



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1713 (Cy.181)

2003 No. 1713 (W.181)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Melysyddion mewn
Bwyd (Diwygio) (Cymru)
2003**

**The Sweeteners in Food
(Amendment) (Wales) Regulations
2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn, sydd yn gymwys i Gymru yn unig, yn diwygio ymhellach Reoliadau Melysyddion mewn Bwyd 1995 (O.S. 1995/3123, fel y'u diwygiwyd eisoes) ("Rheoliadau 1995"), sy'n ymestyn i Brydain Fawr, drwy-

1. These Regulations, which apply to Wales only, further amend the Sweeteners in Food Regulations 1995 (S.I. 1995/3123, as already amended) ("the 1995 Regulations"), which extend to Great Britain, by -

- (a) rhoi awdurdod i farchnata a defnyddio halwyn aspartame-acesulfame fel melysydd, fel y caniateir gan Erthygl 5 o Gyfarwyddeb 89/107/EEC ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau sy'n ymwneud ag ychwanegion bwyd a awdurdodir i'w defnyddio mewn bwydydd a fwriadwyd ar gyfer eu bwyta gan bobl (OJ Rhif L40, 11.2.89, t.27). Mae Erthygl 5 yn caniatáu i Aelod-wladwriaethau awdurdodi marchnata a defnyddio melysyddion y tu mewn i'w tirioaethau eu hunain, tra disgwylir eu cynnwys yng Nghyfarwyddeb 94/35/EC ar felysyddion i'w defnyddio mewn bwydydd (OJ Rhif L237, 10.9.94, t.3, fel y'i diwygiwyd) (rheoliadau 2(2) a (5));
- (b) egluro ystyr "maximum usable dose" fel y'i defnyddir mewn perthynas ag asid cyclhamig a'i halwynau Na a Ca a sacarin a'i halwynau Na, K a Ca (rheoliad 2(3));
- (c) cywiro gwall drafftio yn rheoliad 3(3) o Reoliadau 1995 (rheoliad 2(4)); ac
- (ch) diweddarau cyfeiriadau at Reoliadau 1995 mewn Rheoliadau eraill i adlewyrchu'r diwygiadau a wnaed i Reoliadau 1995 drwy'r

- (a) granting authorisation for the marketing and use as a sweetener the salt of aspartame-acesulfame, as permitted by Article 5 of Directive 89/107/EEC on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (OJ No. L40, 11.2.89, p.27). Article 5 permits member States to authorise for the marketing and use within their own territories sweeteners, pending consideration for inclusion in Directive 94/35/EC on sweeteners for use in foodstuffs (OJ No. L237, 10.9.94, p.3, as amended) (regulations 2(2) and (5));
- (b) clarifying the meaning of "maximum usable dose" as used in relation to cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts (regulation 2(3));
- (c) making a consequential change to regulation 3(3) of the 1995 Regulations (regulation 2(4)); and
- (d) updating references to the 1995 Regulations in other Regulations to take account of the amendments made to the 1995 Regulations by

Rheoliadau hyn (rheoliad 5).

2. Gellir cael copïau o'r dogfennau y cyfeirir atynt yn y diffiniad newydd o "permitted sweeteners" a amnewidir gan reoliad 2(2), o'r Llyfrfa (TSO), Blwch SP 29, St Crispins House, Norwich NR3 1PD. Fel arall gellir cael copïau o'r we yn www.tso.com .

3. Nid oes arfarniad rheoliadol wedi ei baratoi ynglyn â'r Rheoliadau hyn.

these Regulations (regulation 3).

2. Copies of the documents referred to in the new definition of "permitted sweeteners" which is substituted by regulation 2(2) may be obtained from the Stationery Office, PO Box 29, St Crispins House, Norwich NR3 1PD. Alternatively copies may be obtained online from www.tso.com.

3. No regulatory appraisal has been prepared in relation to these Regulations.

2003 Rhif 1713 (Cy.181)**2003 No. 1713 (W.181)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Melysyddion mewn
Bwyd (Diwygio) (Cymru)
2003****The Sweeteners in Food
(Amendment) (Wales) Regulations
2003***Wedi'u gwneud* 8 Gorffennaf 2003*Made* 8th July 2003*Yn dod i rym* 23 Gorffennaf 2003*Coming into force* 23 July 2003

Drwy arfer y pwerau a roddir gan adrannau 16(1)(a) ac (e), 17(1), 26(1) a (3), a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) a pharagraff 1 o Atodlen 1 iddi, sydd bellach wedi eu breinio yng Nghynulliad Cenedlaethol Cymru(b), mae Cynulliad Cenedlaethol Cymru, ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, ac ar ôl ymgynghori yn unol â gofynion Erthygl 9 o Reoliad (CE) Rhif 178/2002 Senedd Ewrop a'r Cyngor, yn pennu egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu'r Awdurdod Diogelwch Bwyd Ewropeaidd a phennu gweithdrefnau ynglyn â materion diogelwch bwyd(c) ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, drwy hyn yn gwneud y Rheoliadau canlynol:

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

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2003, deuant i rym ar 23 Gorffennaf a byddant yn gymwys i Gymru yn unig.

