



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2004 Rhif 3022 (Cy.261)**

**2004 No. 3022 (W.261)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Labelu Bwyd  
(Diwygio) (Rhif 2) (Cymru) 2004**

**The Food Labelling (Amendment)  
(No. 2) (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 ymhellach Reoliadau Labelu Bwyd 1996 ("y prif Reoliadau") i'r graddau y maent yn gymwys i Gymru. Mae'r Rheoliadau hynny'n rychwantu Prydain Fawr i gyd. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru Gyfarwyddeb 2003/89/EC Senedd Ewrop a'r Cyngor (OJ Rhif L308, 25.11.2003, t.15) sy'n diwygio Cyfarwyddeb 2000/13/EC o ran dangos pa gynhwysion sy'n bresennol mewn bwydydd.

1. These Regulations further amend the Food Labelling Regulations 1996 ("the Principal Regulations") in so far as they apply to Wales. Those Regulations extend to the whole of Great Britain. These Regulations implement in Wales Directive 2003/89/EC of the European Parliament and of the Council (OJ No. L308, 25.11.2003, p.15) amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs.

2. Yn achos bwyd sy'n cynnwys unrhyw gynhwysyn alergenig (fel y'i diffinnir yn rheoliad 3(a) ac yn yr Atodlen) neu gynhwysyn sy'n dod o gynhwysyn alergenig y cyfeirir ato ym mharagraffau 1 i 11 o'r Atodlen, mae'r Rheoliadau yn ei gwneud yn ofynnol bod y bwyd yn cael ei farcio â chyfeiriad clir at enw'r cynhwysyn alergenig dan sylw neu fod arno label yn dwyn cyfeiriad clir at enw'r cynhwysyn alergenig dan sylw (rheoliadau 12 a'r 14). Mae esemptiadau yn achos bwyd nad yw wedi'i ragbecynnu, bwyd sydd wedi'i ragbecynnu i'w werthu'n uniongyrchol a chynhyrchion cyffaith ffansi (rheoliadau 10 ac 11).

2. The Regulations require that in the case of food containing any allergenic ingredient (as defined in regulation 3(a) and the Schedule) or an ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of the Schedule, the food be marked or labelled with a clear reference to the name of the allergenic ingredient concerned (regulations 12 and 14). There are exemptions in the case of food which is not prepacked, food which is prepacked for direct sale and fancy confectionery products (regulations 10 and 11).

3. Yn rhinwedd Erthygl 13(4) o Gyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor (OJ Rhif L109, 6.5.2000, t.29) ar gyd-ddynesiad deddfau'r Aelod-wladwriaethau sy'n ymwneud â labelu, cyflwyno a hysbysebu bwydydd, mae pecynnau bach a photeli gwyrdd penodol sydd wedi'u marcio'n annileadwy yn esempt rhag gofynion Cyfarwyddeb 2003/89/EC bod labeli ac arnynt enwau alergenau yn cael eu rhoi ar fwydydd. Mae'r Rheoliadau'n ymestyn y gofynion bod

3. By virtue of Article 13(4) of Directive 2000/13/EC of the European Parliament and of the Council (OJ No. L109, 6.5.2000, p.29) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, small packages and certain indelibly marked glass bottles are exempt from the allergen labelling requirements of Directive 2003/89/EC. The Regulations extend the allergen labelling requirements

labeli ac arnynt enwau alergenau yn cael eu rhoi ar fwydydd i gynnwys y pecynnau a'r poteli hynny ac yn gwneud y camau hynny'n gamau cenedlaethol (yn unol â'r cyfeiriad yn rheoliad 26 o'r prif Rheoliadau a rheoliadau 4 a 12 o'r Rheoliadau hyn). Yn unol â hynny, hysbyswyd y Comisiwn Ewropeaidd o destun drafft y Rheoliadau o dan Gyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor (OJ Rhif L204, 21.7.98, t.37), sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau technegol a rheoliadau ac ar gyfer rheolau ar wasanaethau Cymdeithas Wybodaeth, fel y'i diwygir gan Gyfarwyddeb 98/48/EC Senedd Ewrop a'r Cyngor (OJ Rhif L217, 5.8.98, t.18).

