



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 485 (Cy.55)

2006 No. 485 (W.55)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Halogion mewn Bwyd
(Cymru) 2006**

**The Contaminants in Food (Wales)
Regulations 2006**

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 o ran Cymru ac sy'n dirymu ac yn ailddeddfu gyda newidiadau Reoliadau Halogion mewn Bwyd (Cymru) 2005 (O.S. 2005/364) fel y'u diwygiwyd-

1. These Regulations, which apply to Wales and revoke and re-enact with changes the Contaminants in Food (Wales) Regulations 2005 (S.I. 2005/364) as amended-

- (a) yn darparu ar gyfer gweithredu a gorfodi Rheoliad y Comisiwn (EC) Rhif 466/2001 sy'n gosod y lefelau uchaf a ganiateir ar gyfer halogion mewn bwydydd (OJ Rhif L77, 16.3.2001, t.1, fel y'i cywirwyd a'i ddiwygio) ("Rheoliad y Comisiwn"); a
- (b) yn gweithredu-
 - (i) Cyfarwyddeb y Comisiwn 98/53/EC yn pennu'r dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol y lefelau ar gyfer rhai halogion mewn bwydydd (OJ Rhif L201, 17.7.98, t.93, fel y'i diwygiwyd),
 - (ii) Cyfarwyddeb y Comisiwn 2001/22/EC yn pennu'r dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r plwm, cadmiwm, mercwri a 3-MCPD sydd mewn bwydydd (OJ Rhif L77, 16.3.2001, t.14, fel y'i cywirwyd a'i diwygiwyd),
 - (iii) Cyfarwyddeb y Comisiwn 2002/26/EC yn pennu'r dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r ochratoxin A sydd mewn bwydydd (OJ Rhif L75, 16.3.2002, t.38, fel y'i diwygiwyd),
 - (iv) Cyfarwyddeb y Comisiwn 2002/69/EC yn pennu'r dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol y

- (a) make provision for the execution and enforcement of Commission Regulation (EC) No. 466/2001 setting maximum levels for contaminants in foodstuffs (OJ No. L77, 16.3.2001, p.1, as corrected and amended) ("the Commission Regulation"); and
- (b) implement-
 - (i) Commission Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminant in foodstuffs (OJ No. L201, 17.7.98, p.93, as amended),
 - (ii) Commission Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs (OJ No. L77, 16.3.2001, p.14, as corrected and amended),
 - (iii) Commission Directive 2002/26/EC laying down the sampling methods and the methods of analysis for the official control of levels of ochratoxin A in foodstuffs (OJ No. L75, 16.3.2002, p.38, as amended),
 - (iv) Commission Directive 2002/69/EC laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-

deuocsinau a phenderfynu ar lefelau'r biffenylau polyclorinedig (PCBs) sy'n debyg i ddeuocsinau sydd mewn bwydydd (OJ Rhif L209, 6.8.2002, t.5, fel y'i cywirwyd a'i diwygiwyd),

- (v) Cyfarwyddeb y Comisiwn 2003/78/EC yn pennu'r dulliau samplo a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r patwlin sydd mewn bwydydd (OJ Rhif L203, 12.8.2003, t.40),
- (vi) Cyfarwyddeb y Comisiwn 2004/16/EC yn pennu'r dulliau samplo a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r tun sydd mewn bwydydd tun (OJ Rhif L42, 13.2.2004, t.16), a
- (vii) Cyfarwyddeb y Comisiwn 2005/10/EC yn pennu'r dulliau samplo a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r benzo(a)pyren sydd mewn bwydydd (OJ Rhif L34, 8.2.2005, t.15).

2. Mae'r Rheoliadau hyn-

- (a) yn darparu ei bod yn drosedd, (heblaw mewn achosion penodol yn ymwneud â bwyd a roddwyd ar y farchnad cyn dyddiad a bennir mewn deddfwriaeth benodedig gan y Gymuned)-
 - (i) rhoi mathau penodol o fwydydd ar y farchnad os ydynt yn cynnwys unrhyw fath o halogion a nodwyd yn Rheoliad y Comisiwn, a hynny ar lefelau sy'n uwch na'r rhai a bennwyd (yn ddarostyngedig i randdirymiad sy'n gymwys i fathau penodol o letys a sbigoglys ffres),
 - (ii) defnyddio bwyd sy'n cynnwys halogion o'r fath mewn lefelau o'r fath fel cynhwysion wrth gynhyrchu bwydydd penodol,
 - (iii) cymysgu bwydydd sy'n cydymffurfio â'r uchafsymiau y cyfeirir atynt uchod gyda bwydydd nad ydynt,
 - (iv) cymysgu bwydydd y mae Rheoliad y Comisiwn yn ymwneud â hwy ac sydd wedi'u bwriadu i'w bwyta'n uniongyrchol gyda bwydydd y mae Rheoliad y Comisiwn yn ymwneud â hwy ac sydd wedi'u bwriadu i'w didoli neu eu trin mewn ffordd arall cyn iddynt gael eu bwyta, neu
 - (v) dadwenwyno bwyd nad yw'n cydymffurfio â'r terfynau a nodwyd yn Rheoliad y Comisiwn gan ddefnyddio triniaeth cemegol (rheoliad 3);
- (b) yn pennu'r awdurdodau gorfodi (rheoliad 4);
- (c) yn rhagnodi gofynion o ran dulliau samplu a dadansoddi bwydydd yn ddarostyngedig i Rheoliad y Comisiwn (rheoliad 5);

like PCBs in foodstuffs (OJ No. L209, 6.8.2002, p.5, as corrected and amended),

- (v) Commission Directive 2003/78/EC laying down the sampling methods and the methods of analysis for the official control of the levels of patulin in foodstuffs (OJ No. L203, 12.8.2003, p.40),
- (vi) Commission Directive 2004/16/EC laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods (OJ No. L42, 13.2.2004, p.16), and
- (vii) Commission Directive 2005/10/EC laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a)pyrene in foodstuffs (OJ No. L34, 8.2.2005, p.15).

2. These Regulations-

- (a) provide that it is an offence, (except in certain cases relating to food placed on the market before a date given in specified Community legislation)-
 - (i) to place on the market certain foods if they contain contaminants of any kind specified in the Commission Regulation at levels exceeding those specified (subject to a derogation applicable to certain types of lettuce and to fresh spinach),
 - (ii) to use food containing such contaminants at such levels as ingredients in the production of certain foods,
 - (iii) to mix foods that do not comply with the maximum levels referred to above with foods which do,
 - (iv) to mix foods to which the Commission Regulation relates and which are intended for direct consumption with foods to which the Commission Regulation relates and which are intended to be sorted or otherwise treated prior to consumption, or
 - (v) to detoxify by chemical treatment food not complying with the limits specified in the Commission Regulation (regulation 3);
- (b) specify the enforcement authorities (regulation 4);
- (c) prescribe requirements in relation to the methods sampling and analysis of foods subject to the Commission Regulation (regulation 5);

- (ch) yn darparu ar gyfer cymhwyso darpariaethau penodedig o Ddeddf Diogelwch Bwyd 1990 at ddibenion y Rheoliadau hyn (rheoliad 6);
- (d) yn gwneud diwygiadau canlyniadol i Rheoliadau Diogelwch Bwyd (Samplo a Chymwysterau) 1990 i'r graddau y maent yn gymwys o ran Cymru, gyda'r effaith o ddatgymhwyso darpariaethau samplu a dadansoddi'r Rheoliadau hynny yn unig i'r graddau y rheoleiddir y materion hynny gan y rhai hynny o ddarpariaethau'r Gymuned a weithredir yn y Rheoliadau hyn (rheoliad 7).

