



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 182 (Cy.15)

2005 No. 182 (W.15)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Deunyddiau ac
Eitemau Plastig mewn Cysylltiad â
Bwyd (Diwygio) (Cymru)
2005

The Plastic Materials and Articles
in Contact with Food
(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 gymwys mewn perthynas â Chymru yn unig, ac maent yn diwygio ymhellach Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd 1998 (O.S.1998/1376, "Rheoliadau 1998"), sy'n rhychwantu'r cyfan o Brydain Fawr. Mae'r Rheoliadau hyn yn gweithredu Cyfarwyddeb y Comisiwn 2004/13/EC sy'n diwygio Cyfarwyddeb y Comisiwn 2002/16/EC sy'n ymwneud â defnyddio deilliannau epoksi penodol mewn deunyddiau ac eitemau y bwriedir iddynt ddod i gysylltiad â bwydydd (OJ Rhif L51, 22.2.2002, t.27) a hefyd yn gweithredu Cyfarwyddeb y Comisiwn 2004/1/EC sy'n diwygio Cyfarwyddeb y Comisiwn 2002/72/EC mewn perthynas â defnyddio asodicarbonamid fel cyfrwng chwythu (OJ Rhif L220, 15.8.2002, t.18).

1. These Regulations, which apply in relation to Wales only, further amend the Plastic Materials and Articles in Contact with Food Regulations 1998 (S.I. 1998/1376, "the 1998 Regulations"), which extend to the whole of Great Britain. These Regulations implement Commission Directive 2004/13/EC amending Commission Directive 2002/16/EC relating to the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs (OJ No. L51, 22.2.2002, p.27) and also implement Commission Directive 2004/1/EC amending Commission Directive 2002/72/EC in relation to the use of azodicarbonamide as a blowing agent (OJ No. L220, 15.8.2002, p.18).

2. Mae'r Rheoliadau yn diwygio Rheoliadau 1998 drwy -

2. The Regulations amend the 1998 Regulations by -

- (a) ychwanegu blwyddyn at awdurdodiad dros dro i 2,2-bis(hydroxyphenyl)propane bis(2,3-epoxipropyl)ether ("BADGE") (rheoliad 4);
- (b) gwahardd defnyddio cyfrwng chwythu asodicarbonamid o 2 Awst 2005 ymlaen (rheoliad 5);
- (c) diwygio'r amddiffyniad sydd ar gael o dan reoliad 10 paragraff (19) o Reoliadau 1998 i ganiatáu ar gyfer defnyddio cod dyddiad fel

- (a) extending by a year the provisional authorisation of 2,2-bis(hydroxyphenyl)propane bis(2,3-epoxypropyl)ether ("BADGE") (regulation 4);
- (b) prohibiting the use of the blowing agent azodicarbonamide as from 2 August 2005 (regulation 5);
- (c) amending the defence available under regulation 10 paragraph (19) of the 1998 Regulations to allow for a date code as an

dewis amgen i'r dyddiad llenwi sy'n ymddangos ar ddeunyddiau ac eitemau a orchuddiwyd â haenau arwyneb, a bod yr amddiffyniad hwnnw yn amodol ar i ystyr y cod fod wedi cael ei ddatgelu i'r Asiantaeth Safonau Bwyd a'r awdurdod gorfodi pan ofynnwyd amdano (rheoliad 6(a));

(ch) creu amddiffyniad sy'n ymwneud ag asodicarbonamid yn debyg i'r un sy'n gymwys i ddeunyddiau ac eitemau a orchuddiwyd â haenau arwyneb (rheoliad 6(c)).

3. Mae arfarniad rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn ac wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru, ynghyd â nodyn trosi sy'n nodi sut y mae prif elfennau Cyfarwyddeb y Comisiwn 2004/13/EC yn cael eu trosi i'r gyfraith ddomestig gan y Rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd CF10 1EW.

alternative to the date of filling itself appearing on materials and articles covered by a surface coating, the defence being conditional on the meaning of the code having been disclosed on request to the Food Standards Agency and the enforcement authority (regulation 6(a));

(d) creating a defence relating to azodicarbonamide similar to that which applies to materials and articles covered by a surface coating (regulation 6(c)).

3. A regulatory appraisal has been prepared for these Regulations and has been placed in the Library of the National Assembly for Wales, together with a transposition note setting out how the main elements of Commission Directive 2004/13/EC are transposed into domestic law by these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

2005 Rhif 182 (Cy.15)**2005 No. 182 (W.15)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Cymru) 2005****The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2005**

Wedi'u gwneud 1 Chwefror 2005
Yn dod i rym 28 Chwefror 2005

Made 1 February 2005
Coming into force 28 February 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(2), 17(1), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac sydd bellach wedi'u breinio ynddo(2) 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 pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(3) 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(2), 17(1), 26(1)(a) 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 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(3), makes the following Regulations:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Diwygio) (Cymru) 2005, maent yn gymwys mewn perthynas â Chymru yn unig a deuant i rym ar 28 Chwefror 2005.

Title, application and commencement

1. These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2005, apply in relation to Wales only and come into force on 28 February 2005.

Diwygiadau i Reoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd 1998

2. Diwygir Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd 1998(4) i'r graddau y maent yn gymwys mewn perthynas â Chymru, yn unol â rheoliadau 3 i 6.

Amendments to the Plastic Materials and Articles in Contact with Food Regulations 1998

2. The Plastic Materials and Articles in Contact with Food Regulations 1998(4) are amended, in so far as they apply in relation to Wales, in accordance with regulations 3 to 6.

(1) 1990 p. 16.

(2) Trosglwyddwyd swyddogaethau "yr Ysgrifennydd Gwladol" i'r graddau y maent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999.