4. Hefyd wrth weithredu Cyfarwyddeb 2003/89/EC, tra bo'r Rheoliadau'n darparu esemptiad cyfyngedig ar gyfer rhai cynhwysion cyfansawdd sy'n llai na 2 y cant o'r cynnyrch gorffenedig, yn achos cynhwysion cynhwysyn cyfansawdd sydd yn llai na 25 y cant o'r cynnyrch gorffenedig, maent yn dileu'r esemptiad blaenorol rhag rhestru'r cynhwysion (rheoliad 7(b) a (c)). Mae'r Rheoliadau'n gwneud rhai newidiadau eraill i'r rheolau manwl ynghylch trefn rhestru cynhwysion (rheoliad 5) ac yn ychwanegu cynhwysyn arall at y rhai nad oes angen eu henwi (rheoliad 8(b)). Mae'r Rheoliadau'n gwneud diwygiadau canlyniadol (rheoliadau 3(b), 6, 7(a), 8(a), 9 a 15) ac yn cynnwys darpariaeth drosiannol (rheoliad 13).

5. Paratowyd arfarniad rheoliadol ar yr effaith y bydd y Rheoliadau hyn yn ei chael ar gostau busnes ac fe'i gosodwyd yn llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trosi sy'n nodi sut y trosir prif elfennau Cyfarwyddeb 2003/89/EC yn y Rheoliadau hyn. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd CF10 1EW.

to such packages and bottles as a national measure (regulation 26 of the principal Regulations and regulations 4 and 12 of these Regulations refer). The Regulations were accordingly notified in draft to the European Commission under Directive 98/34/EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p.37) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).

4. Also in the implementation of Directive 2003/89/EC, the Regulations remove the previous exemption from ingredient listing in the case of the ingredients of a compound ingredient which constituted less than 25 per cent of the finished product, whilst providing a limited exemption for some compound ingredients constituting less than 2 per cent of the finished product (regulation 7(b) and (c)). The Regulations make some other adjustments to the detailed rules regarding the order in which ingredients are to be listed (regulation 5) and add a further ingredient to those which do not need to be named (regulation 8(b)). The Regulations make some consequential amendments (regulations 3(b), 6, 7(a), 8(a), 9 and 15) and contain a transitional provision (regulation 13).

5. A regulatory appraisal of the effect that these Regulations will have on the costs of business 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 2003/89/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 3022 (Cy.261)****2004 No. 3022 (W.261)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Labelu Bwyd  
(Diwygio) (Rhif 2) (Cymru) 2004****The Food Labelling (Amendment)  
(No. 2) (Wales) Regulations 2004***Wedi'u gwneud* 16 Tachwedd 2004*Made* 16 November 2004*Yn dod i rym* 25 Tachwedd 2004*Coming into force* 25 November 2004

Drwy arfer y pwerau a roddwyd 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), mae Cynulliad Cenedlaethol Cymru, ac yntau wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac wedi ymgynghori yn unol ag Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(c), sy'n gosod egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd, yn gwneud y Rheoliadau canlynol yn unol ag adran 48(4) a (4B) o'r Ddeddf honno:

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:

**Enwi, cymhwyso a chychwyn**

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Rhif 2) (Cymru) 2004; maent yn gymwys i Gymru yn unig a deuant i rym ar 25 Tachwedd 2004.

**Title, application and commencement**

1. These Regulations may be cited as the Food Labelling (Amendment) (No. 2) (Wales) Regulations 2004; they apply to Wales only and come into force on 25 November 2004.

(a) 1990 p.16.

(b) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Secretary of State" 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).

(c) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4)

(a) 1990 c.16.

(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 No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4)

## Diwygio Rheoliadau Labelu Bwyd 1996

2. Diwygir Rheoliadau Labelu Bwyd 1996(a) (i'r graddau y maent yn gymwys i Gymru) yn unol â rheoliadau 3 i 15.

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

(a) ar ôl y diffiniad o "advertisement" mewnosoder y diffiniad a ganlyn -

""allergenic ingredient" means an ingredient referred to in Schedule AA1;"

(b) yn lle'r diffiniad o "Directive 2000/13" rhodder y diffiniad canlynol -

""Directive 2000/13" 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) Commission Directive 2001/101/EC(c), which was itself amended by Commission Directive 2002/86/EC(ch); and

(b) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(d); and

(c) Directive 2003/89/EC of the European Parliament and of the Council(dd),

and as read with Commission Directive 99/10/EC(e) providing for derogations from the provisions of Article 7 of Directive 2000/13/EC and Commission Directive 2002/67/EC(f) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;"

## Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(a) are amended (in so far as they apply to Wales) in accordance with regulations 3 to 15.

