



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 249 (Cy.26)

2004 No. 249 (W.26)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Bwyd (Darpariaethau
sy'n ymwneud â Labelu) (Cymru)
2004**

**The Food (Provisions relating to
Labelling) (Wales) Regulations
2004**

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 yn diwygio Rheoliadau Labelu Bwyd 1996, fel y'u diwygiwyd, ("Rheoliadau 1996") i'r graddau y maent yn gymwys i Gymru. Mae'r Rheoliadau hynny'n ymestyn i Brydain Fawr i gyd.

1. These Regulations amend the Food Labelling Regulations 1996, as amended, ("the 1996 Regulations") in so far as they apply to Wales. Those Regulations extend to the whole of Great Britain.

2. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru Gyfarwyddeb y Comisiwn 2002/67/EC ar labelu bwydydd sy'n cynnwys cwiniin, a bwydydd sy'n cynnwys caffeine. Rhaid darllen Cyfarwyddeb 2002/67/EC gyda Chyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau'r Aelod-wladwriaethau sy'n ymwneud â labelu, cyflwyniad a hysbysebu bwydydd. Mae'r rheoliadau hyn yn ei gwneud yn ofynnol rhoi gwybodaeth -

2. These Regulations implement in Wales Commission Directive 2002/67/EC on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine. Directive 2002/67/EC has to be read with Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. These Regulations require information to be given -

- (a) yn rhestru cynwysyddion bwydydd am bresenoldeb unrhyw gwinin neu gaffein sydd wedi'u hychwanegu neu sydd wedi'u defnyddio fel cyflas (rheoliad 5);
- (b) am labelu neu farcio diodydd sy'n cynnwys lefel uchel o gaffein, gyda rhai eithriadau (rheoliad 6).

- (a) in the ingredients list of foods as to the presence of any quinine or caffeine added or used as a flavouring (regulation 5);
- (b) on the labelling or marking of drinks containing a high level of caffeine, with some exceptions (regulation 6).

Bydd y gofynion hyn yn gymwys o 1 Gorffennaf 2004 ymlaen (rheoliad 1(2)). Mae'r Rheoliadau'n cynnwys darpariaeth drosiannol (rheoliad 7).

These requirements apply with effect from 1st July 2004 (regulation 1(2)). The Regulations contain a transitional provision (regulation 7).

3. Gydag effaith o 13 Chwefror 2004 mae'r Rheoliadau hefyd yn diweddarau rhai cyfeiriadau yn Rheoliadau 1996 ac yn Rheoliadau Bwydydd a Addaswyd yn Enetig a Bwydydd Newydd (Labelu) (Cymru) 2000 at Gyfarwyddeb y Cyngor 79/112/EEC a gydgyfnerthwyd gan Gyfarwyddeb 2000/13/EC, fel y'i diwygiwyd (rheoliadau 1(2), 3, 4 ac 8).

3. With effect from 13th February 2004 the Regulations also update various references in the 1996 Regulations and in the Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000 to Council Directive 79/112/EEC which was consolidated by Directive 2000/13/EC, as amended (regulations 1(2), 3, 4 and 8).

4. Mae asesiad o effaith y rheoliadau wedi'i baratoi ac wedi'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trawsosod yn nodi sut y mae prif elfennau Cyfarwyddeb 2002/67/EC wedi'u trawsodod yn y rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

4. A regulatory impact assessment has been prepared and placed in the Library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of Directive 2002/67/EC are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

2004 Rhif 249 (Cy.26)**2004 No. 249 (W.26)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Bwyd (Darpariaethau sy'n ymwneud â Labelu) (Cymru) 2004****The Food (Provisions relating to Labelling) (Wales) Regulations 2004***Wedi'u gwneud* 4 Chwefror 2004*Made* 4th February 2004*Yn dod i rym yn unol â Rheoliad 1(2)**Coming into force in accordance with regulation 1(2)*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16(1)(e) ac (f), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) ac sydd bellach wedi'u breinio ynddo(b) 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 ag adran 9 o Reoliad y Cyngor (EC) Rhif 178/2002 o Senedd Ewrop a'r Cyngor(c) sy'n pennu egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewropeaidd ac yn pennu gweithdrefnau o ran materion diogelwch bwyd yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

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

Teitl, cymhwyso a chychwyn**Title, application and commencement**

1. (1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Darpariaethau sy'n ymwneud â Labelu)(Cymru) 2004; maent yn gymwys i Gymru yn unig.

