhodder “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Adran 37(1) a (6) (apelau) | Yn lle is-adran (1) rhodder— “Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015, may appeal to a magistrates’ court.” |
| Adran 39 (apelau yn erbyn hysbysiadau gwella) | Yn is-adran (6)— yn lle “(3) and (4)” rhodder “(1)”; ac ym mharagraff (a), hepgorer “or to the sheriff”. Yn lle is-adran (1) rhodder— “(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 33 of, and Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the magistrates’ court may in the circumstances think fit.”. |
| Adran 44 (amddiffyn swyddogion sy’n gweithredu’n ddidwyll) | Yn is-adran (3), hepgorer “for want of prosecution”. Yn lle “this Act” (ym mhob man lle y mae’n digwydd) rhodder “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |

(1) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf Safonau Bwyd 1999 a pharagraff 16 o Atodlen 5 iddi

PART 2

Methods of analysis and performance characteristics

Table 1

Prescribed methods of analysis

| <i>Parameter</i> | <i>Method</i> |
|--|--|
| <i>Clostridium perfringens</i> (including spores) | Membrane filtration followed by anaerobic incubation of the membrane on m-CP agar ⁽¹⁾ at 44 ±1°C for 21± 3 hours. Count opaque yellow colonies that turn pink or red after exposure to ammonium hydroxide vapours for 20 to 30 seconds. |
| Coliform bacteria | BS-EN ISO 9308-1 |
| Colony count 22°C – enumeration of culturable microorganisms | BS-EN ISO 6222 |
| Colony count 37°C – enumeration of culturable microorganisms | BS-EN ISO 6222 |
| Enterococci | BS-EN ISO 7899-2 |
| <i>Escherichia coli</i> (<i>E. Coli</i>) | BS-EN ISO 9308-1 |
| <i>Pseudomonas aeruginosa</i> | BS-EN ISO 12780 |

⁽¹⁾ Use the following method to make m-CP agar:

Make a basal medium consisting of—

| | |
|--------------------------------------|-----------|
| Tryptose | 30.0g |
| Yeast extract | 20.0g |
| Sucrose | 5.0g |
| L-cysteine hydrochloride | 1.0g |
| MgSO ₄ .7H ₂ O | 0.1g |
| Bromocresol purple | 40.0mg |
| Agar | 15.0g |
| Water | 1,000.0ml |

Dissolve the ingredients of basal medium, adjust pH to 7.6 and autoclave at 121°C for 15 minutes. Allow the medium to cool.

Dissolve—

| | |
|-----------------------|---------|
| D-cycloserine | 400.0mg |
| Polymyxine-B sulphate | 25.0mg |
| Indoxl-β-D-glucoside | 60.0mg |

into 8ml sterile water and add it to the medium.

Add to the medium—

| | |
|---|--------|
| Filter-sterilised 0.5% phenolphthalein diphosphate solution | 20.0ml |
| Filter-sterilised 4.5% FeCl ₃ .6H ₂ O | 2.0ml |

Table 2**Prescribed performance characteristics for methods of analysis**

| <i>Parameters</i> | <i>Trueness % of prescribed concentration or value or specification</i> | <i>Precision % of prescribed concentration or value or specification</i> | <i>Limit of detection % of prescribed concentration or value or specification</i> |
|---|---|--|---|
| Aluminium | 10 | 10 | 10 |
| Ammonium | 10 | 10 | 10 |
| Antimony | 25 | 25 | 25 |
| Arsenic | 10 | 10 | 10 |
| Benzene | 25 | 25 | 25 |
| Benzo(a)pyrene | 25 | 25 | 25 |
| Boron | 10 | 10 | 10 |
| Bromate | 25 | 25 | 25 |
| Cadmium | 10 | 10 | 10 |
| Chloride | 10 | 10 | 10 |
| Chromium | 10 | 10 | 10 |
| Conductivity | 10 | 10 | 10 |
| Copper | 10 | 10 | 10 |
| Cyanide ⁽¹⁾ | 10 | 10 | 10 |
| 1,2-dichloroethane | 25 | 25 | 10 |
| Fluoride | 10 | 10 | 10 |
| Iron | 10 | 10 | 10 |
| Lead | 10 | 10 | 10 |
| Manganese | 10 | 10 | 10 |
| Mercury | 20 | 10 | 20 |
| Nickel | 10 | 10 | 10 |
| Nitrate | 10 | 10 | 10 |
| Nitrite | 10 | 10 | 10 |
| Oxidisability ⁽²⁾ | 25 | 25 | 10 |
| Pesticides and related products ⁽³⁾ | 25 | 25 | 25 |
| Polycyclic aromatic hydrocarbons ⁽⁴⁾ | 25 | 25 | 25 |
| Selenium | 10 | 10 | 10 |
| Sodium | 10 | 10 | 10 |
| Sulphate | 10 | 10 | 10 |
| Tetrachloroethene ⁽⁵⁾ | 25 | 25 | 10 |
| Trichloroethene ⁽⁵⁾ | 25 | 25 | 10 |
| Trihalomethanes ⁽⁴⁾ | 25 | 25 | 10 |