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

(a) after the definition of "advertisement" insert the following definition -

""allergenic ingredient" means an ingredient referred to in Schedule AA1;"

(b) for the definition of "Directive 2000/13" substitute the following definition -

""Directive 2000/13" 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) Commission Directive 2001/101/EC(c), which was itself amended by Commission Directive 2002/86/EC(d); and

(b) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(e); and

(c) Directive 2003/89/EC of the European Parliament and of the Council(f),

and as read with Commission Directive 99/10/EC(g) providing for derogations from the provisions of Article 7 of Directive 2000/13/EC and Commission Directive 2002/67/EC(h) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;"

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(a) S.I. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2000/1925 (Cy.134), 2001/1232 (Cy.66), 2003/832 (Cy.104), 2004/249(Cy. 26), 2004/2731(Cy.238).

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

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

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

(d) OJ Rhif L236, 23.9.2003, t.33.

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

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

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

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(a) S.I. 1996/1499; the relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/1925 (W.134), 2001/1232 (W.66), 2003/832 (W.104), 2004/249(W. 26), 2004/2731 (W.238).

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

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

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

(e) OJ No. L236, 23.9.2003, p.33.

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

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

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

4. Yn rheoliad 3(1A) (esemptiadau) ar ôl is-baragraff (a) hepgorer y gair "or" a mewnosoder yr is-baragraff a ganlyn -

"(aA) regulation 44(1)(a) in relation to a contravention of regulation 34B concerning any prepacked food either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres; or".

5. Yn rheoliad 13 (trefn rhestr gynhwysion), yn lle paragraff (5) rhodder y paragraffau a ganlyn -

"(5) Where a food consists of, or contains, mixed fruit, vegetables or mushrooms which are used in proportions that are likely to vary and no particular fruit, vegetable or mushroom predominates significantly by weight, those ingredients may be grouped together in the list of ingredients under the designation "fruit", "vegetables" or "mushrooms" followed by the phrase "in varying proportions", followed by a list of the fruit, vegetables or mushrooms present; in such a case the total weight of the fruit, vegetables or mushrooms determines the order in which this entry appears in the list of ingredients.

(6) Where a food consists of, or contains, mixed spices or herbs and no particular spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight if -

(a) in the case of a food which consists entirely of such a mixture, the heading of the list of ingredients includes or is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which the ingredients are listed; and

(b) in the case of a food which contains such a mixture, that part of the list where the names of those ingredients appear is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which those ingredients are listed.

(7) Ingredients constituting less than 2 per cent of the finished product may be listed in a different order after the other ingredients.

(8) In the case of ingredients which -

- (a) are similar or mutually substitutable;
- (b) are likely to be used in the preparation of a food without altering its nature or its perceived value;
- (c) are not additives, allergenic ingredients or ingredients originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1; and

4. In regulation 3(1A) (exemptions) after sub-paragraph (a) omit the word "or" and insert the following sub-paragraph -

"(aA) regulation 44(1)(a) in relation to a contravention of regulation 34B concerning any prepacked food either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres; or".

5. In regulation 13 (order of list of ingredients), for paragraph (5) substitute the following paragraphs -

"(5) Where a food consists of, or contains, mixed fruit, vegetables or mushrooms which are used in proportions that are likely to vary and no particular fruit, vegetable or mushroom predominates significantly by weight, those ingredients may be grouped together in the list of ingredients under the designation "fruit", "vegetables" or "mushrooms" followed by the phrase "in varying proportions", followed by a list of the fruit, vegetables or mushrooms present; in such a case the total weight of the fruit, vegetables or mushrooms determines the order in which this entry appears in the list of ingredients.