1. (1) These Regulations may be cited as the Food (Provisions relating to Labelling) (Wales) Regulations 2004; they apply to Wales only.

(2) Daw'r rheoliadau hyn i rym ar 13 Chwefror 2004 ac eithrio rheoliadau 5 i 7 a ddaw i rym ar 1 Gorffennaf 2004.

(2) These Regulations come into force on 13th February 2004 except for regulations 5 to 7 which come into force on 1st July 2004.

Diwygio Rheoliadau Labelu Bwyd 1996**Amendment of the Food Labelling Regulations 1996**

2. Caiff Rheoliadau Labelu Bwyd 1996(ch) eu diwygio (i'r graddau y maent yn gymwys i Gymru) yn unol â rheoliadau 3 i 7.

2. The Food Labelling Regulations 1996(d) shall be amended (in so far as they apply to Wales) in accordance with regulations 3 to 7.

(a) 1990 p.16.

(a) 1990 c.16.

(b) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan yr Ysgrifennydd Gwladol i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, 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).

(b) Functions formerly exercisable by "the Secretary of State" 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).

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

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

(ch) O.S. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2000/768, 2254, 2000/1925.

(d) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/768, 2254, 2000/1925.

3. Yn rheoliad 2(1) (dehongli) -

(a) yn y diffiniad o "Directive 94/54", yn lle'r geiriau "Directive 79/112" rhodder y geiriau "Directive 2000/13";

(b) ar ôl y diffiniad o "Directive 99/2" mewnosodir y diffiniad canlynol -

""Directive 2000/13" means Directive 2000/13/EC of the European Parliament and of the Council(a) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC(b), (which was itself amended by Commission Directives 2002/86/EC(c)) and as further amended by Commission Directive 2003/89/EC(ch) and as read with Commission Directive 1999/10/EC(d) providing for derogations from the provisions of Article 7 of Directive 2000/13 and Commission Directive 2002/67/EC(dd) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;".

4. Yn y darpariaethau canlynol-

rheoliad 3(1)(i) (eithriadau),

rheoliad 19(2)(a)(i) (nodi meintiau rhai cynhwysion neu gategoriâu o gynhwysion),

rheoliad 47(b) (amddiffyn mewn perthynas ag allforion),

yn lle'r geiriau "Directive 79/112" rhodder y geiriau "Directive 2000/13".

5. Yn rheoliad 14 (enwau cynhwysion) -

(a) ym mharagraff (5) mewnosodir ar y dechrau y geiriau "Subject to paragraph (5A) of this regulation";

(b) ar ôl paragraff (5) mewnosodir y paragraff canlynol -

"(5A) In the case of quinine or caffeine added to or used in a food as a flavouring, quinine or caffeine (as appropriate) shall be identified by name immediately after the word "flavouring"."

6. Ar ôl rheoliad 34 (bwydydd sy'n cynnwys melysyddion, siwgr ychwanegol, aspartame neu polyols) mewnosodir y rheoliad canlynol -

3. In regulation 2(1) (interpretation) -

(a) in the definition of "Directive 94/54", for the words "Directive 79/112" there shall be substituted the words "Directive 2000/13";

(b) after the definition of "Directive 99/2" there shall be inserted the following definition -

""Directive 2000/13" means Directive 2000/13/EC of the European Parliament and of the Council(a) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC(b), (which was itself amended by Commission Directive 2002/86/EC(c)) and as further amended by Commission Directive 2003/89/EC(d), and as read with Commission Directive 1999/10/EC(e) providing for derogations from the provisions of Article 7 of Directive 2000/13 and Commission Directive 2002/67/EC(f) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;".

