



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 259 (Cy.25)

2005 No. 259 (W.25)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Ychwanegion Bwyd
Amrywiol (Diwygio) (Cymru)
2005**

**The Miscellaneous Food Additives
(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, sy'n gymwys i Gymru, yn gweithredu Cyfarwyddeb y Comisiwn 2003/95/EC (OJ Rhif L283, 31.10.2003, t.71) a Chyfarwyddeb y Comisiwn 2004/45/EC (OJ Rhif L113, 20.4.2004, t.19), y mae'r ddau ohonynt yn diwygio Cyfarwyddeb y Comisiwn 96/77/EC (OJ Rhif L339, 30.12.1996, t.1) sy'n gosod meini prawf purdeb penodol ar ychwanegion bwyd ac eithrio lliwiau a melysyddion. Rhoddwyd Cyfarwyddeb 96/77/EC ar waith drwy ddiwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995.

1. These Regulations, which apply to Wales, implement Commission Directive 2003/95/EC (OJ No. L283, 31.10.2003, p.71) and Commission Directive 2004/45/EC (OJ No. L113, 20.4.2004, p.19), both of which amend Commission Directive 96/77/EC (OJ No. L339, 30.12.1996, p.1) laying down specific purity criteria on food additives other than colours and sweeteners. Directive 96/77/EC was implemented by amendment to the Miscellaneous Food Additives Regulations 1995.

2. Yn benodol, mae'r Rheoliadau hyn yn darparu meini prawf o ran purdeb, fel a amlinellir yn yr Atodiadau i Gyfarwyddebau y Comisiwn 2003/95/EC a 2004/45/EC, mewn perthynas â'r ychwanegion a ganlyn:

2. In particular these Regulations provide for purity criteria as outlined in the Annexes to Commission Directives 2003/95/EC and 2004/45/EC in relation to the following additives:

E251 Sodiwm Nitrad

E251 Sodium Nitrate

E431 Polyocsiethylen (4) Stearad

E431 Polyoxyethylene (4) Stearate

E432 Polyocsiethylen Sorbitan Monolawrad (Polysorbad 20)

E432 Polyoxyethylene Sorbitan Monolaurate (Polysorbate 20)

E433 Polyocsiethylen Sorbitan Monoolead (Polysorbad 80)

E433 Polyoxyethylene Sorbitan Monooleate (Polysorbate 80)

E434 Polyocsiethylen Sorbitan Monopalmitad (Polysorbad 40)

E434 Polyoxyethylene Sorbitan Monopalmitate (Polysorbate 40)

E435 Polyocsiethylen Sorbitan Monostearad (Polysorbad 60)

E435 Polyoxyethylene Sorbitan Monostearate (Polysorbate 60)

E436 Polyocsiethylen Sorbitan Tristearad
(Polysorbad 65)

E459 Beta-Cylchodecstrin

Polyethylen Glycol 6000

E407 Carrageenan

E407a Gwymon Eucheuma a broseswyd

E907 Poly-1-desin hydrogenedig

E1517 Glyseril Deuasetad

E1519 Bensyl Alcohol

3. Paratowyd arfarniad rheoliadol ar yr effaith a gaiff y Rheoliadau hyn ar gostau busnes yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 ac fe'i gosodwyd yn llyfrgell Cynulliad Cenedlaethol Cymru, ynghyd â nodyn trosi, sy'n nodi sut y trosir prif elfennau Cyfarwyddebau 2003/95/EC a 2003/45/EC i gyfraith ddomestig. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Ty Southgate, Caerdydd, CF10 1EW.

E436 Polyoxyethylene Sorbitan Tristearate
(Polysorbate 65)

E459 Beta-Cyclodextrin

Polyethylene Glycol 6000

E407 Carrageenan

E407a Processed Eucheuma seaweed

E907 Hydrogenated Poly-1-decene

E1517 Glyceril Diacetate

E1519 Benzyl Alcohol

3. A regulatory appraisal of these Regulations pursuant to section 65 of the Government of Wales Act 1998 together with a transposition note setting out how the main elements of the Directives 2003/95/EC and 2003/45/EC are transposed into domestic law have been prepared and have been placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

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Amrywiol (Diwygio) (Cymru)
2005****The Miscellaneous Food Additives
(Amendment) (Wales) Regulations
2005***Wedi'u gwneud* 8 Chwefror 2005*Made* 8 February 2005*Yn dod i rym* 1 Mawrth 2005*Coming into force* 1 March 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (f), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac sydd bellach wedi'u breinio ynddo(2), 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 Erthygl 9 o Reoliad (EC) Rhif 178/2002 o 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, ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1), 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 both 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 and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application****1. O ran y Rheoliadau hyn-****1. These Regulations -**

- (a) eu henw yw Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2005;
- (b) deuant i rym ar 1 Mawrth 2005; ac
- (c) maent yn gymwys o ran Cymru yn unig.

