



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 3220 (Cy.276)

2004 No. 3220 (W.276)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Bwyd a Addaswyd yn
Enetig (Cymru) 2004**

**The Genetically Modified Food
(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)

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn darparu ar gyfer gorfodi a gweithredu rhai darpariaethau penodedig (sy'n ymwneud â bwyd) yn Rheoliad (EC) Rhif 1829/2003 Senedd Ewrop a'r Cyngor ar fwyd a bwyd anifeiliaid a addaswyd yn enetig (OJ Rhif L268, 18.10.2003, t.1). Mae Rheoliadau ar wahân yn gwneud darpariaeth ar gyfer gorfodi'r darpariaethau hynny yn Rheoliad (EC) Rhif 1829/2003 sy'n ymwneud â bwyd anifeiliaid.

These Regulations, which apply to Wales, provide for the enforcement and execution of certain specified provisions (relating to food) of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ No. L268, 18.10.2003, p.1). Separate Regulations make provision for the enforcement of those provisions of Regulation (EC) No. 1829/2003 relating to animal feed.

Yn benodol mae'r Rheoliadau hyn -

In particular these Regulations -

- (a) yn dynodi'r Asiantaeth Safonau Bwyd yn ffurfiol fel yr awdurdod cymwys cenedlaethol i dderbyn ceisiadau am awdurdodi'r organeddau newydd a addaswyd yn enetig i'w defnyddio ar gyfer bwyd, bwyd sy'n cynnwys organeddau a addaswyd yn enetig neu sydd wedi'i ffurfio ohonynt, neu fwyd a gynhyrchir o organeddau a addaswyd yn enetig neu sy'n cynwys cynhwysion a gynhyrchir o organeddau a addaswyd yn enetig (rheoliad 3);
- (b) yn darparu bod awdurdodau bwyd yn gorfodi darpariaethau'r Rheoliadau hyn a darpariaethau Pennod II o Rheoliad (EC) Rhif 1829/2003 (rheoliad 4);
- (c) yn pennu cosbau am fethu â chydymffurfio â rhai darpariaethau penodedig yn Rheoliad (EC) Rhif 1829/2003, unwaith y mae'r Rheoliadau mewn grym (rheoliad 5 a'r Atodlen);
- (ch) cymhwyso amrywiol ddarpariaethau Deddf Diogelwch Bwyd 1990 gyda rhai addasiadau wrth eu cymhwyso at ddibenion y Rheoliadau hyn (rheoliadau 6 a 7);

- (a) formally designate the Food Standards Agency as the national competent authority to receive applications for the authorisation of new genetically modified organisms for food use, food containing or consisting of genetically modified organisms, or food produced from or containing ingredients produced from genetically modified organisms (regulation 3);
- (b) provide for food authorities to enforce the provisions of these Regulations and Chapter II of Regulation (EC) No. 1829/2003 (regulation 4);
- (c) establish penalties for failing to comply with certain specified provisions of Regulation (EC) No. 1829/2003, once the Regulations are in force (regulation 5 and the Schedule);
- (d) apply various provisions of the Food Safety Act 1990 with some modifications in their application for the purposes of these Regulations (regulations 6 and 7);

- (d) dirymu Rheoliadau Bwydydd a Addaswyd yn Enetig a Bwydydd Newydd (Labelu) (Cymru) 2000 (rheoliad 8);
- (dd) gwneud diwygiadau canlyniadol i Reoliadau Bwydydd Newydd a Chynhwysion Bwydydd Newydd 1997 a Rheoliadau Bwyd (Darpariaethau sy'n Ymwneud â Labelu) (Cymru) 2003 (rheoliad 9).

Mae arfarniad rheoliadol yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 wedi'i baratoi ar gyfer y rheoliadau hyn a'i osod yn llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trosi. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

- (e) revoke the Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000 (regulation 8);
- (f) make consequential amendments to the Novel Foods and Novel Food Ingredients Regulations 1997 and to the Food (Provisions Relating to Labelling) (Wales) Regulations 2003 (regulation 9).