3. Paratowyd arfarniad rheoliadol ar gyfer y Rheoliadau hyn, ac mae wedi'i gadw yn Llyfrgell Genedlaethol Cymru, ynghyd â nodyn trosi yn nodi sut y trosir prif elfennau Rheoliadau'r Comisiwn, y cyfeirir atynt ym mharagraff 1 uchod, i gyfraith ddomestig gan y Rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Tŷ Southgate, Caerdydd, CF10 1EW.

- (d) provide for the application of specified provisions of the Food Safety Act 1990 for the purposes these Regulations (regulation 6);
- (e) make consequential amendments to the Food Safety (Sampling and Qualifications) Regulations 1990 in so far as they apply in relation to Wales the effect being to disapply the sampling and analysis provisions of those Regulations only to the extent that those matters are regulated by the Community provisions implemented in these Regulations (regulation 7).

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 the Commission Regulations referred to in paragraph 1 above are transposed into domestic law by these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

2006 Rhif 485 (Cy.55)**2006 No. 485 (W.55)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Halogion mewn Bwyd
(Cymru) 2006****The Contaminants in Food (Wales)
Regulations 2006***Wedi'u gwneud* 28 Chwefror 2006*Made* 28 February 2006*Yn dod i rym* 1 Mawrth 2006*Coming into force* 1 March 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), (e) ac (f), 17(1) a (2), 26(1)(a), (2)(e) a (3), 31(1) a (2)(b), (c) ac (f), a 48(1)(c) o Ddeddf Diogelwch Bwyd 1990(1), ac a freiniwyd ynddo bellach(2), ac ar ôl iddo roi 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 o Senedd Ewrop a'r Cyngor sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, ac sy'n sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(3), yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(1) and (2), 26(1)(a), (2)(e) and (3), 31(1) and (2)(b), (c) and (f), and 48(1)(c) 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, cychwyn a chymhwysu

1. Enw'r Rheoliadau hyn yw Rheoliadau Halogion mewn Bwyd (Cymru) 2006, deuant i rym ar 1 Mawrth 2006 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1. The title of these Regulations is the Contaminants in Food (Wales) Regulations 2006, which come into force on 1 March 2006 and apply in relation to Wales.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

nid yw "awdurdod bwyd" ("*food authority*") yn cynnwys awdurdod iechyd porthladd;

ystyr "awdurdod iechyd porthladd" ("*port health authority*"), mewn perthynas ag unrhyw ardal iechyd porthladd a sefydlwyd drwy orchymyn o dan adran 2(3) o Ddeddf Iechyd y Cyhoedd (Rheoli

Interpretation

2. (1) In these Regulations-

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

"authorised lettuce" ("*letus awdurdodedig*") means lettuce of the kind specified in point 1.3 of section 1 of Annex I to the Commission Regulation, which complies with the conditions of the derogation

(1) 1990 p.16.

(2) Trosglwyddwyd Swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

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

(1) 1990 c.16.

(2) 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).

(3) 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.).

Afiechydon) 1984(1), yw awdurdod iechyd porthladd ar gyfer yr ardal honno a sefydlwyd drwy orchymyn o dan adran 2(4) o'r Ddeddf honno;

ystyr "Cyfarwyddeb 98/53/EC" ("*Directive 98/53/EC*") yw Cyfarwyddeb y Comisiwn 98/53/EC sy'n good y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol y lefelau o halogion penodol mewn bwydydd(2) fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2002/27/EC(3), Cyfarwyddeb y Comisiwn 2003/121/EC(4) a Chyfarwyddeb y Comisiwn 2004/43/EC(5);

ystyr "Cyfarwyddeb 2001/22/EC" ("*Directive 2001/22/EC*") yw Cyfarwyddeb y Comisiwn 2001/22/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r plwm, cadmiwm, mercwri a'r 3-MCPD sydd mewn bwydydd(6) fel y'i cywirwyd gan Benderfyniad y Comisiwn 2001/873/EC(7) ac fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2005/4/EC(8);

ystyr "Cyfarwyddeb 2002/26/EC" ("*Directive 2002/26/EC*") yw Cyfarwyddeb y Comisiwn 2002/26/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r ocratocsin A sydd mewn bwydydd (9) fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2004/43/EC a Chyfarwyddeb y Comisiwn 2005/5/EC(10);

ystyr "Cyfarwyddeb 2002/69/EC" ("*Directive*

under Article 3b.2 of that Regulation in relation to the United Kingdom;

"authorised officer" ("*swyddog awdurdodedig*") means any person who is authorised in writing, either generally or specifically, by a food authority or as the case may be a port authority to act in matters arising under these Regulations;

"authorised spinach" ("*sbigoglys awdurdodedig*") means spinach of the kind specified in point 1.1 of section 1 of Annex I to the Commission Regulation, which complies with the conditions of the derogation under Article 3b.1 of that Regulation in relation to the United Kingdom;

"the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs(1) as corrected by a corrigendum published on 30 November 2001(2), and as amended by Council Regulation (EC) No. 2375/2001(3), Commission Regulation (EC) No. 221/2002(4), Commission Regulation (EC) No. 257/2002(5), Commission Regulation (EC) No. 472/2002(6) as corrected by a corrigendum published on 23 March 2002(7), Commission Regulation (EC) No. 563/2002(8) as corrected by a corrigendum published on 14 June 2002(9), Commission Regulation (EC) No. 1425/2003(10), Commission Regulation (EC) No. 2174/2003(11), Commission Regulation (EC) No. 242/2004(12), Commission Regulation (EC) No. 455/2004(13),

(1) 1984 t.22.

(2) OJ Rhif L201, 17.7.1998, t.93, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 93/1999 (OJ Rhif L296, 23.11.2000, t.58).

(3) OJ Rhif L75, 16.3.2002, t.44 fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 161/2002.

(4) OJ Rhif L332, 19.12.2003, t.38.

(5) OJ Rhif L113, 20.4.2004, t.14.

(6) OJ Rhif L77, 16.3.2001, t.14.

(7) OJ Rhif L325, 8.12.2001, t.34.

(8) OJ Rhif L19, 21.1.2005, t.50.

(9) OJ Rhif L75, 16.3.2002, t.38.

(10) OJ Rhif L27, 29.1.2005, t.38.