- (a) may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2005;
- (b) shall come into force on 1 March 2005;
- (c) shall apply in relation to Wales only.

(1) 1990 p.16.

(1) 1990 c.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).

(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 Rhif L31, 1.2.2002, t.1.

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

Diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995

2. Diwygir Rheoliadau Ychwanegion Bwyd Amrywiol 1995(1) yn unol â rheoliadau 3 a 4 isod.

3. Ym mharagraff (1) o reoliad 2 (dehongli), yn y diffiniad o "Directive 96/77/EC", yn lle'r geiriau "and Commission Directive 2002/82/EC", rhodder y geiriau a ganlyn-

", Commission Directive 2002/82/EC(2) Commission Directive 2003/95/EC(3) and Commission Directive 2004/45/EC(4)".

4. Yn rheoliad 11, ar ôl paragraff (1D), mewnosoder y paragraff a ganlyn-

"(1E) In any proceedings for an offence in contravention of regulation 3(1) where it is alleged that a food additive failed to satisfy the purity criteria for that additive, it shall be a defence for the accused to show either-

- (a) that the food additive concerned is E431-E436, or polyethylene glycol 6000 and the food additive or food concerned was put on the market or labelled before 1 November 2004; or
- (b) that the food additive concerned is E407, E407a, E1517 or E1519 and the food additive or food concerned was put on the market or labelled before 1 April 2005;

and that that matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulation 3 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2005 had not been in force when that matter occurred."

Amendment of the Miscellaneous Food Additives Regulations 1995

2. The Miscellaneous Food Additives Regulations 1995(1) is amended in accordance with regulation 3 and 4 below.

3. In paragraph (1) of regulation 2 (interpretation), in the definition of "Directive 96/77/EC" for the words "and Commission Directive 2002/82/EC" substitute the following words -

", Commission Directive 2002/82/EC(2) Commission Directive 2003/95/EC(3) and Commission Directive 2004/45/EC(4)".

4. In regulation 11, after paragraph (1D), insert the following paragraph -

(1E) In any proceedings for an offence in contravention of regulation 3(1) where it is alleged that a food additive failed to satisfy the purity criteria for that additive, it shall be a defence for the accused to show either -

- (a) that the food additive concerned is E431-E436, or polyethylene glycol 6000 and the food additive or food concerned was put on the market or labelled before 1 November 2004; or
- (b) that the food additive concerned is E407, E407a, E1517 or E1519 and the food additive or food concerned was put on the market or labelled before 1 April 2005;

and that that matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulation 3 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2005 had not been in force when that matter occurred."

(1) O.S. 1995/3187, a ddiwygiwyd gan O.S. 1997/1413, O.S.1999/1133, O.S. 2001/1440 (Cy.102), O.S. 2001/1787 (Cy.128), O.S. 2001/2679 (Cy.220), O.S. 2001/3909 (Cy.321), O.S. 2002/329 (Cy.42), O.S. 2002/330 (Cy.43), O.S. 2003/945 (Cy.126), O.S. 2003/3037 (Cy.285), O.S. 2003/3041 (Cy.286), O.S. 2003/3044 (Cy.288), O.S. 2003/3047 (Cy.290), O.S. 2003/3053 (Cy.291), O.S. 2004/553 (Cy.56) ac O.S. 2004/554 (Cy.57).

(2) OJ Rhif L292, 28.10.2002, t.1.

(3) OJ Rhif L283, 31.10.2003, t.71.

(4) OJ Rhif L113, 20.4.2004, t.19.

(1) S.I. 1995/3187, amended by S.I. 1997/1413, S.I.1999/1133, S.I. 2001/1440 (W.102), S.I. 2001/1787 (W.128), S.I. 2001/2679 (W.220), S.I. 2001/3909 (W.321), S.I. 2002/329 (W.42), S.I. 2002/330 (W.43), S.I. 2003/945 (W.126), S.I. 2003/3037 (W.285), S.I. 2003/3041 (W.286), S.I. 2003/3044 (W.288), S.I. 2003/3047 (W.290), S.I. 2003/3053 (W.291), S.I. 2004/553 (W.56) and S.I. 2004/554 (W.57).

(2) OJ No. L292, 28.10.2002, p.1.

(3) OJ No. L283, 31.10.2003, p.71

(4) OJ No.L113, 20.4.2004, p.19.

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)

8 Chwefror 2005

8 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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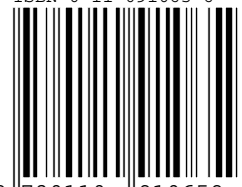
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