Citation, commencement and application

1. These Regulations may be cited as the Sweeteners in Food (Amendment) (Wales) Regulations 2003, shall come into force on 23 July 2003 and shall apply to Wales only.

Diwygio Rheoliadau Melysyddion mewn Bwyd 1995

2.-(1) Diwygir Rheoliadau Melysyddion mewn Bwyd 1995(ch), i'r graddau eu bod yn gymwys i Gymru, yn unol â pharagraffau canlynol y Rheoliadau hyn.

Amendments to the Sweeteners in Food Regulations 1995

2.-(1) The Sweeteners in Food Regulations 1995(d) shall be amended, in so far as they apply to Wales, in accordance with the following paragraphs of these Regulations.

(2) Ym mharagraff (1) o reoliad 2 (dehongli), yn lle'r

(2) In paragraph (1) of regulation 2 (interpretation)

(a) 1990 p. 16.

(a) 1990 c. 16.

(b) Trosglwyddwyd swyddogaethau a oedd yn arferadwy gan yr Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau eu bod yn arferadwy yng Nghymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) Functions formerly exercisable by the Secretary of State under the Food Safety Act 1990, 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).

(c) OJ Rhif L31, 1.2.2002, t.1.

(c) OJ No. L31, 1.2.2002, p.1.

(ch) O.S. 1995/3123, a ddiwygiwyd gan O.S. 1996/1477, O.S. 1997/814, O.S. 1999/982, O.S. 2001/2679 (Cy.220) ac O.S. 2002/330 (Cy.43).

(d) S.I. 1995/3123, amended by S.I. 1996/1477, S.I.1997/814, S.I. 1999/982, S.I. 2001/2679 (W.220) and S.I. 2002/330 (W.43).

diffiniad o "permitted sweetener", rhoddir y diffiniad canlynol-

""permitted sweetener" means the sweetener salt of aspartame-acesulfame so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition Paper 52 Addendum 8 and any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out -

- (a) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2; and
- (b) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC(a)

(3) Rhoddir yr is-baragraff canlynol yn lle is-baragraff (c) o reoliad 2(3) -

"(c) in column 4, the maximum usable dose indicated in relation to a food is -

- (i) in the case of all permitted sweeteners except cyclamic acid and its Na and Ca salts, saccharin and its Na, K and Ca salts and salt of aspartame-acesulfame, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use,
- (ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be saccharin, and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use, measured in milligrams per kilogram or, as the case may be, per litre of the food."

(4) Ym mharagraff (3) o reoliad 3 (gwerthu a defnyddio melysyddion) rhoddir yr ymadrodd "paragraphs (4) and (5)" yn lle'r ymadrodd "paragraph (4)".

(5) Mewnosodir y paragraff canlynol yn union ar ôl paragraff (4) o reoliad 3 -

"(5) The prohibition on using aspartame and acesulfame K in or on any food which is imposed by virtue of paragraph (3) above shall apply

(a) OJ Rhif L178, 28.7.95, t.1, fel y'i diwygiwyd gan Gyfarwyddeb 1998/66/EC (OJ Rhif L257, 19.9.98, t.35), Cyfarwyddeb 2000/51/EC (OJ Rhif L198, 4.8.2000, t.41) a Chyfarwyddeb 2001/52/EC (OJ Rhif L190, 12.7.2001, t.18).

for the definition of "permitted sweetener" there shall be substituted the following definition -

""permitted sweetener" means the sweetener salt of aspartame-acesulfame so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition Paper 52 Addendum 8 and any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out -

- (a) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2; and
- (b) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC(a)

(3) The following sub-paragraph is substituted for sub-paragraph (c) of regulation 2(3) -

"(c) in column 4, the maximum usable dose indicated in relation to a food is -

- (i) in the case of all permitted sweeteners except cyclamic acid and its Na and Ca salts, saccharin and its Na, K and Ca salts and salt of aspartame-acesulfame, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use, and
- (ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be saccharin and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use measured in milligrams per kilograms or, as the case may be, per litre of the food."

(4) In paragraph (3) of regulation 3 (sale and use of sweeteners) the phrase "paragraphs (4) and (5)" is substituted for the phrase "paragraph (4)".

(5) The following paragraph is inserted immediately after paragraph (4) of regulation 3 -

"(5) The prohibition on using aspartame and acesulfame K in or on any food which is imposed

(a) OJ No. L178, 28.7.95, p.1, as amended by Directive 1998/66/EC (OJ No. L257, 19.9.98, p.35), Directive 2000/51/EC (OJ No. L198, 4.8.2000, p.41) and Directive 2001/52/EC (OJ No. L190, 12.7.2001, p.18).

equally in relation to the use of salt of aspartame-acesulfame in or on that food."