(1) OJ No. L77, 16.3.2001, p.1, as adopted by EEA Joint Committee Decision No. 81/2002 (OJ No. L266, 3.10.2002, p.30 EEA supplement No. 49, 3.10.2002).

(2) OJ No. L313, 30.11.2001, p.60, as adopted by EEA Joint Committee Decision No. 81/2002.

(3) OJ No. L321, 6.12.2001, p.1, as adopted by EEA Joint Committee Decision No. 81/2002.

(4) OJ No. L37, 7.2.2002, p.4, as adopted by EEA Joint Committee Decision No. 139/2002 (OJ No. L19, 23.1.2003, p.3 and EEA supplement No. 5, 23.1.2003).

(5) OJ No. L41, 13.2.2002, p.12, as adopted by EEA Joint Committee Decision No. 100/2002 (OJ No. L298, 31.10.2002, p.13 and EEA supplement No. 54, 31.10.2002, p.11).

(6) OJ No. L75, 16.3.2002, p.18, as adopted by EEA Joint Committee Decision No. 161/2002 (OJ No. L38, 13.2.2003, p.16 and EEA supplement No. 9, 13.2.2003, p.13).

(7) OJ No. L80, 23.3.2002, p.42.

(8) OJ No. L86, 3.4.2002, p.5, as adopted by EEA Joint Committee Decision No. 161/2002.

(9) OJ No. L155, 14.6.2002, p.63, as adopted by EEA Joint Committee Decision No. 161/2002.

(10) OJ No. L203, 12.8.2003, p.1.

(11) OJ No. L326, 13.12.2003, p.12.

(12) OJ No. L42, 13.2.2004, p.3

(13) OJ No. L74, 12.3.2004, p.11.

2002/69/EC") yw Cyfarwyddeb y Comisiwn 2002/69/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol y deuocsinau a phenderfynu ar lefelau'r biffenylau polychlorinedig (PCBs) sy'n debyg i ddeuocsinau sydd mewn bwydydd(1) fel y'i cywirwyd drwy gorigendwm a gyhoeddwyd ar 20 Medi 2002(2) ac fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2004/44/EC(3);

ystyr "Cyfarwyddeb 2003/78/EC" ("*Directive 2003/78/EC*") yw Cyfarwyddeb y Comisiwn 2003/78/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r patwlin sydd mewn bwydydd(4);

ystyr "Cyfarwyddeb 2004/16/EC" ("*Directive 2004/16/EC*") yw Cyfarwyddeb y Comisiwn 2004/16/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r tun sydd mewn bwydydd tun(5);

"ystyr "Cyfarwyddeb 2005/10/EC" ("*Directive 2005/10/EC*") yw Cyfarwyddeb y Comisiwn 2005/10/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheoli'n swyddogol lefelau'r benso(a)pyren sydd mewn bwydydd(6);

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

ystyr "letus awdurdodedig" ("*authorised lettuce*") yw letus o'r math a nodir ym mhwynt 1.3 o adran 1 o Atodiad I i Reoliad y Comisiwn, sy'n cydymffurfio ag amodau'r rhanddirymiad o dan Erthygl 3b.2 o'r Rheoliad hwnnw mewn perthynas â'r Deyrnas Unedig;

ystyr "Rheoliad y Comisiwn" ("*the Commission*

Commission Regulation (EC) No. 655/2004(1), Commission Regulation (EC) No. 683/2004(2), Commission Regulation (EC) No.684/2004(3), Commission Regulation (EC) No. 78/2005(4), Commission Regulation (EC) No. 123/2005(5), Commission Regulation (EC) No. 208/2005(6) and Commission Regulations (EC) No. 1822/2005(7);

"Directive 98/53/EC" ("*Cyfarwyddeb 98/53/EC*") means Commission Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs(8) as amended by Commission Directive 2002/27/EC(9), Commission Directive 2003/121/EC(10) and Commission Directive 2004/43/EC(11);

"Directive 2001/22/EC" ("*Cyfarwyddeb 2001/22/EC*") means Commission Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs(12) as corrected by Commission Decision 2001/873/EC(13) and as amended by Commission Directive 2005/4/EC(14);

"Directive 2002/26/EC" ("*Cyfarwyddeb 2002/26/EC*") means Commission Directive 2002/26/EC laying down the sampling methods and the methods of analysis for the official control of the levels of ochratoxin A in foodstuffs(15) as amended by Commission Directive 2004/43/EC and Commission Directive 2005/5/EC(16);

"Directive 2002/69/EC" ("*Cyfarwyddeb 2002/69/EC*") means Commission Directive 2002/69/EC laying down the sampling methods and the methods of analysis for the official control

(1) OJ Rhif L209, 6.8.2002, t.5.

(2) OJ Rhif L252, 20.9.2002, t.40.

(3) OJ Rhif L113, 20.4.2004, t.17.

(4) OJ Rhif L203, 12.8.2003, t.40.

(5) OJ Rhif L42, 13.2.2004, t.16.

(6) OJ Rhif L34, 8.2.2005, t.15.

(1) OJ No. L104, 8.4.2004, p.48.

(2) OJ No. L106, 15.4.2004, p.3.

(3) OJ No. L106, 15.4.2004, p. 6.

(4) OJ No. L16, 20.1.2005, p.43.

(5) OJ No. L25, 28.1.2005, p.3.

(6) OJ No. L34, 8.2.2005, p.3.

(7) OJ No. L293, 9.11.2005, p.11.

(8) OJ No. L201, 17.7.1998, p.93, as adopted by EEA Joint Committee Decision No. 93/1999 (OJ No. L296, 23.11.2000, p.58).

(9) OJ No. L75, 16.3.2002, p.44, as adopted by EEA Joint Committee Decision No. 161/2002.

(10) OJ No. L332, 19.12.2003, p.38.

(11) OJ No. L113, 20.4.2004, p.14.

(12) OJ No. L77, 16.3.2001, p.14.

(13) OJ No. L325, 8.12.2001, p.34.

(14) OJ No. L19, 21.1.2005, p.50.

(15) OJ No. L75, 16.3.2002, p.38.

(16) OJ No. L27, 29.1.2005, p.38.