A regulatory appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared for these regulations and placed in the library of the National Assembly for Wales together with a Transposition Note. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

2004 Rhif 3220 (Cy.276)**2004 No. 3220 (W.276)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Bwyd a Addaswyd yn Enetig (Cymru) 2004****The Genetically Modified Food (Wales) Regulations 2004***Wedi'u gwneud**7 Rhagfyr 2004**Made**7 December 2004**Yn dod i rym**17 Rhagfyr 2004**Coming into force**17 December 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), (e) ac (f), 17(2), 18(1), (26)(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) ac sydd bellach wedi'u breinio ynddo(b) ac wedi 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 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 faterion diogelwch bwyd(c) ac 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)(a), (e) and (f), 17(2), 18(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and now vested in it(b), and 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 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 chymhwysio**Title, commencement and application****1. O ran y Rheoliadau hyn -****1. These Regulations -**

- (a) eu henw yw Rheoliadau Bwyd a Addaswyd yn Enetig (Cymru) 2004;
- (b) deuant i rym ar 17 Rhagfyr 2004; ac
- (c) maent yn gymwys i Gymru yn unig.

- (a) may be cited as the Genetically Modified Food (Wales) Regulations 2004;
- (b) come into force on 17 December 2004; and
- (c) apply to Wales only.

Dehongli**Interpretation****2.-(1) Yn y Rheoliadau hyn -****2.-(1) In these Regulations -**

mae i "awdurdod bwyd" yr un ystyr â "*food authority*" yn adran 5(1A) a (3)(a) a (b) yn Neddf Diogelwch Bwyd 1990;

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

ystyr "*darpariaeth Gymunedol benodedig*" ("*specified Community provision*") yw darpariaeth

"food authority" ("*awdurdod bwyd*") has the same meaning as in section 5(1A) and (3)(a) and (b) of the Food Safety Act 1990.

(a) 1990 p.16.

(a) 1990 c.16.

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, 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).

(b) Functions of 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.

yn Rheoliad 1829/2003 a bennir yng Ngholofn 1 ac a ddisgrifir yng Ngholofn 2 o'r Atodlen i'r Rheoliadau hyn;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Diogelwch Bwyd 1990; ac

ystyr "Rheoliad 1829/2003" ("*Regulation 1829/2003*") yw Rheoliad (EC) Rhif 1829/2003 Senedd Ewrop a'r Cyngor ar fwyd a bwyd anifeiliaid a addaswyd yn enetig(a).

(2) Yn y Rheoliadau hyn -

- (a) mae unrhyw gyfeiriad at erthygl â rhif yn gyfeiriad at yr erthygl sy'n dwyn y rhif hwnnw yn Rheoliad 1829/2003;
- (b) mae unrhyw gyfeiriad at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;
- (c) mae unrhyw gyfeiriad at Atodlen yn gyfeiriad at yr Atodlen i'r Rheoliadau hyn

(3) Mae i ymadroddion eraill a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag a roddir i'r ymadroddion Saesneg cyfatebol yn Rheoliad 1829/2003.

Cyflwyno ceisiadau am awdurdodiad i farchnata cynhyrchion

3. Yr Asiantaeth Safonau Bwyd yw'r awdurdod cenedlaethol cymwys at ddibenion Pennod II o Reoliad 1829/2003(b).

Gorfodi

4. Mae pob awdurdod bwyd, o fewn ei ardal, i orfodi a gweithredu darpariaethau'r Rheoliadau hyn a darpariaethau Pennod II o Reoliad 1829/2003.

Tramgwyddau a Chosbau

5.-(1) Mae unrhyw berson sydd yn mynd yn groes i'r ddarpariaeth Gymunedol benodedig y cyfeirir ati yn Rhan I o'r Atodlen neu'n methu â chydymffurfio â hi yn euog o dramgwydd ac yn agored -

- (a) ar gollfarn ddiannod i garchariad am gyfnod nad yw'n fwy na chwe mis neu i ddirwy nad yw'n fwy na'r uchafswm statudol; neu
- (b) ar gollfarn ar ddiad i garchariad am gyfnod nad yw'n fwy na dwy flynedd neu ddirwy neu'r ddau.