⁽¹⁾ The method of analysis should determine total cyanide in all forms.

⁽²⁾ Oxidation should be carried out for 10 minutes at 100°C under acid conditions using permanganate.

⁽³⁾ The performance characteristics apply to each individual pesticide and will depend on the pesticide concerned. ⁽⁴⁾ The performance characteristics apply to the individual substances specified at 25% of the parametric value in Table B in Part 2, Schedule 7.

⁽⁵⁾ The performance characteristics apply to the individual substance specified at 50% of the parametric value in Table B in Part 2, Schedule 7.

SCHEDULE 11 Regulation 25(1)(b)

Sampling and analysis for indicative dose in water bottled and labelled as “spring water” or “dŵr ffynnon” and bottled drinking water

PART 1

General

Analysis of samples

1. The food authority must ensure that each sample is analysed for indicative dose in accordance with Annex III to Directive 2013/51 and this Part.

2. For each parameter and radionuclide specified in the first column of Table 1 in Part 2 of this Schedule, the derived concentration and dose coefficient for calculating the indicative dose is specified in the second column of that table.

3. For each parameter specified in the first column of Table 2 in Part 2 of this Schedule, the method of analysis must be one that is capable of detecting the parameter at the limit of detection specified in the second column of that table.

4. If the following formula is satisfied, the indicative dose is considered to be less than the parametric value of 0.1 mSv and no further investigation is required—

$$\sum_{i=1}^n \frac{C_i(obs)}{C_i(der)} \leq 1$$

where

$C_i(obs)$ = observed concentration radionuclide i

$C_i(der)$ = derived concentration of radionuclide i

n = number of radionuclides detected

PART 2

Methods of analysis and performance characteristics

Table 1

Derived concentrations for radioactivity

| <i>Origin</i> | <i>Nuclide</i> | <i>Derived concentration</i> |
|---------------|----------------------|------------------------------|
| Natural | U-238 ⁽¹⁾ | 3.0 Bq/l |
| | U-234 ⁽¹⁾ | 2.8 Bq/l |
| | Ra-226 | 0.5 Bq/l |
| | Ra-228 | 0.2 Bq/l |
| | Pb-210 | 0.2 Bq/l |
| | Po-210 | 0.1 Bq/l |
| Artificial | C-14 | 240 Bq/l |
| | Sr-90 | 4.9 Bq/l |

| | |
|---------------|----------|
| Pu-239/Pu-240 | 0.6 Bq/l |
| Am-241 | 0.7 Bq/l |
| Co-60 | 40 Bq/l |
| Cs-134 | 7.2 Bq/l |
| Cs-137 | 11 Bq/l |
| I-131 | 6.2 Bq/l |

⁽¹⁾ This table allows only for the radiological properties of uranium, not for its chemical toxicity.

Table 2

Performance characteristics and methods of analysis

| <i>Parameters and radionuclides</i> | <i>Limit of detection</i> ⁽¹⁾⁽²⁾ |
|-------------------------------------|---|
| Tritium | 10 Bq/l ⁽³⁾ |
| Radon | 10 Bq/l ⁽³⁾ |
| gross alpha activity | 0.04 Bq/l ⁽⁴⁾ |
| gross beta activity | 0.4 Bq/l ⁽⁴⁾ |
| U-238 | 0.02 Bq/l |
| U-234 | 0.02 Bq/l |
| Ra-226 | 0.04 Bq/l |
| Ra-228 | 0.02 Bq/l ⁽⁵⁾ |
| Pb-210 | 0.02 Bq/l |
| Po-210 | 0.01 Bq/l |
| C-14 | 20 Bq/l |
| Sr-90 | 0.4 Bq/l |
| Pu-239/Pu-240 | 0.04 Bq/l |
| Am-241 | 0.06 Bq/l |
| Co-60 | 0.5 Bq/l |
| Cs-134 | 0.5 Bq/l |
| Cs-137 | 0.5 Bq/l |
| I-131 | 0.5 Bq/l |

⁽¹⁾ The limit of detection is calculated according to the ISO standard 11929: Determination of the characteristic limits (decision threshold, detection limit and limits of the confidence interval) for measurements of ionising radiation – Fundamentals and application, with probabilities of errors of 1st and 2nd kind of 0.05 each.