Regulation") yw Rheoliad y Comisiwn (EC) Rhif 466/2001, sy'n gosod uchafswm y lefelau ar gyfer halogion penodol mewn bwydydd(1) fel y'i cywirwyd drwy gorigendwm a gyhoeddwyd ar 30 Tachwedd 2001(2), ac fel y'i diwygiwyd gan Reoliad y Comisiwn (EC) Rhif 2375/2001(3), Rheoliad y Comisiwn (EC) Rhif 221/2002(4), Rheoliad y Comisiwn (EC) Rhif 257/2002(5), Rheoliad y Comisiwn (EC) Rhif 472/2002(6) fel y'i cywirwyd drwy gorigendwm a gyhoeddwyd ar 23 Mawrth 2002(7), Rheoliad y Comisiwn (EC) Rhif 563/2002(8) fel y'i cywirwyd drwy gorigendwm a gyhoeddwyd ar 14 Mehefin 2002(9), Rheoliad y Comisiwn (EC) Rhif 1425/2003(10), Rheoliad y Comisiwn (EC) Rhif 2174/2003(11), Rheoliad y Comisiwn (EC) Rhif 242/2004(12), Rheoliad y Comisiwn (EC) Rhif 455/2004(13), Rheoliad y Comisiwn (EC) Rhif 655/2004(14), Rheoliad y Comisiwn (EC) Rhif 683/2004(15), Rheoliad y Comisiwn (EC) Rhif 684/2004(16), Rheoliad y Comisiwn (EC) Rhif 78/2005(17), Rheoliad y Comisiwn (EC) Rhif

of dioxins and the determination of dioxin-like PCBs in foodstuffs(1) as corrected by a corrigendum published on 20 September 2002(2) and as amended by Commission Directive 2004/44/EC(3);

"Directive 2003/78/EC" ("*Cyfarwyddeb 2003/78/EC*") means Commission Directive 2003/78/EC laying down the sampling methods and the methods of analysis for the official control of the levels of patulin in foodstuffs(4);

"Directive 2004/16/EC" ("*Cyfarwyddeb 2004/16/EC*") means Commission Directive 2004/16/EC laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods(5);

"Directive 2005/10/EC" ("*Cyfarwyddeb 2005/10/EC*") means Commission Directive 2005/10/EC laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a) pyrene in foodstuffs(6);

"food authority" ("*awdurdod bwyd*") does not include a port health authority;

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- (1) OJ Rhif L77, 16.3.2001, t.1, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 81/2002 (OJ Rhif L266, 3.10.2002, t.30, ac atodiad yr Ardal Economaidd Ewropeaidd Rhif 49, 3.10.2002).
 - (2) OJ Rhif L313, 30.11.2001, t.60, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 81/2002.
 - (3) OJ Rhif L321, 6.12.2001, t.1, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 81/2002.
 - (4) OJ Rhif L37, 7.2.2002, t.4, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 139/2002 (OJ Rhif L19, 23.1.2003, t.3 ac atodiad yr Ardal Economaidd Ewropeaidd Rhif 5, 23.1.2003).
 - (5) OJ Rhif L41, 13.2.2002, t.12, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 100/2002 (OJ Rhif L298, 31.10.2002, t.13 ac atodiad yr Ardal Economaidd Ewropeaidd Rhif 54, 31.10.2002, t.11).
 - (6) OJ Rhif L75, 16.3.2002, t.18, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 161/2002 (OJ Rhif L38, 13.2.2003, t.16 ac atodiad yr Ardal Economaidd Ewropeaidd Rhif 9, 13.2.2003, t.13).
 - (7) OJ Rhif L80, 23.3.2002, t.42.
 - (8) OJ Rhif L86, 3.4.2002, t.5, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 161/2002.
 - (9) OJ Rhif L155, 14.6.2002, t.63, fel y'i mabwysiadwyd drwy Benderfyniad Cyd-bwyllgor yr Ardal Economaidd Ewropeaidd Rhif 161/2002.
 - (10) OJ Rhif L203, 12.8.2003, t.1.
 - (11) OJ Rhif L326, 13.12.2003, t.12.
 - (12) OJ Rhif L42, 13.2.2004, t.3.
 - (13) OJ Rhif L74, 12.3.2004, t.11.
 - (14) OJ Rhif L104, 8.4.2004, t.48.
 - (15) OJ Rhif L106, 15.4.2004, t.3.
 - (16) OJ Rhif L106, 15.4.2004, t. 6.
 - (17) OJ Rhif L16, 20.1.2005, t.43.

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- (1) OJ No. L209, 6.8.2002, p.5.
 - (2) OJ No. L252, 20.9.2002, p.40.
 - (3) OJ No. L113, 20.4.2004, p.17.
 - (4) OJ No. L203, 12.8.2003, p.40.
 - (5) OJ No. L42, 13.2.2004, p.16.
 - (6) OJ No. L34, 8.2.2005, p.15.

123/2005(1), Rheoliad y Comisiwn (EC) Rhif 208/2005(2) a Rheoliad y Comisiwn (EC) Rhif 1822/2005(3);

ystyr "sbigoglys awdurdodedig" ("*authorised spinach*") yw sbigoglys o'r math a bennir ym mhwynt 1.1 o adran 1 o Atodiad I i Reoliad y Comisiwn, sy'n cydymffurfio ag amodau'r rhanddirymiad o dan Erthygl 3b.1 o'r Rheoliad hwnnw mewn perthynas â'r Deyrnas Unedig;

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw unrhyw berson a awdurdodir mewn ysgrifen, un ai'n gyffredinol neu'n benodol, gan awdurdod bwyd, neu, yn ôl y digwydd, awdurdod porthladd, i weithredu ynglŷn â materion sy'n codi o dan y Rheoliadau hyn; ac

ystyr "Rheoliad 882/2004" ("*Regulation 882/2004*") yw Rheoliad (EC) Rhif 882/2004 o Senedd Ewrop a'r Cyngor ynghylch rheolaethau swyddogol a gyflawnir i sicrhau cadarnhau cydymffurfio â deddfwriaeth ynghylch bwyd anifeiliaid a bwyd, a rheolau iechyd anifeiliaid a lles anifeiliaid(4).

(2) Mae i unrhyw ymadrodd arall a ddefnyddir yn y Rheoliadau hyn ac yn Rheoliad y Comisiwn yr un ystyr ag a roddir i'r ymadrodd Saesneg cyfatebol yn Rheoliad y Comisiwn.

Troseddau a chosbau

3.-(1) Yn ddarostyngedig i'r trefniadau trosiannol a gynhwysir yn narpariaethau'r Gymuned a nodir ym mharagraff (2), bydd person yn euog o drosedd ac yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol os yw-

- (a) y person hwnnw yn gosod unrhyw fwyd ar y farchnad (heblaw am letus awdurdodedig neu sbigoglys awdurdodedig) sy'n dod o fewn cwmpas Erthygl 1.1, 2.1, 2.2 neu 4.1 o Reoliad y Comisiwn, wedi'u darllen ar y cyd ag Erthyglau 1.2 a 4.3 o'r Rheoliad hwnnw, ond heb gydymffurfio â gofynion yr Erthyglau hynny; neu
- (b) y person hwnnw yn tramgwyddo Erthygl 2.3, 4.2 neu 4a o Reoliad y Comisiwn;

(2) Y rhai o ddarpariaethau'r Gymuned a grybwyllir ym mharagraff (1) yw-

- (a) Erthygl 7 o Reoliad y Comisiwn;
- (b) Erthygl 2 o Reoliad y Comisiwn (EC) Rhif 655/2004 sy'n diwygio Rheoliad (EC) Rhif 466/2001 mewn perthynas â nitradau mewn

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(1), a port health authority for that district constituted by order under section 2(4) of that Act; and

"Regulation 882/2004" ("*Rheoliad 882/2004*") means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(2).

(2) Any other expression used in these Regulations and in the Commission Regulation has the same meaning as in the Commission Regulation.