"Regulation 1829/2003" ("*Rheoliad 1829/2003*") means Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(a);

"specified Community provision" ("*darpariaeth benodedig y Gymuned*") means a provision of Regulation 1829/2003 specified in Column 1 and described in Column 2 of the Schedule to these Regulations.

(2) In these Regulations -

- (a) any reference to a numbered article is a reference to the article so numbered in Regulation 1829/2003;
- (b) any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations;
- (c) any reference to a Schedule is a reference to the Schedule to these Regulations

(3) Other expressions used in these Regulations and in Regulation 1829/2003 have the same meaning in these Regulations as in Regulation 1829/2003.

Submission of applications for authorisation to market products

3. The national competent authority for the purposes of Chapter II of Regulation 1829/2003 is the Food Standards Agency(b).

Enforcement

4. Each food authority, within its area is to enforce and execute the provisions of these Regulations and Chapter II of Regulation 1829/2003.

Offences and Penalties

5.-(1) Any person who contravenes or fails to comply with the specified Community provision referred to in Part I of the Schedule is guilty of an offence and liable -

- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

(a) OJ Rhif L268, 18.10.03, t.1.

(b) Ei chyfeiriad yng Nghymru yw Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

(a) OJ No. L268, 18.10.03, p1.

(b) Whose address in Wales is 11th Floor Southgate House, Wood Street, Cardiff CF10 1EW.

(2) Mae unrhyw berson sydd yn mynd yn groes i unrhyw un o'r darpariaethau Cymunedol penodedig y cyfeirir atynt yn Rhan II o'r Atodlen, neu'n methu â chydymffurfio â hi, yn euog o dramgwydd ac yn agored, ar gollfarn ddiannod, i garchariad nad yw'n fwy na chwe mis neu i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol, neu i'r ddau.

Cymhwysio amrywiol ddarpariaethau'r Ddeddf

6.-(1) Mae darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn a Rheoliad 1829/2003 fel y maent yn gymwys at ddibenion y Ddeddf -

- (a) Adran 3 (rhagdybiaeth bod bwyd wedi'i fwriadu ar gyfer ei fwyta gan bobl);
- (b) Adran 20 (tramgwyddau oherwydd bai person arall);
- (c) Adran 21 (amddiffyniad diwydrwydd dyladwy) fel y mae'n gymwys at ddibenion adrannau 8, 14 neu 15 o'r Ddeddf honno;
- (ch) Adran 22 (amddiffyniad cyhoeddi yn ystod busnes);
- (d) Adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol)
- (dd) Adran 33(1) (rhwystro, etc swyddogion);
- (e) Adran 33(2), gyda'r addasiad y bernir bod y cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn gyfeiriad at unrhyw ofyniad a grybwyllir yn yr is-adran honno fel y'i cymhwysir gan is-baragraff (dd);
- (f) Adran 35(1) (cosbi tramgwyddau), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) fel y'i cymhwysir gan is-baragraff (dd);
- (ff) Adran 35(2) a (3), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(2) fel y'i cymhwysir gan is-baragraff (e);
- (g) Adran 36 (tramgwyddau gan gyrrff corfforaethol);
- (ng) Adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll); a
- (h) Adran 50 (cyflwyno dogfennau).

(2) Mae adran 34 (terfyn amser i erlyniadau) yn gymwys i dramgwyddau o dan reoliad 5 fel y mae'n gymwys i dramgwyddau y gellir eu cosbi o dan adran 35(2) o'r Ddeddf.

(2) Any person who contravenes or fails to comply with any of the specified Community provisions referred to in Part II of the Schedule is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

Application of various provisions of the Act

6.-(1) The following provisions of the Act apply for the purposes of these Regulations and Regulation 1829/2003 as they apply for the purposes of the Act -

- (a) Section 3 (presumption that food is intended for human consumption);
- (b) Section 20 (offences due to the fault of another person);
- (c) Section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of that Act;
- (d) Section 22 (defence of publication in the course of business);
- (e) Section 30(8) (which relates to documentary evidence);
- (f) Section 33(1) (obstruction, etc of officers);
- (g) Section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection 1(b) above" is deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (f);
- (h) Section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (f);
- (i) Section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (g);
- (j) Section 36 (offences by bodies corporate); and
- (k) Section 44 (protection of officers acting in good faith); and
- (1) Section 50 (service of documents).