(6) Where a food consists of, or contains, mixed spices or herbs and no particular spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight if -

(a) in the case of a food which consists entirely of such a mixture, the heading of the list of ingredients includes or is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which the ingredients are listed; and

(b) in the case of a food which contains such a mixture, that part of the list where the names of those ingredients appear is accompanied by the words "in variable proportion" or other words indicating the nature of the order in which those ingredients are listed.

(7) Ingredients constituting less than 2 per cent of the finished product may be listed in a different order after the other ingredients.

(8) In the case of ingredients which -

- (a) are similar or mutually substitutable;
- (b) are likely to be used in the preparation of a food without altering its nature or its perceived value;
- (c) are not additives, allergenic ingredients or ingredients originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1; and

(d) constitute less than 2 per cent of the finished product,

such ingredients may be referred to in the list of ingredients by means of the phrase "contains ... and/or ...", where at least one of no more than two such ingredients is present in the finished product."

**6. Yn rheoliad 14 (enwau cynhwysion) -**

- (a) ym mharagraffau (4) a (9) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";
- (b) ym mharagraff (5) ar ôl y geiriau "Subject to paragraph (5A) of this regulation" mewnosoder y geiriau "and regulation 34B,".

**7. Yn rheoliad 15 (cynhwysion cyfansawdd) -**

- (a) ym mharagraffau (3) a (4) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";
- (b) ym mharagraff (4) ar ôl is-baragraff (a) hepgorer y gair "or" ac yn lle is-baragraff (b) rhodder yr is-baragraffau a ganlyn -
  - "(b)subject to paragraphs (5) and (6) of this regulation, the composition of the compound ingredient is defined in Community legislation and the compound ingredient constitutes less than 2 per cent of the finished product, or
  - (c) subject to paragraphs (5) and (6) of this regulation, the compound ingredient consists of a mixture of spices or herbs or both and constitutes less than 2 per cent of the finished product.";

- (c) ar ôl paragraff 4, mewnosoder y paragraffau a ganlyn -

"(5) Subject to regulation 17, any additive which is an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation is to be named in the list of ingredients in accordance with paragraph (2) of this regulation.

(6) Where an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation has been irradiated, the name of that ingredient and the words required by paragraph 2 of Schedule 2 are to be given, except in the case of food which is prepared for patients requiring sterile diets under medical supervision."

**8. Yn rheoliad 17 (cynhwysion nad oes angen eu henwi) -**

- (a) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B,";
- (b) ar ôl paragraff (d), mewnosoder y paragraff a ganlyn -
  - "(e)any substance which is not an additive but which is used in the same way and for the same purpose as a processing aid."

(d) constitute less than 2 per cent of the finished product,

such ingredients may be referred to in the list of ingredients by means of the phrase "contains ... and/or ...", where at least one of no more than two such ingredients is present in the finished product."

**6. In regulation 14 (names of ingredients) -**

- (a) in paragraphs (4) and (9) insert at the beginning the words "Subject to regulation 34B,";
- (b) in paragraph (5) after the words "Subject to paragraph (5A) of this regulation" insert the words "and regulation 34B,".

**7. In regulation 15 (compound ingredients) -**

- (a) in paragraphs (3) and (4) insert at the beginning the words "Subject to regulation 34B,";
- (b) in paragraph (4) after sub-paragraph (a) the word "or" is omitted and for sub-paragraph (b) substitute the following sub-paragraphs -
  - "(b)subject to paragraphs (5) and (6) of this regulation, the composition of the compound ingredient is defined in Community legislation and the compound ingredient constitutes less than 2 per cent of the finished product, or
  - (c) subject to paragraphs (5) and (6) of this regulation, the compound ingredient consists of a mixture of spices or herbs or both and constitutes less than 2 per cent of the finished product.";

- (c) after paragraph (4) insert the following paragraphs -

"(5) Subject to regulation 17, any additive which is an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation is to be named in the list of ingredients in accordance with paragraph (2) of this regulation.

(6) Where an ingredient of such a compound ingredient as is mentioned in paragraph (4)(b) or (4)(c) of this regulation has been irradiated, the name of that ingredient and the words required by paragraph 2 of Schedule 2 are to be given, except in the case of food which is prepared for patients requiring sterile diets under medical supervision."