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

(4) O.S. 1998/1376, a ddiwygiwyd gan O.S. 2001/1263 (Cy.70), O.S. 2002/2834 (Cy. 272) ac O.S. 2003/302 (Cy.44).

(1) 1990 c. 16.

(2) Functions of "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the Food Standards Act 1999.

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

(4) S.I. 1998/1376, amended by S.I. 2001/1263 (W.70), S.I. 2002/2834 (W.272) and S.I. 2003/302 (W.44).

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

- (a) ar ddiwedd y diffiniad o "Commission Directive 2002/16" ychwaneger y geiriau "as amended by Commission Directive 2004/13/EC"(1);
- (b) ar ddiwedd y diffiniad o "the Directive" ychwaneger y geiriau "as amended by Commission Directive 2004/1/EC"(2).

4. Yn y darpariaethau canlynol, rhodder y ffigur "2006" yn lle'r ffigur "2005" -

- (a) rheoliad 4A(1)(a);
- (b) rheoliad 5(1)(b)(i);
- (c) rheoliad 8A(1);
- (ch) yn adran A o Ran I o Atodlen 1, yn eitem 40 yng ngholofn 4 (cyfyngiadau a manylebau).

5. Yn Rhan 1 o Atodlen 2, yn eitem 27A yng ngholofn 4 (cyfyngiadau a manylebau), ar ôl y geiriau "For use only as a blowing agent" ychwaneger y geiriau "Use prohibited as from 2 August 2005".

6. Yn rheoliad 10 (tramgwyddau) -

- (a) yn lle paragraff (19) rhodder y ddarpariaeth ganlynol -

"(19) In any proceedings for an offence under regulation 3(1)(a) or (b) in relation to the requisite standards applicable to adhesives and materials and articles covered by a surface coating it shall be a defence to prove that -

- (a) the adhesive, material or article was brought into contact with food before 28 February 2003;
- (b) the date of filling (or subject to paragraph (24) of this regulation a coded indication of the date of filling) of the material or article concerned appeared on the adhesive, material or article at the time of sale; and
- (c) the labelling or marking with the particulars mentioned in subparagraph (b) at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive 2000/13/EC of the European Parliament and of the Council.";

- (b) hepgorer paragraff (20);

- (c) yn union ar ôl paragraff (22) ychwaneger -

"(23) In any proceedings for an offence under regulations 3(1)(a) or (b) in relation to the sale as from 2 August 2005 of a plastic material or article containing azodicarbonamide with reference number 36640 in Part I of Schedule 2 it shall be a defence to prove that-

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

- (a) at the end of the definition of "Commission Directive 2002/16" add the words "as amended by Commission Directive 2004/13/EC"(1);
- (b) at the end of the definition of "the Directive" add the words "as amended by Commission Directive 2004/1/EC"(2).

4. In the following provisions, substitute the figure "2006" for the figure "2005" -

- (a) regulation 4A(1)(a);
- (b) regulation 5(1)(b)(i);
- (c) regulation 8A(1);
- (d) in section A of Part I of Schedule 1, at item 40 in column 4 (restrictions and specifications).

5. In Part I of Schedule 2, at item 27A in column 4 (restrictions and specifications), after the words "For use only as a blowing agent" add the words "Use prohibited as from 2 August 2005".

6. In regulation 10 (offences) -

- (a) for paragraph (19) substitute the following provision -

"(19) In any proceedings for an offence under regulation 3(1)(a) or (b) in relation to the requisite standards applicable to adhesives and materials and articles covered by a surface coating it shall be a defence to prove that -

- (a) the adhesive, material or article was brought into contact with food before 28 February 2003;
- (b) the date of filling (or subject to paragraph (24) of this regulation a coded indication of the date of filling) of the material or article concerned appeared on the adhesive, material or article at the time of sale; and
- (c) the labelling or marking with the particulars mentioned in subparagraph (b) at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive 2000/13/EC of the European Parliament and of the Council.";

- (b) omit paragraph (20);

- (c) immediately after paragraph (22) add -

"(23) In any proceedings for an offence under regulations 3(1)(a) or (b) in relation to the sale as from 2 August 2005 of a plastic material or article containing azodicarbonamide with reference number 36640 in Part I of Schedule 2 it shall be a defence to prove that-

(1) OJ Rhif L27, 30.1.2004, t.46.

(2) OJ Rhif L7, 13.1.2004, t.45.

(1) OJ No. L27, 30.1.2004, p.46.

(2) OJ No. L7, 13.1.2004, p.45.

- (a) the plastic material or article was brought into contact with food before 2 August 2005,
- (b) the date of filling (or subject to paragraph (24) of this regulation a coded indication of the date of filling) of the material or article concerned appeared on the plastic material or article at the time of sale, and
- (c) the labelling or marking with the particulars mentioned in subparagraph (b) at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive 2000/13/EC of the European Parliament and the Council.

(24) For the purposes of paragraph (19)(b) and paragraph (23)(b) of this regulation the date signified by a coded indication shall have been made available on request to the Food Standards Agency and the enforcement authority."

- (a) the plastic material or article was brought into contact with food before 2 August 2005,
- (b) the date of filling (or subject to paragraph (24) of this regulation a coded indication of the date of filling) of the material or article concerned appeared on the plastic material or article at the time of sale, and
- (c) the labelling or marking with the particulars mentioned in subparagraph (b) at the time of sale complied with the requirements as regards labelling relating to durability contained in Article 2.1(a) of Directive 2000/13/EC of the European Parliament and the Council.

(24) For the purposes of paragraph (19)(b) and paragraph (23)(b) of this regulation the date signified by a coded indication shall have been made available on request to the Food Standards Agency and the enforcement authority."

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

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

1 Chwefror 2005

1 February 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38

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