



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2005 Rhif 1309 (Cy.91)**

**2005 No. 1309 (W.91)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Labelu Bwyd  
(Diwygio) (Cymru) 2005**

**The Food Labelling (Amendment)  
(Wales) Regulations 2005**

**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 i'r graddau y maent yn gymwys o ran Cymru. Mae Rheoliadau 1996 yn rhychwantu Prydain Fawr i gyd. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru Gyfarwyddeb y Comisiwn 2004/77/EC sy'n diwygio Cyfarwyddeb 94/54/EC o ran labelu bwydydd penodol sy'n cynnwys asid gylsyrhisinig a'i halwyn amoniwm (OJ Rhif L162, 30.4.2004, t.76).

1. These Regulations further amend the Food Labelling Regulations 1996 in so far as they apply in relation to Wales. The 1996 Regulations extend to the whole of Great Britain. These Regulations implement in Wales Commission Directive 2004/77/EC which amends Directive 94/54/EC as regards the labelling of certain foods containing glycyrrhizinic acid and its ammonium salt (OJ No. L162, 30.4.2004, p.76).

2. Mae asid gylsyrhisinig yn digwydd yn naturiol yn y planhigyn perwraidd, a gweithgynhyrchir ei halwyn amoniwm o echdynion dyfrllyd y planhigyn hwnnw. Mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i gyffraith a diodydd sy'n cynnwys lefelau penodol o'r asid neu'r halwyn hwnnw gael eu labelu â'r dangosiad "contains liquorice" a bod rhybudd yn cael ei ychwanegu mewn rhai achosion (rheoliad 7). Ceir esemptiadau rhag y gofynion labelu hyn yn achos bwyd nad yw wedi'i ragbecynnu, bwyd sydd wedi'i ragbecynnu i'w werthu'n uniongyrchol, cynhyrchion cyffraith ffansi, pecynnau bach a photeli gwydr penodol sydd wedi'u marcio'n annileadwy (rheoliadau 4 i 6). Mae'r Rheoliadau hyn hefyd yn cynnwys darpariaeth drosiannol (rheoliad 8) ac yn diweddarau'r diffiniad o "Directive 94/54" (rheoliad 3).

2. Glycyrrhizinic acid occurs naturally in the liquorice plant, and its ammonium salt is manufactured from aqueous extracts of that plant. These Regulations require confectionery and drinks containing certain levels of that acid or salt to be labelled with the indication "contains liquorice" and for this to be coupled with a warning in certain cases (regulation 7). There are exemptions from these labelling requirements in the case of food which is not prepacked, food which is prepacked for direct sale, fancy confectionery products, small packages and certain indelibly marked glass bottles (regulations 4 to 6). These Regulations also contain a transitional provision (regulation 8) and update the definition of "Directive 94/54" (regulation 3).

3. 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 yn nodi sut y mae prif elfennau Cyfarwyddeb 2003/120/EC wedi'u

3. 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 setting out how the main elements

trosi yn y Rheoliadau hyn. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

of Directive 2003/120/EC are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

**2005 Rhif 1309 (Cy.91)****2005 No. 1309 (W.91)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Labelu Bwyd  
(Diwygio) (Cymru) 2005****The Food Labelling (Amendment)  
(Wales) Regulations 2005***Wedi'u gwneud* 10 Mai 2005*Made* 10 May 2005*Yn dod i rym* 20 Mai 2006*Coming into force* 20 May 2006

Drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) ac (f), 17, 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac sydd bellach wedi'u breinio ynddo(2), 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, yn gwneud y Rheoliadau canlynol ar ôl ymgynghori fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(3) sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd:

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e) and (f), 17, 26(1) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in it(2), 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(3) 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, makes the following Regulations:

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

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Cymru) 2005; maent yn gymwys o ran Cymru yn unig a deuant i rym ar 20 Mai 2006.

1. These Regulations may be cited as the Food Labelling (Amendment) (Wales) Regulations 2005; they apply in relation to Wales only and come into force on 20 May 2006.

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

2. Diwygir Rheoliadau Labelu Bwyd 1996(4) (i'r graddau y maent yn gymwys o ran Cymru) yn unol â rheoliadau 3 i 8.

2. The Food Labelling Regulations 1996(4) are amended (in so far as they apply in relation to Wales) in accordance with regulations 3 to 8.

(1) 1990 p.16.

(2) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Secretary of State", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

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

(4) O.S. 1996/1499; O.S. 1998/1398, 1999/747, 1483, 2000/2254, 2004/1396, 249 a 3022 yw'r offerynnau diwygio perthnasol o ran Cymru.

(1) 1990 c.16.

(2) 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).

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

(4) S.I. 1996/1499; the relevant amending instruments in relation to Wales are S.I. 1998/1398, 1999/747, 1483, 2000/2254, 2004/1396, 249 and 3022.