Offences and penalties

3.-(1) Subject to the transitional arrangements contained in the Community provisions specified in paragraph (2), a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if-

- (a) that person places on the market any food (other than authorised lettuce or authorised spinach) which is covered by, but fails to meet the requirements of, Article 1.1, 2.1, 2.2 or 4.1 of the Commission Regulation, as read with Articles 1.2 and 4.3 of that Regulation; or
- (b) that person contravenes Article 2.3, 4.2 or 4a of the Commission Regulation;

(2) The Community provisions mentioned in paragraph (1) are-

- (a) Article 7 of the Commission Regulation;
- (b) Article 2 of Commission Regulation (EC) No 655/2004 amending Regulation (EC) No 466/2001 as regards nitrate in foods for infants

(1) OJ Rhif L25, 28.1.2005, t.3.

(2) OJ Rhif L34, 8.2.2005, t.3.

(3) OJ Rhif L293, 9.11.2005, t.11.

(4) OJ Rhif L191, 28.5.2004, t.1.

(1) 1984 c.22.

(2) OJ No. L191, 28.5.2004, p.1.

bwydydd ar gyfer babanod a phlant bach;

- (c) Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 683/2004 sy'n diwygio Rheoliad (EC) Rhif 466/2001 mewn perthynas ag aflatocsinau ac ocratocsin A mewn bwydydd ar gyfer babanod a phlant bach;
- (ch) Erthygl 2 o Reoliad y Comisiwn (EC) Rhif 123/2005 sy'n diwygio Rheoliad (EC) Rhif 466/2001 mewn perthynas ag ocratocsin A;
- (d) Erthygl 2 o Reoliad y Comisiwn (EC) Rhif 208/2005 sy'n diwygio Rheoliad (EC) Rhif 466/2001 mewn perthynas â hydrocarbonau aromatig polysyclig.

Gorfodi

4. Mae'n ddyletswydd ar bob awdurdod iechyd porthladd i weithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal.

Caffael a dadansoddi samplau

5.-(1) Pan fo sampl i'w gymryd o dan adran 29(b) neu (d) o'r Ddeddf o fwyd a bennir yn Atodiad I i Reoliad y Comisiwn, rhaid cymryd y sampl hwnnw yn unol â'r dulliau o gymryd samplau a ddisgrifir neu y cyfeirir atynt-

Nitradau

- (a) (yn ddarostyngedig i'r gofyniad a bennir yng nghlofn 3 o Adran 1 o Atodiad I i Reoliad y Comisiwn(1)), yn yr Atodiad i Gyfarwyddeb y Comisiwn 2002/63/EC sy'n gosod dulliau samplu'r Gymuned ar gyfer rheoli'n swyddogol weddillion pleleiddiaid mewn cynhyrchion sy'n dod o blanhigion ac anifeiliaid ac arnynt, ac sy'n diddymu Cyfarwyddeb 79/700/EC(2), pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 1 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

Aflatocsinau

- (b) yn Atodiad I i Gyfarwyddeb 98/53/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 2 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

Ocratocsin A

- (c) yn Atodiad I i Gyfarwyddeb 2002/26/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 2 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

(1) Y gofyniad yw mai'r isafswm o unedau sy'n ofynnol ar gyfer sampl labordy yn y fath amgylchiadau yw 10.

(2) OJ Rhif L187, 16.7.2002, t.30.

and young children;

- (c) Article 3 of Commission Regulation (EC) No 683/2004 amending Regulation (EC) No 466/2001 as regards aflatoxins and ochratoxin A in foods for infants and young children;
- (d) Article 2 of Commission Regulation (EC) No 123/2005 amending Regulation (EC) No 466/2001 as regards ochratoxin A;
- (e) Article 2 of Commission Regulation (EC) No 208/2005 amending Regulation (EC) No 466/2001 as regards polycyclic aromatic hydrocarbons.

Enforcement

4. It is the duty of each port health authority to execute and enforce these Regulations within its district.

Procurement and analysis of samples

5.-(1) Where a sample is to be taken under section 29(b) or (d) of the Act of a food specified in Annex I to the Commission Regulation, that sample is to be taken in accordance with the methods of taking samples described or referred to-

Nitrate

- (a) (subject to the requirement specified in column 3 of Section 1 of Annex I to the Commission Regulation(1)), in the Annex to Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EC(2), where the food concerned is of a description specified in Section 1 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

Aflatoxins

- (b) in Annex I to Directive 98/53/EC, where the food concerned is of a description specified in Section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

Ochratoxin A

- (c) in Annex I to Directive 2002/26/EC, where the food concerned is of a description specified in Section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

(1) The requirement is that the minimum number of units required for a laboratory sample in such circumstances is 10.

(2) OJ No. L187, 16.7.2002, p.30.

Patwlin

- (ch) yn Atodiad I i Gyfarwyddeb 2003/78/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 2 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

Plwm, cadmiwm, mercwri a 3-MCPD

- (d) yn Atodiad I i Gyfarwyddeb 2001/22/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 3 neu 4 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

Deuocsinau a biffenylau polychlorinedig (PCBs) sy'n debyg i ddeuocsinau

- (dd) yn Atodiad I i Gyfarwyddeb 2002/69/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 5 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;

Tun

- (e) yn Atodiad I i Gyfarwyddeb 2004/16/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 6 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw; a

Benzo(a)pyren

- (f) yn Atodiad I i Gyfarwyddeb 2005/10/EC, pan fo'r bwyd dan sylw yn cyfateb i ddisgrifiad a bennir yn Adran 7 o Atodiad I i Reoliad y Comisiwn, a'r Gyfarwyddeb honno yn gymwys i samplu'r bwyd hwnnw yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw.

Paratoi a dadansoddi samplau ar gyfer afflatocsinau

(2) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y'i haddaswyd gan baragraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (b) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â-
 - (i) paragraffau 1.1, 2 a 3 o Atodiad II i Gyfarwyddeb 98/53/EC, a
 - (ii) yn achos cnau cyfan, yn unol â pharagraff 1.2 o'r Atodiad hwnnw;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn cydymffurfio â'r meini prawf a bennir ym mharagraff 4.3 o Atodiad II i Gyfarwyddeb 98/53/EC, wedi'i ddarllen ar y cyd â'r nodiadau i'r paragraff hwnnw;

Patulin

- (d) in Annex I to Directive 2003/78/EC, where the food concerned is of a description specified in Section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

Lead, cadmium, mercury and 3-MCPD

- (e) in Annex I to Directive 2001/22/EC, where the food concerned is of a description specified in Section 3 or 4 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

Dioxins and dioxin-like PCBs

- (f) in Annex I to Directive 2002/69/EC, where the food concerned is of a description specified in Section 5 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;

Tin

- (g) in Annex I to Directive 2004/16/EC, where the food concerned is of a description specified in Section 6 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation; and

Benzo(a)pyrene

- (h) in Annex I to Directive 2005/10/EC, where the food concerned is of a description specified in Section 7 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation.

