OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1849 (Cy.180)

BWYD, CYMRU

Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) (Diwygio) 2010

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio'r diffiniad o "y Rheoliad", sef Rheoliad (EC) Rhif 1924/2006 Senedd Ewrop a'r Cyngor ar honiadau am faethiad ac iechyd a wneir ar fwydydd (OJ Rhif L12, 18.1.2007, t.3), a geir yn rheoliad 2 o'r Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007 (O.S. 2007/2611). Effaith y diwygiad yw bod cyfeiriad at y Rheoliad yn O.S. 2007/2611 bellach yn cynnwys unrhyw ddiwygiadau a wneir yn y dyfodol i'w Atodiad, sy'n cynnwys y rhestr o honiadau a awdurdodir am faethiad ac amodau sy'n ymwneud â'u defnyddio (rheoliad 3).

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FOOD, WALES

The Nutrition and Health Claims (Wales) (Amendment) Regulations 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definition of "the Regulation", meaning Regulation (EC) No. 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on foods (OJ No. L12, 18.1.2007, p.3), contained in regulation 2 of the Nutrition and Health Claims (Wales) Regulations 2007 (S.I. 2007/2611). The effect of the amendment is that a reference to the Regulation in S.I. 2007/2611 now includes any future amendments to its Annex, which consists of the list of authorised nutrition claims and conditions relating to their use (regulation 3).

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Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) (Diwygio) 2010

Gwnaed	*19 Gorffennaf 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*21 Gorffennaf 2010*
Yn dod i rym	*1 Hydref 2010*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) ac (f), 17(2), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**), fel y'u darllenir ynghyd â pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(**2**).

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd iddynt gan yr Asiantaeth Safonau Bwyd.

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus dehongli cyfeiriadau at yr Atodiad i'r offeryn UE a grybwyllwyd yn rheoliad 3 fel cyfeiriadau at yr Atodiad hwnnw fel y caiff ei ddiwygio o bryd i'w gilydd.

(**1**) 1990 p.16. Trosglwyddwyd swyddogaethau'r "Ministers" i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28) a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

(**2**) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (2006 p.51).

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FOOD, WALES

The Nutrition and Health Claims (Wales) (Amendment) Regulations 2010

Made	*19 July 2010*
Laid before the National Assembly for Wales	*21 July 2010*
Coming into force	*1 October 2010*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17(2), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(**1**), as read with paragraph 1A of Schedule 2 to the European Communities Act 1972(**2**).

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

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

(**1**) 1990 c.16. Functions of the "Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28) and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(**2**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51).

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, ac yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(**1**), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**1**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) (Diwygio) 2010 a deuant i rym ar 1 Hydref 2010.

Title and commencement

1. The title of these Regulations is The Nutrition and Health Claims (Wales) (Amendment) Regulations 2010 and they come into force on 1 October 2010.

Diwygio Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007

2. Diwygir Rheoliadau Honiadau am Faethiad ac Iechyd (Cymru) 2007(**2**) yn unol â rheoliad 3.

3. Yn rheoliad 2(1) (dehongli) yn lle'r diffiniad o "y Rheoliad" rhodder y diffiniad a ganlyn–

"ystyr "y Rheoliad" ("*the Regulation*") yw Rheoliad (EC) Rhif 1924/2006 Senedd Ewrop a'r Cyngor ar honiadau am faethiad ac iechyd a wneir ar fwydydd gan gynnwys unrhyw ddiwygiadau i Atodiad y Rheoliad hwnnw a gaiff eu gwneud o bryd i'w gilydd(**3**).".

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Amendment to the Nutrition and Health Claims (Wales) Regulations 2007

2. The Nutrition and Health Claims (Wales) Regulations 2007(**2**) are amended in accordance with regulation 3.

3. In regulation 2(1) (interpretation) for the definition of "the Regulation" substitute the following definition–

""the Regulation" ("*y Rheoliad*") means Regulation (EC) No. 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on foods including any amendments to the Annex to that Regulation as may be made from time to time(**3**).".

Gwerda Thomas

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

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

19 Gorffennaf 2010

19 July 2010

(**1**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor yn addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468 mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasiad i'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(**2**) O.S. 2007/2611 (Cy.222).

(**3**) Gosodir testun cywir llawn y Rheoliad hwn mewn Corigendwm (OJ Rhif L12, 18.1.2007, t.3). Cafodd y Rheoliad ei ddiwygio ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 116/2010 (OJ Rhif L37, 10.02.2010, t.16).

(**1**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

(**2**) S.I. 2007/2611 (W.222).

(**3**) The full correct text of this Regulation is set out in a Corrigendum (OJ No. L12, 18.1.2007, p.3). The Regulation was last amended by Commission Regulation (EC) No. 116/2010 (OJ No. L37, 10.02.2010, p.16).

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