CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 2928 (Cy.263)

AMAETHYDDIAETH, CYMRU

Rheoliadau Bwydydd Anifeiliaid (Cymru) (Diwygio) 2006

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

1. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Bwydydd Anifeiliaid (Cymru) 2006 (OS 2006/116 (Cy.14)) ("Rheoliadau 2006") drwy fewnosod ynddynt ddarpariaeth sy'n ei gwneud yn ofynnol bod y ganran o bob deunydd bwyd anifeiliaid a gaiff ei gynnwys mewn bwyd anifeiliaid cyfansawdd i'w ddatgan, gyda goddefiant heb fod yn fwy na ±15%, ar label y bwyd anifeiliaid cyfansawdd neu ar ddogfen sy'n mynd gyda'r bwyd anifeiliaid, (*rheoliad 2(2)*). Cynhwysid y ddarpariaeth hon yn flaenorol yn Rheoliadau Porthiant (Cymru) 2001 (OS 2001/343 (Cy.15)) fel y'i diwygiwyd gan OS 2003/1850 (Cy.200) ("Rheoliadau 2001") (rheoliad 3).

2. Mae'r Rheoliadau hyn hefyd yn dirymu darpariaeth yn Rheoliadau 2001 sy'n ei gwneud yn ofynnol bod union ganran pob deunydd bwyd anifeiliaid mewn bwyd anifeiliaid cyfansawdd i'w datgelu i gwsmeriaid sy'n gofyn hynny (rheoliad 4).

3. Rhoddwyd ar waith, o ran Cymru, gan ddarpariaethau Rheoliadau 2001, y cyfeirir atynt ym mharagraffau 1 a 2 uchod, Erthygl 1.4 ac Erthygl 1.1(b), yn y drefn honno, o Gyfarwyddeb 2002/2/EC Senedd Ewrop a'r Cyngor sy'n diwygio Cyfarwyddeb y Cyngor 79/373/EEC ar gylchrediad bwydydd anifeiliaid cyfansawdd (OJ Rhif L63, 6.3.2002, t.23).

4. Yn sgil rhoi'r Erthyglau ar waith, ataliwyd y darpariaethau dros dro drwy orchymyn yr Uchel Lys hyd oni fyddai canlyniad achos a gyfeiriwyd at Lys Cyfiawnder Ewrop (ECJ) yn hysbys. Yn ystod cyfnod atal y darpariaethau dros dro, dirymwyd y cyfan o Reoliadau 2001 ac eithrio'r darpariaethau a ataliwyd dros dro a rhoddwyd Rheoliadau 2006 yn eu lle.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 2928 (W.263)

AGRICULTURE, WALES

The Feeding Stuffs (Wales) (Amendment) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Order)

1. These Regulations amend the Feeding Stuffs (Wales) Regulations 2006 (SI 2006/116 (W.14)) ("the 2006 Regulations") by inserting into them a provision requiring the percentage of each feed material contained in a compound feed to be declared, within a tolerance of ±15%, on the label of the compound feed or on an accompanying document, (*regulation 2(2)*). This provision was formerly contained in the Feeding Stuffs (Wales) Regulations 2001 (SI 2001/343 (W.15)) as amended by SI 2003/1850 (W.200) ("the 2001 Regulations") (regulation 3).

2. These Regulations also revoke a provision in the 2001 Regulations requiring the exact percentage of each feed material in a compound feed to be disclosed to customers on request (regulation 4).

3. The provisions of the 2001 Regulations referred to in paragraphs 1 and 2 above implemented, in relation to Wales, Article 1.4 and Article 1.1(b) respectively of Directive 2002/2/EC of the European Parliament and of the Council amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (OJ No. L63, 6.3.2002, p.23).

4. Following implementation, the provisions were suspended by order of the High Court pending the outcome of a referral to the European Court of Justice (ECJ). During the period of suspension, all of the 2001 Regulations other than the suspended provisions were revoked and replaced by the 2006 Regulations.

5. Yn ei ymateb yn sgil cyfeirio'r achos ato mae'r ECJ yn awr wedi dyfarnu bod Erthygl 1.4 o Gyfarwyddeb 2002/2/EC yn ddilys yn gyfreithiol, ond nad yw Erthygl 1.1(b) yn ddilys yn gyfreithiol.

6. Cafodd asesiad rheoliadol llawn o'r effaith a fydd yr offeryn hwn yn ei chael ar gostau busnes ei baratoi a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd CF10 1EW.

5. In response to the referral the ECJ has now ruled that Article 1.4 of Directive 2002/2/EC is legally valid, whereas Article 1.1(b) is not.