Preparation and analysis of samples for aflatoxins

(2) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (b) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with-
 - (i) paragraphs 1.1, 2 and 3 of Annex II to Directive 98/53/EC, and
 - (ii) in the case of whole nuts, paragraph 1.2 of that Annex;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet the criteria specified in paragraph 4.3 of Annex II to Directive 98/53/EC as read with the notes to that paragraph;

- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004;
- (ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-
 - (i) yn defnyddio'r diffiniadau a geir ym mharagraff 4.1 o Atodiad II i Gyfarwyddeb 98/53/EC, a
 - (ii) yn unol â pharagraff 4.4 o'r Atodiad hwnnw.

Paratoi a dadansoddi samplau ar gyfer plwm, cadmiwm, mercwri a 3-MCPD

(3) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y'i haddaswyd gan baragraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (e) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraffau 1 a 2 o Atodiad II i Gyfarwyddeb 2001/22/EC wedi'i ddarllen, yn achos paragraff 2, ar y cyd â'r nodyn i'r paragraff hwnnw;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd-
 - (i) yn achos dadansoddi ar gyfer plwm (ac eithrio mewn gwin), mercwri neu gadmiwm, yn bodloni'r meini prawf a bennir ym mharagraff 3.3.1 (wedi'i ddarllen ar y cyd â pharagraff 3.3.3) o Atodiad II i Gyfarwyddeb 2001/22/EC,
 - (ii) yn achos dadansoddi ar gyfer plwm mewn gwin, yn cydymffurfio â'r ail is-baragraff o baragraff 3.2 o'r Atodiad hwnnw, a
 - (iii) yn achos dadansoddi ar gyfer 3-MCPD, yn bodloni'r meini prawf a bennir ym mharagraff 3.3.2 (wedi'i ddarllen ar y cyd â pharagraff 3.3.3) o'r Atodiad hwnnw ac wedi'i ddarllen ar y cyd â'r nodyn i'r paragraff hwnnw;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004;
- (ch) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud mewn ffordd sy'n cydymffurfio â'r is-baragraff cyntaf a'r trydydd is-baragraff o baragraff 3.4 o Atodiad II i Gyfarwyddeb 2001/22/EC, wedi'i ddarllen, yn achos y trydydd is-baragraff, ar y cyd â'r nodyn i'r is-baragraff hwnnw; a
- (d) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-

- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004;
- (d) the reporting of the results of the analysis of that sample-
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 98/53/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

Preparation and analysis of samples for lead, cadmium, mercury and 3-MPCD

(3) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (e) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with paragraphs 1 and 2 of Annex II to Directive 2001/22/EC as read, in the case of paragraph 2, with the note to that paragraph;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which-
 - (i) in the case of analysis for lead (other than in wine), mercury or cadmium, meet the criteria specified in paragraph 3.3.1 (as read with paragraph 3.3.3) of Annex II to Directive 2001/22/EC,
 - (ii) in the case of analysis for lead in wine, comply with the second sub-paragraph of paragraph 3.2 of that Annex, and
 - (iii) in the case of analysis for 3-MCPD, meet the criteria specified in paragraph 3.3.2 (as read with paragraph 3.3.3) of that Annex and as read with the note to that paragraph;
- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004;
- (d) any analysis of the sample is carried out in such a way as to comply with the first and third sub-paragraphs of paragraph 3.4 of Annex II to Directive 2001/22/EC as read in the case of the third sub-paragraph with the note to that sub-paragraph; and
- (e) the reporting of the results of the analysis of that sample-

- (i) yn defnyddio'r diffiniadau a geir ym mharagraff 3.1 o Atodiad II i Gyfarwyddeb 2001/22/EC wedi'u darllen ar y cyd â'r nodyn i'r is-baragraff hwnnw, a
- (ii) yn unol â'r ail a'r pedwerydd is-baragraff o baragraff 3.4 ac â pharagraff 3.6 o'r Atodiad hwnnw.

Paratoi a dadansoddi samplau ar gyfer ocratoxin A

(4) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y'i darlennir ar y cyd â pharagraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (c) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraffau 1 i 3 o Atodiad II i Gyfarwyddeb 2002/26/EC;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn bodloni'r meini prawf a bennir ym mharagraff 4.3 o Atodiad II i Gyfarwyddeb 2002/26/EC;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004; a
- (ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-
 - (i) yn defnyddio'r diffiniadau a geir ym mharagraff 4.1 o Atodiad II i Gyfarwyddeb 2002/26/EC, a
 - (ii) yn unol â pharagraff 4.4 o'r Atodiad hwnnw.

Paratoi a dadansoddi samplau ar gyfer deuocsinau a biffenylau polychlorinedig (PCBs) sy'n debyg i ddeuocsinau

(5) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y'i haddaswyd gan baragraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (f) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraff 3 o Atodiad II i Gyfarwyddeb 2002/69/EC, wedi'i ddarllen ar y cyd â pharagraffau 1 a 2 o'r Atodiad hwnnw;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn bodloni'r meini prawf a bennir ym mharagraffau 5, 6 a 7 o Atodiad II i Gyfarwyddeb 2002/69/EC, wedi'u darllen ar y cyd â pharagraffau 1 a 2 o'r Atodiad hwnnw;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy sydd-

- (i) makes use of the definitions in paragraph 3.1 of Annex II to Directive 2001/22/EC as read with the note to that paragraph, and
- (ii) is in accordance with the second and fourth sub-paragraphs of paragraph 3.4 and with paragraph 3.6 of that Annex.

Preparation and analysis of samples for ochratoxin A

(4) Where, pursuant to section 29(b) or (d) of the Act as read with paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (c) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample must ensure that-

- (a) the sample is prepared in accordance with paragraphs 1 to 3 of Annex II to Directive 2002/26/EC;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet the criteria specified in paragraph 4.3 of Annex II to Directive 2002/26/EC;
- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004 ; and
- (d) the reporting of the results of the analysis of that sample-
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2002/26/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

Preparation and analysis of samples for dioxins and dioxin-like PCBs

(5) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (f) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with paragraph 3 of Annex II to Directive 2002/69/EC, as read with paragraphs 1 and 2 of that Annex;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet criteria specified in paragraphs 5, 6 and 7 of Annex II to Directive 2002/69/EC, as read with paragraphs 1 and 2 of that Annex;
- (c) any analysis of the sample is carried out by a laboratory which-

- (i) yn cydymffurfio â'r pedwar is-baragraff cyntaf o baragraff 4 o Atodiad II i Gyfarwyddeb 2002/69/EC, a
- (ii) wedi'i ddynodi yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004; ac

(ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno yn unol â pharagraff 8 o Atodiad II i Gyfarwyddeb 2002/69/EC.

Paratoi a dadansoddi samplau ar gyfer patwlin

(6) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf wedi'u darllen ar y cyd â pharagraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (d) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraffau 1 i 3 o Atodiad II i Gyfarwyddeb 2003/78/EC;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn bodloni'r meini prawf a bennir ym mharagraff 4.3 o Atodiad II i Gyfarwyddeb 2003/78/EC, wedi'i ddarllen ar y cyd â'r nodiadau i'r paragraff hwnnw;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004; ac

(ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-

- (i) yn defnyddio'r diffiniadau a geir ym mharagraff 4.1 o Atodiad II i Gyfarwyddeb 2003/78/EC, a
- (ii) yn unol â pharagraff 4.4 o'r Atodiad hwnnw.