(2) Section 34 (time limit for prosecutions) applies to offences under regulation 5 as it applies to offences punishable under section 35(2) of the Act.

Arolygu, cadw ac atafaelu bwyd sydd o dan amheuaeth

7.-(1) Mae adran 8(3) o'r Ddeddf yn gymwys at ddibenion y Rheoliadau hyn fel petai'n darllen fel a ganlyn -

"(3) Where any food which fails to comply with a specified Community provision within the meaning of the Genetically Modified Food (Wales) Regulations 2004 is part of a batch, lot or consignment of food of the same class or description, it is to be presumed for the purposes of section 9 as applied by those Regulations until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with that specified Community provision."

(2) Mae adran 9 o'r Ddeddf yn gymwys at ddibenion y Rheoliadau hyn fel petai'n darllen fel a ganlyn -

"9.-(1) An authorised officer of a food authority may at all reasonable times inspect any food intended for human consumption which -

- (a) has been placed on the market; or
- (b) is in possession of, or has been deposited with or consigned to, any person for the purpose of placing it on the market;

and subsections (2) to (9) below apply where it appears to the authorised officer, taking account of all the information available to him, that the placing on the market of any food fails to comply with a specified Community provision.

(2) The authorised officer may either -

- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it -
 - (i) is not to be used for human consumption; and
 - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under paragraph (a) above is guilty of an offence.

(3) Where the authorised officer exercises the powers conferred by subsection (2)(a) above, he or she is, as soon as is reasonably practicable and in any event within 21 days, to determine whether or not he or she is satisfied that the food complies with the specified Community provisions and -

- (a) if he or she is so satisfied is to forthwith withdraw the notice;
- (b) if he or she is not so satisfied, is to seize the food and remove it in order to have it dealt with by a justice of the peace.

Inspection, detention and seizure of suspected food

7.-(1) Section 8(3) of the Act applies for the purposes of these Regulations as if it read as follows -

"(3) Where any food which fails to comply with a specified Community provision within the meaning of the Genetically Modified Food (Wales) Regulations 2004 is part of a batch, lot or consignment of food of the same class or description, it is to be presumed for the purposes of section 9 as applied by those Regulations until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with that specified Community provision."

(2) Section 9 of the Act applies for the purposes of these Regulations as if it read as follows -

"9.-(1) An authorised officer of a food authority may at all reasonable times inspect any food intended for human consumption which -

- (a) has been placed on the market; or
- (b) is in possession of, or has been deposited with or consigned to, any person for the purpose of placing it on the market;

and subsections (2) to (9) below apply where it appears to the authorised officer, taking account of all the information available to him, that the placing on the market of any food fails to comply with a specified Community provision.

(2) The authorised officer may either -

- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it -
 - (i) is not to be used for human consumption; and
 - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under paragraph (a) above is guilty of an offence.

(3) Where the authorised officer exercises the powers conferred by subsection (2)(a) above, he or she is, as soon as is reasonably practicable and in any event within 21 days, to determine whether or not he or she is satisfied that the food complies with the specified Community provisions and -

- (a) if he or she is so satisfied is to forthwith withdraw the notice;
- (b) if he or she is not so satisfied, is to seize the food and remove it in order to have it dealt with by a justice of the peace.

(4) Where an authorised officer exercises the powers conferred by subsection (2)(b) or (3)(b) above, he or she is to inform the person in charge of the food of his or her intention to have it dealt with by a justice of the peace and -

- (a) any person who under regulation 5 of the Genetically Modified Food (Wales) Regulations 2004 might be liable to a prosecution in respect of the food is, if he or she attends before the justice of the peace by whom the food falls to be dealt with, entitled to be heard and to call witnesses; and
- (b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence in relation to that food.