6. A full regulatory impact assessment that this instrument will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.

OFFERYNNAU STATUDOL

2006 Rhif 2928 (Cy.263)

AMAETHYDDIAETH, CYMRU

Rheoliadau Bwydydd Anifeiliaid (Cymru) (Diwygio) 2006

Wedi'u gwneud	*8 Tachwedd 2006*
Yn dod i rym	*17 Tachwedd 2006*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 66(1), 68(1), 69(1), 74(1) a 74A o Ddeddf Amaethyddiaeth 1970(**1**).

Bu ymgynghori agored a thryloyw yn ystod cyfnod paratoi'r Rheoliadau hyn fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(**2**) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Bwydydd Anifeiliaid (Cymru) (Diwygio) 2006, maent yn gymwys o ran Cymru a deuant i rym ar 17 Tachwedd 2006.

Diwygiadau i Reoliadau Bwydydd Anifeiliaid (Cymru) 2006

2.-(1) Diwygir Rhan I o Atodlen 3 i Reoliadau Bwydydd Anifeiliaid (Cymru) 2006(**3**) yn unol â pharagraffau (2) i (4).

(2) Ar ôl paragraff (18), mewnosoder y paragraff a ganlyn-

(**1**) 1970 p.40. Trosglwyddwyd swyddogaethau "the Secretary of State", i'r graddau yr oeddent yn arferadwy o ran Cymru i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672. Cafodd adran 74A ei mewnosod gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p. 68), Atodlen 4, paragraff 6.

(**2**) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

(**3**) O.S. 2006/116 (Cy.14)

STATUTORY INSTRUMENTS

2006 No. 2928 (W.263)

AGRICULTURE, WALES

The Feeding Stuffs (Wales) (Amendment) Regulations 2006

Made	*8 November 2006*
Coming into force	*17 November 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74(1) and 74A of the Agriculture Act 1970(**1**).

There has been open and transparent consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**2**) 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.

Title, application and commencement

1. The title of these Regulations is the Feeding Stuffs (Wales) (Amendment) Regulations 2006, they apply in relation to Wales and come into force on 17 November 2006.

Amendments to the Feeding Stuffs (Wales) Regulations 2006

2.-(1) Part I of Schedule 3 to the Feeding Stuffs (Wales) Regulations 2006(**3**) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 18 insert the following paragraph-

(**1**) 1970 c.40. 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. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6.

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

(**3**) S.I. 2006/116 (W.14)

"**18A**. In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material in the compound feeding stuff, subject to a limit of variation of ± 15% in relation to each declared percentage.".

(3) Ym mharagraff 23(1), hepgorer y geiriau "and by paragraph 19 of Schedule 4 to the 2001 Regulations".

(4) Ym mharagraff 26, yn lle'r ymadrodd "under paragraph 25 above or under paragraph 19 of Schedule 4 to the 2001 Regulations" rhodder "under paragraphs 18A or 25 above".

Dirymiadau

3. Dirymir y darpariaethau canlynol-

(a) rheoliad 17A o Reoliadau Porthiant (Cymru) 2001(**1**) a pharagraff 19 o Atodlen 4 iddynt; a

(b) rheoliadau 6 a 10(c) o Reoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) 2003(**2**).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**3**).

8 Tachwedd 2006

"**18A**. In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material in the compound feeding stuff, subject to a limit of variation of ± 15% in relation to each declared percentage.".

(3) In paragraph 23(1), omit the words "and by paragraph 19 of Schedule 4 to the 2001 Regulations".

(4) In paragraph 26, for the expression "under paragraph 25 above or under paragraph 19 of Schedule 4 to the 2001 Regulations" substitute "under paragraphs 18A or 25 above".

Revocations

3. The following provisions are revoked-

(a) regulation 17A of and paragraph 19 of Schedule 4 to the Feeding Stuffs (Wales) Regulations 2001(**1**); and

(b) regulations 6 and 10(c) of the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003(**2**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**).

8 November 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) O.S. 2001/343 (Cy.15). Yr offeryn diwygio perthnasol yw O.S. 2003/1850 (Cy.200).

(**2**) O.S. 2003/1850 (Cy.200).

(**3**) 1998 p.38.

(**1**) S.I. 2001/343 (W.15). The relevant amending instrument is S.I. 2003/1850 (W.200).

(**2**) S.I. 2003/1850 (W.200).

(**3**) 1998 c.38.

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AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

Rheoliadau Bwydydd Anifeiliaid (Cymru) (Diwygio) 2006

The Feeding Stuffs (Wales) (Amendment) Regulations 2006

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