Paratoi a dadansoddi samplau ar gyfer tun

(7) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf wedi'u darllen ar y cyd â pharagraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (g) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraffau 1, 2 a 3, a'r rhan honno o baragraff 4.6 o dan y pennawd "Sample preparation", o Atodiad II i Gyfarwyddeb 2004/16/EC;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn bodloni'r meini prawf a bennir ym mharagraffau 4.3 a 4.3.1 o Atodiad II i Gyfarwyddeb 2004/16/EC;

- (i) complies with the first four sub-paragraphs of paragraph 4 of Annex II to Directive 2002/69/EC, and

- (ii) has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004; and

(d) the reporting of the results of the analysis of that sample is in accordance with paragraph 8 of Annex II to Directive 2002/69/EC.

Preparation and analysis of samples for patulin

(6) Where, pursuant to section 29(b) or (d) of the Act as read with paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (d) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with paragraphs 1 to 3 of Annex II to Directive 2003/78/EC;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet the criteria specified in paragraph 4.3 of Annex II to Directive 2003/78/EC as read with the notes to that paragraph;
- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004 ; and

(d) the reporting of the results of the analysis of that sample-

- (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2003/78 /EC, and
- (ii) is in accordance with paragraph 4.4 of that Annex.

Preparation and analysis of samples for tin

(7) Where, pursuant to section 29(b) or (d) of the Act as read with paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (g) of that paragraph, and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with paragraphs 1, 2 and 3, and that section of paragraph 4.6 headed "Sample preparation", of Annex II to Directive 2004/16/EC;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet the criteria specified in paragraphs 4.3 and 4.3.1 of Annex II to Directive 2004/16/EC;

- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004 ac sy'n cydymffurfio â'r adran honno o baragraff 4.6 o Atodiad II i Gyfarwyddeb 2004/16/EC o dan y pennawd "Internal quality control"; ac
- (ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-
 - (i) yn defnyddio'r diffiniadau a geir ym mharagraff 4.1 o Atodiad II i Gyfarwyddeb 2004/16/EC, a
 - (ii) yn unol â pharagraff 4.4 o'r Atodiad hwnnw.

Paratoi a dadansoddi samplau ar gyfer benzo(a)pyren

(8) Pan fo swyddog awdurdodedig, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y'i haddaswyd gan baragraff (1), wedi cymryd sampl o fwyd sy'n cyfateb i'r disgrifiad y cyfeirir ato yn is-baragraff (h) o'r paragraff hwnnw, ac wedi cyflwyno'r sampl i gael ei dadansoddi yn unol ag adran 30(1)(a) o'r Ddeddf, rhaid i'r person sy'n dadansoddi'r sampl sicrhau-

- (a) y caiff y sampl ei pharatoi yn unol â pharagraffau 1 i 3 o Atodiad II i Gyfarwyddeb 2005/10/EC;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â dulliau dadansoddi sydd yn bodloni'r meini prawf a bennir ym mharagraffau 4.3 a 4.3.1 o Atodiad II i Gyfarwyddeb 2005/10/EC;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy a ddynodwyd yn unol â gofynion Erthygl 12.2 o Reoliad 882/2004 ac sy'n cydymffurfio â'r adran honno o baragraff 4.6 o Atodiad II i Gyfarwyddeb 2005/10/EC o dan y pennawd "Internal quality control"; ac
- (ch) bod yr adrodd ynghylch canlyniadau dadansoddi'r sampl honno-
 - (i) yn defnyddio'r diffiniadau a geir ym mharagraff 4.1 o Atodiad II i Gyfarwyddeb 2005/10/EC, a
 - (ii) yn unol â pharagraff 4.4 o'r Atodiad hwnnw.

Cymhwyso gwahanol adrannau o Ddeddf Diogelwch Bwyd 1990

6.-(1) Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn, gyda'r addasiad y dylid dehongli unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu at Ran ohoni fel cyfeiriad at y Rheoliadau hyn-

- (a) adran 3 (rhagdybiaethau fod bwyd wedi'i fwriadu i'w fwyta gan bobl);

- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004 and complies with that section of paragraph 4.6 of Annex II to Directive 2004/16/EC headed "Internal quality control"; and
- (d) the reporting of the results of the analysis of that sample-
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2004/16/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

Preparation and analysis of samples for benzo(a)pyrene

(8) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of the description referred to in sub-paragraph (h) of that paragraph and has submitted that sample to be analysed pursuant to section 30(1)(a) of the Act, the person who analyses the sample is to ensure that-

- (a) the sample is prepared in accordance with paragraphs 1 to 3 of Annex II to Directive 2005/10/EC;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which meet the criteria specified in paragraphs 4.3 and 4.3.1 of Annex II to Directive 2005/10/EC;
- (c) any analysis of the sample is carried out by a laboratory which has been designated in accordance with the requirements of Article 12.2 of Regulation 882/2004 and complies with that section of paragraph 4.6 of Annex II to Directive 2005/10/EC headed "Internal quality control"; and
- (d) the reporting of the results of the analysis of that sample-
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2005/10/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

Application of various sections of the Food Safety Act 1990

6.-(1) The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof is to be construed as a reference to these Regulations-

- (a) section 3 (presumptions that food intended for human consumption);

- (b) adran 20 (troseddau o ganlyniad i fai person arall);
- (c) adran 21 (amddiffyniad o ddiwydrwydd dyladwy), fel y mae'n gymwys at ddibenion adran 14 neu 15;
- (ch) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (d) adran 33(1) (rhwystro etc. swyddogion);
- (dd) adran 33(2), gyda'r addasiad bod y cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn cael ei ddehongli fel cyfeiriad at unrhyw ofyniad o'r fath a grybwyllir yn adran 33(1)(b) fel y caiff ei chymhwyso gan is-baragraff (d);
- (e) adran 35(1) (cosbi troseddau) i'r graddau y mae'n ymwneud â throseddau o dan adran 33(1) fel y caiff ei chymhwyso gan is-baragraff (d);
- (f) adran 35(2) a (3), i'r graddau y mae'n ymwneud â throseddau o dan adran 33(2) fel y caiff ei chymhwyso gan is-baragraff (dd);
- (ff) adran 36 (troseddau gan gyrff corfforaethol); ac
- (g) adran 44 (diogelu swyddogion sy'n ymddwyn yn ddidwyll).

(2) Yn ddarostyngedig i baragraff (3), mae adran 9 o'r Ddeddf (archwilio ac atafaelu bwyd amheus) yn gymwys at ddibenion y Rheoliadau hyn fel pe bai'n darllen fel a ganlyn-

"9.-(1) An authorised officer of a food authority or a port health authority may at all reasonable times inspect any food intended for human consumption which has been placed on the market

and subsections (2) to (7) below apply where, on such an inspection, it appears to the authorised officer that the placing on the market of any food contravenes regulation 3(1)(a) of the Contaminants in Food (Wales) Regulations 2006.