(5) If it appears to a justice of the peace, on the basis of such evidence as he or she considers appropriate in the circumstances, that any food falling to be dealt with by him or her under this section fails to comply with a specified Community provision then subject to subsection (6) below he or she is to condemn the food and order -

- (a) that food to be destroyed or to be so disposed of as to prevent it from being used for human consumption or animal feed; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the operator.

(6) In the case of a food referred to in Article 3.1 which is the subject of an authorisation granted under Regulation 1829/2003 and has been produced in accordance with any conditions relating to that authorisation but does not bear the appropriate labelling as required by Article 13 the justice of the peace may, at his or her discretion, order -

- (a) that the food be labelled properly as soon as is reasonably practicable and at the expense of the operator; and
- (b) the release of the food into the custody of the operator.

(7) If a notice under subsection (2)(a) above is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this section refuses to condemn it or to make an order for the proper labelling of the food, the food authority is to compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(8) Any disputed question as to the right to or the amount of any compensation payable under subsection (7) above is to be determined by arbitration.

(9) In this section "specified Community

(4) Where an authorised officer exercises the powers conferred by subsection (2)(b) or (3)(b) above, he or she is to inform the person in charge of the food of his or her intention to have it dealt with by a justice of the peace and -

- (a) any person who under regulation 5 of the Genetically Modified Food (Wales) Regulations 2004 might be liable to a prosecution in respect of the food is, if he or she attends before the justice of the peace by whom the food falls to be dealt with, entitled to be heard and to call witnesses; and
- (b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence in relation to that food.

(5) If it appears to a justice of the peace, on the basis of such evidence as he or she considers appropriate in the circumstances, that any food falling to be dealt with by him or her under this section fails to comply with a specified Community provision then subject to subsection (6) below he or she is to condemn the food and order -

- (a) that food to be destroyed or to be so disposed of as to prevent it from being used for human consumption or animal feed; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the operator.

(6) In the case of a food referred to in Article 3.1 which is the subject of an authorisation granted under Regulation 1829/2003 and has been produced in accordance with any conditions relating to that authorisation but does not bear the appropriate labelling as required by Article 13 the justice of the peace may, at his or her discretion, order -

- (a) that the food be labelled properly as soon as is reasonably practicable and at the expense of the operator; and
- (b) the release of the food into the custody of the operator.

(7) If a notice under subsection (2)(a) above is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this section refuses to condemn it or to make an order for the proper labelling of the food, the food authority is to compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(8) Any disputed question as to the right to or the amount of any compensation payable under subsection (7) above is to be determined by arbitration.

(9) In this section "specified Community

provision" has the same meaning as in the Genetically Modified Food (Wales) Regulations 2004."

Dirymu

8. Mae Rheoliadau Bwydydd a Addaswyd yn Enetig a Bwydydd Newydd (Labelu) (Cymru) 2000(a) drwy hyn wedi'u dirymu.

Diwygiadau canlyniadol

9.-(1) Yn Rheoliadau Bwydydd Newydd a Chynhwysion Bwydydd Newydd 1997(b) -

- (a) yn rheoliad 2(1), yn y diffiniad o "Regulation EC No. 258/97", ar ôl y geiriau "novel foods and novel food ingredients" rhodder: "as amended by Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed".
- (b) yn yr Atodlen, ar ôl eitem 6, rhodder y canlynol yn y golofn gyntaf: "6A. Article 8.1" ac yn yr ail golofn rhodder: "Requirement that labelling inform the final consumer of any characteristic or food property which renders a novel food or food ingredient no longer equivalent to an existing food or food ingredient."

(2) Yn y Rheoliadau Bwyd (Darpariaethau sy'n ymwneud â Labelu) (Cymru 2004(c), mae rheoliad 8 drwy hyn wedi'i ddirymu.

provision" has the same meaning as in the Genetically Modified Food (Wales) Regulations 2004."

Revocation

8. The Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000(a) are hereby revoked.

Consequential amendments

9.-(1) In the Novel Foods and Novel Food Ingredients Regulations 1997(b) -

- (a) in regulation 2(1), in the definition of "Regulation EC No. 258/97", after the words "novel foods and novel food ingredients" insert: "as amended by Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed".
- (b) in the Schedule, after item 6, insert in the first column: "6A. Article 8.1" and in the second column: "Requirement that labelling inform the final consumer of any characteristic or food property which renders a novel food or food ingredient no longer equivalent to an existing food or food ingredient."