**8. In regulation 17 (ingredients which need not be named) -**

- (a) insert at the beginning the words "Subject to regulation 34B,";
- (b) after paragraph (d) insert the following paragraph -
  - "(e)any substance which is not an additive but which is used in the same way and for the same purpose as a processing aid."

9. Yn rheoliad 18 (bwydydd nad oes angen rhestr o gynhwysion arnynt) -

- (a) ym mharagraff (1) mewnosoder ar y dechrau y geiriau "Subject to regulation 34B";
- (b) ym mharagraff (3) yn lle'r geiriau "regulations 12 to 17" rhodder y geiriau "regulations 12 to 17 and 34B".

10. Yn rheoliad 23 (bwyd nad yw wedi ei ragbecynnu a bwyd tebyg, a chynhyrchion cyffraith ffansi) ar ôl paragraff (2) mewnosoder y paragraff a ganlyn -

"(2A) Food falling within paragraph (1)(a) or (1)(c) of this regulation need not be marked or labelled with any of the particulars specified in regulation 34B."

11. Yn rheoliad 27(1) (bwydydd penodol a werthir mewn sefydliadau arlwyo), yn lle'r geiriau "regulations 32, 33 and 34" rhodder y geiriau "regulations 32, 33, 34 and 34B".

12. Ar ôl rheoliad 34A (diodydd ac ynddynt lefel uchel o gaffein) mewnosoder y rheoliad a ganlyn -

**"Foods containing allergenic ingredients or ingredients originating from allergenic ingredients"**

34B.-(1) Subject to paragraph (2) of this regulation, where any food containing any allergenic ingredient, or any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1, does not specify the allergenic ingredient in the name of the food, that food is to be marked or labelled with a clear reference to the name of the allergenic ingredient concerned.

(2) In the case of any drink which has an alcoholic strength by volume of more than 1.2 per cent -

- (a) the presence of any allergenic ingredient is to be indicated by marking or labelling the drink with the word "contains" followed by the name of the allergenic ingredient; and
- (b) the presence of any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1 is to be indicated by marking or labelling the drink with the word "contains" followed by the name of the ingredient including a reference to the allergenic ingredient from which it originates,

unless the name of the allergenic ingredient is specified in the name of the drink or in the list of ingredients, if any."

13. Yn rheoliad 50 (darpariaeth drosiannol) mewnosoder ar y diwedd y paragraff a ganlyn -

"(12) In any proceedings for an offence under

9. In regulation 18 (foods which need not bear a list of ingredients) -

- (a) in paragraph (1) insert at the beginning the words "Subject to regulation 34B";
- (b) in paragraph (3) for the words "regulations 12 to 17" substitute the words "regulations 12 to 17 and 34B".

10. In regulation 23 (food which is not prepacked and similar food, and fancy confectionery products) after paragraph (2) insert the following paragraph -

"(2A) Food falling within paragraph (1)(a) or (1)(c) of this regulation need not be marked or labelled with any of the particulars specified in regulation 34B."

11. In regulation 27(1) (certain food sold at catering establishments), for the words "regulations 32, 33 and 34" substitute the words "regulations 32, 33, 34 and 34B".

12. After regulation 34A (drinks with high caffeine content), insert the following regulation -

**"Foods containing allergenic ingredients or ingredients originating from allergenic ingredients"**

34B.-(1) Subject to paragraph (2) of this regulation, where any food containing any allergenic ingredient, or any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1, does not specify the allergenic ingredient in the name of the food, that food is to be marked or labelled with a clear reference to the name of the allergenic ingredient concerned.

(2) In the case of any drink which has an alcoholic strength by volume of more than 1.2 per cent -

- (a) the presence of any allergenic ingredient is to be indicated by marking or labelling the drink with the word "contains" followed by the name of the allergenic ingredient; and
- (b) the presence of any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1 is to be indicated by marking or labelling the drink with the word "contains" followed by the name of the ingredient including a reference to the allergenic ingredient from which it originates,

unless the name of the allergenic ingredient is specified in the name of the drink or in the list of ingredients, if any."