3. Yn rheoliad 2(1) (dehongli), yn y diffiniad o "Directive 94/54", mewnosoder ar y diwedd y geiriau "and Commission Directive 2004/77/EC(1)".

4. Yn rheoliad 23(2A) (bwyd nad yw wedi ei ragbecynnu a bwyd tebyg, a chynhyrchion cyffaieth ffansi) mewnosoder ar y diwedd yr ymadrodd "or regulation 34C".

5. Yn rheoliad 26 (pecynnau bach a photeli gwydr penodol sydd wedi'u marcio'n annileadwy), ym mharagraffau (1)(a)(ii) a (3A) yn lle'r geiriau "regulations 33 and 34" rhodder y geiriau "regulations 33, 34 and 34C".

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

7. Ar ôl rheoliad 34B (bwydydd sy'n cynnwys cynhwysion alergenig neu gynhwysion sy'n dod o gynhwysion alergenig) mewnosoder y rheoliad canlynol -

**"Confectionery and drinks containing glycyrrhizinic acid or its ammonium salt**

**34C.-(1)** This regulation applies to any confectionery or drink which contains glycyrrhizinic acid or its ammonium salt as a result of the addition of that acid or salt as such or of the liquorice plant *Glycyrrhiza glabra*, and references in this regulation to "relevant concentration" are to the concentration of that acid or salt in the food -

- (a) manufactured as ready for consumption or,
- (b) if it is not so manufactured, as reconstituted according to its manufacturer's instructions.

(2) In the case of -

- (a) any confectionery which contains a relevant concentration of at least 100mg/kg but less than 4 g/kg,
- (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 10 mg/l but less than 300 mg/l, and
- (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 10 mg/l but less than 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice", unless the term "liquorice" appears in the list of ingredients or in the name of the food.

(3) In the case of -

3. In regulation 2(1) (interpretation), in the definition of "Directive 94/54" insert at the end the words "and Commission Directive 2004/77/EC(1)".

4. In regulation 23(2A) (food which is not prepacked and similar food, and fancy confectionery products) insert at the end the expression "or regulation 34C".

5. In regulation 26 (small packages and certain indelibly marked bottles), in paragraphs (1)(a)(ii) and (3A) for the words "regulations 33 and 34" substitute the words "regulations 33, 34 and 34C".

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

7. After regulation 34B (foods containing allergenic ingredients or ingredients originating from allergenic ingredients) insert the following regulation -

**"Confectionery and drinks containing glycyrrhizinic acid or its ammonium salt**

**34C.-(1)** This regulation applies to any confectionery or drink which contains glycyrrhizinic acid or its ammonium salt as a result of the addition of that acid or salt as such or of the liquorice plant *Glycyrrhiza glabra*, and references in this regulation to "relevant concentration" are to the concentration of that acid or salt in the food -

- (a) manufactured as ready for consumption or,
- (b) if it is not so manufactured, as reconstituted according to its manufacturer's instructions.

(2) In the case of -

- (a) any confectionery which contains a relevant concentration of at least 100mg/kg but less than 4 g/kg,
- (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 10 mg/l but less than 300 mg/l, and
- (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 10 mg/l but less than 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice", unless the term "liquorice" appears in the list of ingredients or in the name of the food.

(3) In the case of -

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(1) OJ Rhif L162, 30.4.2004, t.76.

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(1) OJ No. L162, 30.4.2004, p.76.

- (a) any confectionery which contains a relevant concentration of at least 4g/kg,
- (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 300 mg/l, and
- (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice - people suffering from hypertension should avoid excessive consumption".

(4) The indications required by paragraphs (2) and (3) of this regulation shall appear immediately after the list of ingredients or, in the absence of such a list, near the name of the food."

**8.** Yn rheoliad 50 (darpariaeth drosiannol), mewnosoder ar y diwedd y paragraff canlynol -

"(13) 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 20 May 2006; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendment made by regulation 7 of the Food Labelling (Amendment) (Wales) Regulations 2005 had not been in operation when the food was sold."

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

10 Mai 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

- (a) any confectionery which contains a relevant concentration of at least 4g/kg,
- (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 300 mg/l, and
- (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice - people suffering from hypertension should avoid excessive consumption".

(4) The indications required by paragraphs (2) and (3) of this regulation shall appear immediately after the list of ingredients or, in the absence of such a list, near the name of the food."

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

"(13) 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 20 May 2006; and
- (b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendment made by regulation 7 of the Food Labelling (Amendment) (Wales) Regulations 2005 had not been in operation when the food was sold."

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

10 May 2005

The Presiding Officer of the National Assembly





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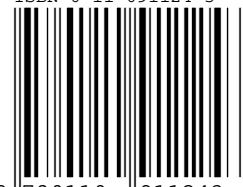
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ISBN 0-11-091124-5



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