(2) In the Food (Provisions Relating to Labelling) (Wales) Regulations 2004(c), regulation 8 is hereby revoked.

Llofnodwyd ar ran y 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).

7 Rhagfyr 2004

7 December 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) O.S. 2000/1925.

(b) O.S. 1997/1335, fel y'i diwygiwyd gan O.S. 2000/253, O.S. 2000/656, O.S. 2000/1925.

(c) O.S. 2004/249.

(ch) 1998 p.38.

(a) S.I. 2000/1925.

(b) S.I. 1997/1335 as amended by S.I. 2000/253, S.I. 2000/656, S.I. 2000/1925.

(c) S.I. 2004/249.

(d) 1998 c.38.

YR ATODLEN

Rheoliad 2 a 5

DARPARIAETHAU CYMUNEDOL PENODEDIG

RHAN I

<i>Y Ddarpariaeth yn Rheoliad 1829 /2003</i>	<i>Y Pwnc</i>
Erthygl 4.2	Gwahardd rhoi bwyd ar y farchnad y cyfeirir ato yn Erthygl 3.1 onid oes awdurdodiad ar ei gyfer a'i fod yn bodloni amodau perthnasol yr awdurdodiad.

RHAN II

<i>Y Ddarpariaeth yn Rheoliad 1829 /2003</i>	<i>Y Pwnc</i>
Erthygl 8.6	Gofyniad bod cynhyrchion y mae'r Comisiwn wedi mabwysiadu mesur mewn perthynas â hwy o dan Erthygl 8.6 i'w cael eu tynnu oddi ar y farchnad.
Erthygl 9.1	Gofyniad bod yn rhaid i ddeiliad awdurdodiad a phartïon sy'n ymwneud â rhoi cynnyrch bwyd ar y farchnad gydymffurfio ag amodau neu gyfyngiadau a roddwyd ar awdurdodiad a chyda gofynion monitro ôl-farchnadol.
Erthygl 9.3	Gofyniad bod deiliad awdurdodiad yn hysbysu'r Comisiwn o unrhyw wybodaeth wyddonol neu dechnegol newydd sy'n ymwneud â chynnyrch, a allai ddylanwadu ar werthuso diogelwch wrth ddefnyddio'r bwyd neu ar unrhyw waharddiad neu gyfyngiad ar y bwyd mewn trydedd wlad.
Erthygl 13	Gofyniad am ddangosiadau labelu penodol.

THE SCHEDULE

Regulation 2 and 5

SPECIFIED COMMUNITY PROVISIONS

PART I

<i>Provision of Regulation 1829 /2003</i>	<i>Subject Matter</i>
Article 4.2	Prohibition on placing on the market a food referred to in Article 3.1 unless it is covered by an authorisation and satisfies relevant conditions of the authorisation.

PART II

<i>Provision of Regulation 1829 /2003</i>	<i>Subject Matter</i>
Article 8.6	Requirement that products in respect of which the Commission have adopted a measure under Article 8.6 are to be withdrawn from the market.
Article 9.1	Requirement that an authorisation holder and parties concerned must comply with conditions or restrictions imposed on an authorisation for a product and with post-market monitoring requirements.
Article 9.3	Requirement that an authorisation holder inform the Commission of any new scientific or technical information relating to a product, which might influence the evaluation of the safety in use of the food or of any prohibition or restriction on the food in a third country.
Article 13	Requirement for certain labelling indications.

OFFERYNNAU STATUDOL

2004 Rhif 3220 (Cy.276)

BWYD, CYMRU

Rheoliadau Bwyd a Addaswyd yn
Enetig (Cymru) 2004

STATUTORY INSTRUMENTS

2004 No. 3220 (W.276)

FOOD, WALES

The Genetically Modified Food
(Wales) Regulations 2004

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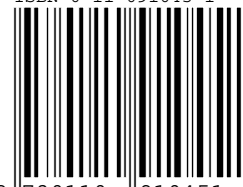
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