13. In regulation 50 (transitional provision), insert at the end the following paragraph -

"(12) In any proceedings for an offence under

regulation 44(1)(a), it is to be a defence to prove that -

- (a) the food concerned was marked or labelled before 25th November 2005; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by the following provisions of the Food Labelling (Amendment) (No.2) (Wales) Regulations 2004, namely -
  - (i) regulation 3(b),
  - (ii) regulation 5 in so far as it substitutes a new regulation 13(5), and
  - (iii) regulations 6, 7, 8(a), 9, 12 and 15,

had not been in operation when the food was sold."

**14.** Yn union o flaen Atodlen A1, mewnosoder fel Atodlen AA1 gynnwys yr Atodlen i'r Rheoliadau hyn.

**15.** Yn Atodlen 3 (enwau generig mewn rhestr o gynhwysion), yn Rhan I (cyffredinol) hepgorer y cofnodion sy'n cyfeirio at "Crystallised fruit" a "Vegetables".

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

16 Tachwedd 2004

Llywydd y Cynulliad Cenedlaethol

regulation 44(1)(a), it is to be a defence to prove that -

- (a) the food concerned was marked or labelled before 25th November 2005; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by the following provisions of the Food Labelling (Amendment) (No.2) (Wales) Regulations 2004, namely -
  - (i) regulation 3(b),
  - (ii) regulation 5 in so far as it substitutes a new regulation 13(5), and
  - (iii) regulations 6, 7, 8(a), 9, 12 and 15,

had not been in operation when the food was sold."

**14.** Immediately before Schedule A1, insert as Schedule AA1 the contents of the Schedule to these Regulations.

**15.** In Schedule 3 (generic names in list of ingredients), in Part I (general) the entries relating to "Crystallised fruit" and "Vegetables" are omitted.

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

16 November 2004

The Presiding Officer of the National Assembly

*D. Elis-Thomas*

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(a) 1998 p.38.

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(a) 1998 c.38.



YR ATODLEN

SCHEDULE

Rheoliad 14

Regulation 14

ATODLEN AA1 NEWYDD I'W  
MEWNOSOD YN RHEOLIADAU LABELU  
BWYD 1996

NEW SCHEDULE AA1 TO BE INSERTED  
IN THE FOOD LABELLING  
REGULATIONS 1996

"SCHEDULE AA1

"SCHEDULE AA1

Regulations 2(1) and 34B

Regulations 2(1) and 34B

ALLERGENIC INGREDIENTS

ALLERGENIC INGREDIENTS

1. The following cereals containing gluten: wheat, rye, barley, oats, spelt, kamut and their hybridised strains

1. The following cereals containing gluten: wheat, rye, barley, oats, spelt, kamut and their hybridised strains

2. Crustaceans

2. Crustaceans

3. Eggs

3. Eggs

4. Fish

4. Fish

5. Peanuts

5. Peanuts

6. Soybeans

6. Soybeans

7. Milk

7. Milk

8. The following nuts: Almond (*Amygdalus communis* L.), Hazelnut (*Corylus avellana*), Walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nut (*Bertholletia excelsa*), Pistachio nut (*Pistacia vera*), Macadamia nut and Queensland nut (*Macadamia ternifolia*)

8. The following nuts: Almond (*Amygdalus communis* L.), Hazelnut (*Corylus avellana*), Walnut (*Juglans regia*), Cashew (*Anacardium occidentale*), Pecan nut (*Carya illinoensis* (Wangenh.) K. Koch), Brazil nut (*Bertholletia excelsa*), Pistachio nut (*Pistacia vera*), Macadamia nut and Queensland nut (*Macadamia ternifolia*)

9. Celery

9. Celery

10. Mustard

10. Mustard

11. Sesame seeds

11. Sesame seeds

Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>".

Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>".





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OFFERYNNAU STATUDOL

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**2004 Rhif 3022 (Cy.261)**

**BWYD, CYMRU**

Rheoliadau Labelu Bwyd  
(Diwygio) (Rhif 2) (Cymru) 2004

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STATUTORY INSTRUMENTS

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**2004 No. 3022 (W.261)**

**FOOD, WALES**

The Food Labelling (Amendment)  
(No. 2) (Wales) Regulations 2004

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