⁽²⁾ Measurement uncertainties are calculated and reported as complete standard uncertainties, or as expanded standard uncertainties with an expansion factor of 1.96, according to the ISO Guide for the Expression of Uncertainty in Measurement.

⁽³⁾ The limit of detection for tritium and for radon is 10% of its parametric value of 100 Bq/l.

⁽⁴⁾ The limit of detection for gross alpha activity and gross beta activities are 40% of the screening values of 0.1 and 1.0 Bq/l respectively.

⁽⁵⁾ This limit of detection applies only to initial screening for indicative dose for a new water source. If initial checking indicates that it is not plausible that Ra-228 exceeds 20% of the derived concentration, the limit of detection may be increased to 0.08 Bq/l for routine Ra-228 nuclide specific measurements, until a subsequent re-check is required.

SCHEDULE 12 Regulations 33, 34 and 35

Application and modification of provisions of the Act

Table 1
Improvement notices

| <i>Provision of the Act</i> | <i>Modifications</i> |
|---|---|
| Section 10(1) and (2) (improvement notices) | <p>For subsection (1) substitute—</p> <p>“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any provision specified in subsection (1A) or is carrying out either a fluoride removal treatment or an ozone-enriched air treatment that has a disinfectant action, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—</p> <ul style="list-style-type: none"> (a) state the authorised officer’s grounds for believing that the person is failing to comply with the relevant provision; (b) specify the matters which constitute the person’s failure so to comply; (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and (d) require the person to take those measures or measures that are at least equivalent to them, within such period as may be specified in the notice. <p>(1A) The provisions referred to in subsection (1) are—</p> <ul style="list-style-type: none"> (a) any of regulations 8 to 22 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015; and (b) any of the following provisions of Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters⁽¹⁾— <ul style="list-style-type: none"> (i) Article 1.2 (requirement that any fluoride removal treatment be performed in accordance with the technical requirements set out in the Annex); (ii) the first sentence of Article 2 |

(1) OJ No L 37, 10.2.2010, p 13.

- (requirement that the release of residues into natural mineral water or spring water as a result of any fluoride removal treatment be as low as technically feasible according to the best practices and not pose a risk to public health);
- (iii) the second sentence of Article 2 (requirement to ensure compliance with the first sentence of Article 2, operators implement and monitor the critical processing steps set out in the Annex);
 - (iv) Article 3.1 (requirement that the application of any fluoride removal treatment be notified to the competent authorities at least three months prior to use); and
 - (v) Article 4 (requirement that the label on natural mineral water or spring water subjected to any fluoride removal treatment include specified information in proximity to the statement of the analytical composition).”

Table 2

Powers of entry

| <i>Provision of the Act</i> | <i>Modifications</i> |
|--|--|
| Section 32(1) to (7) (powers of entry) | <p>In subsection (1), for paragraphs (a) to (c) substitute—</p> <p>“(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises a contravention of any of the following provisions of Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters—</p> <ul style="list-style-type: none"> (i) Article 1.2 (requirement that any fluoride removal treatment be performed in accordance with the technical requirements set out in the Annex); (ii) the first sentence of Article 2 (requirement that the release of residues into natural mineral water or spring water as a result of any fluoride removal treatment be as low as technically feasible |

- according to the best practices and not pose a risk to public health);
- (iii) the second sentence of Article 2 (requirement to ensure compliance with the first sentence of Article 2, operators implement and monitor the critical processing steps set out in the Annex);
 - (iv) Article 3.1 (requirement that the application of any fluoride removal treatment be notified to the competent authorities at least three months prior to use); and
 - (v) Article 4 (requirement that the label on natural mineral water or spring water subjected to any fluoride removal treatment include specified information in proximity to the statement of the analytical composition); and
- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that area of the provisions set out in paragraph (a);”.