(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 to be removed to a place at which there are facilities to carry out the sampling required by Directive 98/53/EC, Directive 2001/22/EC, Directive 2002/26/EC, Directive 2002/69/EC, Directive 2003/78/EC, Directive 2004/16/EC or Directive 2005/10/EC, as appropriate; or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace.

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

(2) Subject to paragraph (3), section 9 of the Act (inspection and seizure of suspected food) applies for the purposes of these Regulations as if it read as follows-

"9.-(1) An authorised officer of a food authority or a port health authority may at all reasonable times inspect any food intended for human consumption which has been placed on the market

and subsections (2) to (7) below apply where, on such an inspection, it appears to the authorised officer that the placing on the market of any food contravenes regulation 3(1)(a) of the Contaminants in Food (Wales) Regulations 2006.

(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 to be removed to a place at which there are facilities to carry out the sampling required by Directive 98/53/EC, Directive 2001/22/EC, Directive 2002/26/EC, Directive 2002/69/EC, Directive 2003/78/EC, Directive 2004/16/EC or Directive 2005/10/EC, as appropriate; or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace.

(3) Where the authorised officer exercises the power conferred by subsection (2)(a) above, the authorised officer is as soon as is reasonably practicable and in any event within 21 days, to determine whether or not the authorised officer is satisfied that the food complies with the requirements of regulation 3(1)(a) of the above Regulations, as appropriate and-

- (a) if the authorised officer is so satisfied, forthwith withdraw the notice;
- (b) if the authorised officer is not so satisfied, must 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, the authorised officer is to inform the person in charge of the food of the intention to have it dealt with by a justice of the peace and-

- (a) any person who under regulation 3(1)(a) of the above Regulations might be liable to a prosecution in respect of the food is, if that person 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 proceeded against for an offence consisting of a contravention of regulation 3(1)(a) of the above Regulations 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 the requirements of regulation 3(1)(a) of the above Regulations he or she must condemn the food and order-

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

(6) 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, the food authority or, as the case may be, port health authority, is to compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under subsection (6) above must be determined by

(3) Where the authorised officer exercises the power conferred by subsection (2)(a) above, the authorised officer is as soon as is reasonably practicable and in any event within 21 days, to determine whether or not the authorised officer is satisfied that the food complies with the requirements of regulation 3(1)(a) of the above Regulations, as appropriate and-

- (a) if the authorised officer is so satisfied, forthwith withdraw the notice;
- (b) if the authorised officer is not so satisfied, must 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, the authorised officer is to inform the person in charge of the food of the intention to have it dealt with by a justice of the peace and-

- (a) any person who under regulation 3(1)(a) of the above Regulations might be liable to a prosecution in respect of the food is, if that person 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 proceeded against for an offence consisting of a contravention of regulation 3(1)(a) of the above Regulations 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 the requirements of regulation 3(1)(a) of the above Regulations he or she must condemn the food and order-

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

(6) 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, the food authority or, as the case may be, port health authority, is to compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under subsection (6) above must be determined by

arbitration.

(8) Any person who knowingly contravenes the requirements of a notice under paragraph (a) of subsection (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale."

(3) Bydd yr ymadroddion "authorised officer", "food authority", "human consumption", "placing on the market", "Directive 98/53/EC", "Directive 2001/22/EC", "Directive 2002/26/EC", "Directive 2002/69/EC", "Directive 2003/78/EC", "Directive 2004/16/EC" a "Directive 2005/10/EC" a ddefnyddir yn adran 9 o'r Ddeddf, i'r graddau y mae'n gymwys at ddibenion y Rheoliadau hyn yn rhinwedd paragraff (2), at y dibenion hynny yn dwyn yr un ystyr ag sydd i'r ymadroddion Saesneg hynny yn y Ddeddf a'r ymadroddion Cymraeg cyfatebol yn y Rheoliadau hyn.

Diwygiadau canlyniadol

7. Yn Atodlen 1 i Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(1) i'r graddau y maent yn gymwys i Gymru (darpariaethau nad yw'r Rheoliadau hynny yn gymwys iddynt), yn lle'r cofnod sy'n ymwneud â Rheoliadau Halogion mewn Bwyd (Cymru) 2003, rhodder y cofnod a ganlyn-

"The Contaminants in Food (Wales) Regulations 2006 (to the extent that a sample falls to be prepared and analysed in accordance with regulation 5 of those Regulations)	S.I. 2006/485 (Cy.55) ."
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Dirymadau

8. Dirymir Rheoliadau Halogion mewn Bwyd (Cymru) 2005(2) a Rheoliadau Halogion mewn Bwyd (Cymru) (Diwygio) 2005(3).

arbitration.

(8) Any person who knowingly contravenes the requirements of a notice under paragraph (a) of subsection (2) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale."

(3) The expressions "authorised officer", "food authority", "human consumption", "placing on the market", "Directive 98/53/EC", "Directive 2001/22/EC", "Directive 2002/26/EC", "Directive 2002/69/EC", "Directive 2003/78/EC", "Directive 2004/16/EC" and "Directive 2005/10/EC" which are used in section 9 of the Act so far as it applies for the purposes of these Regulations by virtue of paragraph (2), are, for those purposes, to bear the meanings that those expressions respectively bear in these Regulations.

Consequential amendments

7. In Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations 1990(1) in so far as they apply to Wales (provisions to which those Regulations do not apply) for the entry relating to the Contaminants in Food (Wales) Regulations 2003 there is to be substituted the following entry-

"The Contaminants in Food (Wales) Regulations 2006 (to the extent that a sample falls to be prepared and analysed in accordance with regulation 5 of those Regulations)	S.I. 2006/485 (W.55) ."
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Revocations

8. The Contaminants in Food (Wales) Regulations 2005(2) and the Contaminants in Food (Wales) (Amendment) Regulations 2005(3) are revoked.

(1) O.S. 1990/2463; yr offerynnau diwygio perthnasol yw O.S. 1999/1603, O.S. 2002/1886 (C.195) ac O.S. 2003/1721 (C.188).

(2) O.S. 2005/364 (C.31).

(3) O.S. 2005/1629 (C.123).

(1) S.I. 1990/2463; relevant amending instruments are S.I. 1999/1603, S.I. 2002/1886 (W.195) and S.I. 2003/1721 (W.188).

(2) S.I. 2005/364 (W.31)..

(3) S.I. 2005/1629 (W.123).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag 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)

28 Chwefror 2006

28 February 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

OFFERYNNAU STATUDOL

2006 Rhif 485 (Cy.55)

BWYD, CYMRU

Rheoliadau Halogion mewn Bwyd
(Cymru) 2006

STATUTORY INSTRUMENTS

2006 No. 485 (W.55)

FOOD, WALES

The Contaminants in Food (Wales)
Regulations 2006

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