4. In the following provisions -

regulation 3(1)(i) (exemptions),

regulation 19(2)(a)(i) (indication of quantities of certain ingredients or categories of ingredients),

regulation 47(b) (defence in relation to exports),

for the words "Directive 79/112" there shall be substituted the words "Directive 2000/13".

5. In regulation 14 (names of ingredients) -

(a) in paragraph (5) there shall be inserted at the beginning the words "Subject to paragraph (5A) of this regulation";

(b) after paragraph (5) there shall be inserted the following paragraph -

"(5A) In the case of quinine or caffeine added to or used in a food as a flavouring, quinine or caffeine (as appropriate) shall be identified by name immediately after the word "flavouring"."

6. After regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols) there shall be inserted the following regulation -

(a) OJ Rhif. L109, 6.5.2000, t.29, fel y mae wedi'i gywiro gan Corrigendum (OJ Rhif. L124, 25.5.2000, t.66).

(b) OJ Rhif. L310, 28.11.2001, t.19.

(c) OJ Rhif. L305, 7.11.2002, t.19.

(ch) O.J. Rhif L308, 25.11.2003, t.15.

(d) OJ Rhif. L69, 16.3.1999, t.22.

(dd) OJ Rhif. L191, 19.7.2002, t.20.

(a) OJ No. L109, 6.5.2000, p.29, as corrected by a Corrigendum (OJ No. L124, 25.5.2000, p.66).

(b) OJ No. L310, 28.11.2001, p.19.

(c) OJ No. L305, 7.11.2002, p.19.

(d) OJ L308, 25.11.2003, p.15.

(e) OJ No. L69, 16.3.1999, p.22.

(f) OJ No. L191, 19.7.2002, p.20.

"Drinks with high caffeine content

34A.-(1) Subject to paragraph (2) of this regulation, in the case of a drink which -

- (a) is intended for consumption without modification and contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre, or
- (b) is in concentrated or dried form and after reconstitution contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre,

that drink shall be marked or labelled with the words "High caffeine content" in the same field of vision as the name of the drink, and those words shall be followed by a reference in brackets to the caffeine content expressed in milligrams per 100 millilitres.

(2) Paragraph (1) of this regulation shall not apply to any drink based on coffee, tea or coffee or tea extract where the name of the food includes the term "coffee" or "tea".

7. Yn Rheoliad 50 (darpariaeth drosiannol) mewnosdir ar y diwedd y paragraff canlynol -

"(11) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that -

- (a) the food concerned was marked or labelled before 1st July 2004; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 5 and 6 of the Food (Provisions relating to Labelling) (Wales) Regulations 2004 had not been in operation when the food was sold."

Diwygio Rheoliadau Bwydydd a Addaswyd yn Enetig a Bwydydd Newydd (Labelu) (Cymru) 2000

8. Yn Rheoliadau Bwydydd a Addaswyd yn Enetig a Bwydydd Newydd (Labelu) (Cymru) 2000(a) -

- (a) Yn rheoliad 2(1) (dehongli) -
 - (i) yn lle'r diffiniad o "Cyfarwyddeb 79/112" ("Directive 79/112") rhodder y diffiniad canlynol -

ystyr "Cyfarwyddeb 2000/13" ("*Directive 2000/13*") yw Cyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor**(b)** ar gyd-ddynesiad cyfreithiau'r Aelod Wladwriaethau ynglŷn â labelu, cyflwyno a hysbysebu bwydydd stuffs, fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn

(a) O.S. 2000/1925 (Cy.134).