Table 3
Other provisions of the Act

| <i>Provision of the Act</i> | <i>Modifications</i> |
|---|--|
| Section 2(1) (extended meaning of “sale” etc.) | In subsection (1), for “this Act” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. In subsection (2), for “This Act” substitute “The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 3 (presumptions that food intended for human consumption) | In subsection (1), for “this Act” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 20 (offences due to fault of another person) | For “any of the preceding provisions of this part” substitute “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015,”. |
| Section 21(1) and (5)(1) (defence of due | In subsection (1), for “any of the preceding |

(1) Section 2(1) was amended by the section 40(1) of, and paragraph 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28).

| | |
|---|---|
| diligence) | provisions of this Part” substitute “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.”. |
| Section 22 (defence of publication in the course of business) | For “any of the preceding provisions of this Part” substitute “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 29 (procurement of samples) | In paragraph (b)(ii), after “under section 32 below”, insert “as applied by regulation 34 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 30(6) and (8) (which relates to evidence of certificates given by a food analyst or examiner) | In subsection (8), for “this Act” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 33 (obstruction etc. of officers) | In subsection (1), for “this Act” (in each place where it occurs) substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 35(1)(2) and (2) (punishment of offences) | In subsection (1), after “section 33(1) above” insert “, as applied and modified by regulation 35 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.”. After subsection (1), insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.” In subsection (2), in the opening words, for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 35 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.”. |
| Section 36 (offences by bodies corporate) | In subsection (1), for “this Act” substitute “section 10(2) as applied by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| Section 36A(1) (offences by Scottish partnerships) | For “this Act” substitute “section 10(2) as applied by regulation 33 of, and Schedule 12 to, |

(1) Section 21(2) was amended by S.I. 2004/3279.

(2) Section 35(1) is to be amended by section 280(2) of, and paragraph 42 of Schedule 26 to, the Criminal Justice Act 2003 (c. 44) from a date to be appointed.

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| Section 37(1) and (6) (appeals) | the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |
| | For subsection (1) substitute— |
| | “Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 33 of, and Schedule 12 to, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015, may appeal to a magistrates’ court.” |
| | In subsection (6)— |
| | for “(3) and (4)” substitute “(1)”; and in paragraph (a), omit “or to the sheriff”. |
| Section 39 (appeals against improvement notices) | For subsection (1) substitute— |
| | (1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 33 of, and Schedule 12 to the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the magistrates’ court may in the circumstances think fit.” |
| | In subsection (3), omit “for want of prosecution”. |
| Section 44 (protection of officers acting in good faith) | For “this Act” (in each place where it occurs) substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”. |

(1) Section 36A was inserted by section 40(1) of, and paragraph 16 of Schedule 5 to, the Food Standards Act 1999.

Diwygiadau i ddeddfwriaeth arall

Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010

1. Mae Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010(1) wedi eu diwygio fel a ganlyn.

2. Yn rheoliad 3(a), yn lle “Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed Wedi'i Botelu (Cymru) 2007” rhodder “Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed Wedi'i Botelu (Cymru) 2015”.

Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013

3. Mae Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013(2) wedi eu diwygio fel a ganlyn.

4. Yn Atodlen 1, hepgorer y cyfeiriad at “Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed Wedi'i Botelu (Cymru) 2007”.

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

5. Mae Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014(3) wedi eu diwygio fel a ganlyn.

6. Yn Atodlen 7, hepgorer paragraffau 49 a 50.

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(1) O.S. 2010/66 (Cy. 16).
 (2) O.S. 2013/479 (Cy. 55), diwygiwyd gan O.S. 2013/2493 (Cy. 242).
 (3) O.S. 2014/2303 (Cy. 227).

Amendments to other legislation

The Private Water Supplies (Wales) Regulations 2010

1. The Private Water Supplies (Wales) Regulations 2010(1) are amended as follows.

2. In regulation 3(a), for “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007” substitute “the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015”.

The Food Safety (Sampling and Qualifications) (Wales) Regulations 2013

3. The Food Safety (Sampling and Qualifications) (Wales) Regulations 2013(2) are amended as follows.

4. In Schedule 1, omit the reference to “The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007”.

The Food Information (Wales) Regulations 2014

5. The Food Information (Wales) Regulations 2014(3) are amended as follows.

6. In Schedule 7, omit paragraphs 49 and 50.

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(1) S.I. 2010/66 (W. 16).
 (2) S.I. 2013/479 (W.55), amended by S.I. 2013/2493 (W.242).
 (3) S.I. 2014/2303 (W.227).

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ISBN 978-0-348-11182-8



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