Diwygiadau Canlyniadol

3.-(1) Bydd paragraff (2) o reoliad 3 (diwygiadau canlyniadol) o Reoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2002(a) yn peidio â bod yn effeithiol.

(2) Yn y darpariaethau a bennir ym mharagraff (3), i'r graddau eu bod yn gymwys i Gymru, dehonglir cyfeiriadau at Reoliadau Melysyddion mewn Bwyd 1995 fel cyfeiriadau at y Rheoliadau hynny fel y'u digwygiwyd hyd at, a chan gynnwys, y diwygiadau y mae'r Rheoliadau hyn yn eu gwneud yn effeithiol.

(3) Dyma'r darpariaethau-

- (a) diffiniad "permitted sweetener" ym mharagraff (1) o reoliad 2 (dehongli) o Reoliadau Jam a Chynhyrchion Tebyg 1981(b);
- (b) diffiniad "additive" ym mharagraff (1) o reoliad 2 (dehongli) o Reoliadau Cynhyrchion Cig a Chynhyrchion Pysgod Taenadwy 1984(c);
- (c) diffiniad "sweetener" yn Rhan II o Atodlen 1 (categoriâu o ychwanegion bwyd) i Reoliadau Labelu Ychwanegion Bwyd 1992(ch);
- (ch) diffiniad "sweetener" ym mharagraff (1) o reoliad 2 (dehongli) o Reoliadau Ychwanegion Bwyd Amrywiol 1995(d); a
- (d) yn Rheoliadau Labelu Bwyd 1996(dd)-
 - (i) paragraff (1) o reoliad 34 (bwydydd sy'n cynnwys melysyddion, siwgr a melysyddion wedi eu hychwanegu, aspartame neu polyols), a
 - (ii) yn Atodlen 8 (disgrifiadau camarweiniol), Rhan I (cyffredinol), yr amod yng ngholofn 2 gyferbyn â disgrifiad "ice cream" yng ngholofn 1.

by virtue of paragraph (3) above shall apply equally in relation to the use of salt of aspartame-acesulfame in or on that food."

Consequential amendments

3.-(1) Paragraph (2) of regulation 3 (consequential amendments) of the Sweeteners in Food (Amendment) (Wales) Regulations 2002(a) shall cease to have effect.

(2) In the provisions specified in paragraph (3), insofar as they apply to Wales, references to the Sweeteners in Food Regulations 1995 shall be construed as references to those Regulations as amended up to and including the amendments effected by these Regulations.

(3) The provisions are -

- (a) the definition of "permitted sweetener" in paragraph (1) of regulation 2 (interpretation) of the Jam and Similar Products Regulations 1981(b);
- (b) the definition of "additive" in paragraph (1) of regulation 2 (interpretation) of the Meat Products and Spreadable Fish Products Regulations 1984(c);
- (c) the definition of "sweetener" in Part II of Schedule 1 (categories of food additives) to the Food Additives Labelling Regulations 1992(d);
- (d) the definition of "sweetener" in paragraph (1) of regulation 2 (interpretation) of the Miscellaneous Food Additives Regulations 1995(e); and
- (e) in the Food Labelling Regulations 1996(f) -
 - (i) paragraph (1) of regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols), and
 - (ii) in Schedule 8 (misleading descriptions) Part I (general), the condition in column 2 opposite the description "ice cream" in column 1.

(a) O.S. 2002/330 (Cy.43).

(b) O.S. 1981/1063; O.S. 1983/1211 ac O.S. 1995/3123 yw'r offerynnau diwygio perthnasol.

(c) O.S. 1984/1566; O.S. 1995/3123, O.S. 1995/3124 ac O.S. 1995/3187 yw'r offerynnau diwygio perthnasol.

(ch) O.S. 1992/1978; O.S. 1995/3123 yw'r offeryn diwygio perthnasol.

(d) O.S. 1995/3187, y mae diwygiadau iddo nad ydynt yn berthnasol i'r heoliadau hyn.

(dd) O.S. 1996/1499, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(a) S.I. 2002/330 (W.43).

(b) S.I. 1981/1063; the relevant amending instruments are S.I. 1983/1211 and S.I. 1995/3123.

(c) S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3123, S.I. 1995/3124 and S.I. 1995/3187.

(d) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3123.

(e) S.I. 1995/3187, to which there are amendments not relevant to these Regulations.

(f) S.I. 1996/1499, to which there are amendments not relevant to these Regulations.

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

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

8 Gorffennaf 2003

8th July 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 1713 (Cy.181)

BWYD, CYMRU

Rheoliadau Melysyddion mewn
Bwyd (Diwygio) (Cymru)
2003

STATUTORY INSTRUMENTS

2003 No. 1713 (W.181)

FOOD, WALES

The Sweeteners in Food
(Amendment) (Wales) Regulations
2003

© Hawlfraint y Goron 2003

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

£2.00

W122/07/03

ON

© Crown copyright 2003

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090749-3



9 780110 907499