(b) OJ Rhif L109, 6.5.2000, t.29, fel y mae wedi'i gywiro gan Corrigendum (OJ Rhif. L124, 25.5.2000, t.66).

"Drinks with high caffeine content

34A.-(1) Subject to paragraph (2) of this regulation, in the case of a drink which -

- (a) is intended for consumption without modification and contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre, or
- (b) is in concentrated or dried form and after reconstitution contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre,

that drink shall be marked or labelled with the words "High caffeine content" in the same field of vision as the name of the drink, and those words shall be followed by a reference in brackets to the caffeine content expressed in milligrams per 100 millilitres.

(2) Paragraph (1) of this regulation shall not apply to any drink based on coffee, tea or coffee or tea extract where the name of the food includes the term "coffee" or "tea".

7. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph -

"(11) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that -

- (a) the food concerned was marked or labelled before 1st July 2004; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 5 and 6 of the Food (Provisions relating to Labelling) (Wales) Regulations 2004 had not been in operation when the food was sold."

Amendment of the Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000

8. In the Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000(a) -

- (a) in regulation 2(1) (interpretation) -
 - (i) there shall be substituted for the definition of "Directive 79/112" the following definition -

"Directive 2000/13" ("*Cyfarwyddob 2003/13*") means Directive 2000/13/EC of the European Parliament and of the Council**(b)** on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by

(a) S.I. 2000/1925 (W. 134).

(b) OJ No. L109, 6.5.2000, p.29, as corrected by a Corrigendum (OJ No. L124, 25.5.2000, p.66).

2001/101/EC(a), (a ddiwygiwyd ei hun gan Gyfarwyddeb y Comisiwn 2002/86/EC(b)) ac fel y'i diwygiwyd ymhellach gan Gyfarwyddeb y Comiscwn 2003/89/EC(c);";

(ii) yn y diffiniad o "Rheoliad 1139/98" ("*Regulation 1139/98*") yn lle'r ymadrodd "Cyfarwyddeb 79/112/EEC" rhodder yr ymadrodd "Cyfarwyddeb 2000/13";

(b) yn rheoliad 3(1) (esemptiadau) a rheoliad 9(b) (amddiffyn mewn perthynas ag allforion) yn lle'r ymadrodd "Cyfarwyddeb 79/112" rhodder yr ymadrodd "Cyfarwyddeb 2000/13".

Commission Directive 2001/101/EC(a), which was itself amended by Commission Directive 2002/86/EC(b)) and as further amended by Commission Directive 2003/89/EC(c);";

(ii) in the definition of "Regulation 1139/98" there shall be substituted for the expression "Directive 79/112/EEC" the expression "Directive 2000/13";

(b) in regulation 3(1) (exemptions) and regulation 9(b) (defence in relation to exports) there shall be substituted for the expression "Directive 79/112" the expression "Directive 2000/13".

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

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

4 Chwefror 2004

4th February 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) OJ Rhif L310, 28.11.2001, t.19.

(b) OJ Rhif L305, 7.11.2002, t.19.

(c) OJ Rhif L308, 25.11.2003, t.15.

(ch) 1998 p.38.

(a) OJ No. L310, 28.11.2001, p.19.

(b) OJ No. L305, 7.11.2002, p.19.

(c) OJ No. L308, 25.11.2003, p.15.

(d) 1998 c.38.

2004 Rhif 249 (Cy.26)

BWYD, CYMRU

Rheoliadau Bwyd (Darpariaethau
sy'n ymwneud â Labelu) (Cymru)
2004

2004 No. 249 (W.26)

FOOD, WALES

The Food (Provisions relating to
Labelling) (Wales) Regulations
2004

©© Hawlfraint y Goron 2004

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.

£3.00

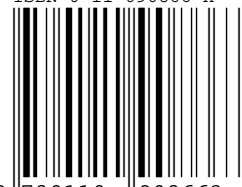
W16/02/04

ON

© Crown copyright 2004

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 0-11-090866-X



9 780110 908663