OFFERYNNAU STATUDOL CYMRU

2011 Rhif 655 (Cy.93)

BWYD, CYMRU

Rheoliadau Ychwanegion Bwyd (Cymru) (Diwygio) 2011

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn rhoi ar waith yng Nghymru ddwy Gyfarwyddeb Ewropeaidd sy'n ymwneud â meini prawf purdeb ar gyfer rhai ychwanegion bwyd ("y Cyfarwyddebau sy'n diwygio"). Y canlynol yw'r Cyfarwyddebau sy'n diwygio—

(a) Cyfarwyddeb y Comisiwn 2010/37/EU sy'n diwygio Cyfarwyddeb 2008/60/EC sy'n pennu meini prawf purdeb penodol ar gyfer melysyddion (OJ Rhif L152, 18.6.2010, t.12); a

(b) Cyfarwyddeb y Comisiwn 2010/67/EU sy'n diwygio Cyfarwyddeb 2008/84/EC sy'n pennu meini prawf purdeb penodol ar gyfer ychwanegion bwyd ac eithrio lliwiau a melysyddion (OJ Rhif L277, 21.10.2010, t.17).

2. Mae'r Rheoliadau hyn yn rhoi ar waith y Cyfarwyddebau sy'n diwygio drwy wneud diwygiadau i reoliad 2 o Reoliadau Ychwanegion Bwyd (Cymru) 2009 (O.S. 2009/3378 (Cy.300)) fel bod y diffiniadau o Gyfarwyddeb 08/60 a Chyfarwyddeb 08/84 yn y rheoliad hwnnw'n cynnwys cyfeiriad at y Gyfarwyddeb berthnasol sy'n diwygio (rheoliad 2(2)).

WELSH STATUTORY INSTRUMENTS

2011 No. 655 (W.93)

FOOD, WALES

The Food Additives (Wales) (Amendment) Regulations 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement in Wales two European Directives concerned with the purity criteria for certain food additives ("the amending Directives"). The amending Directives are—

(a) Commission Directive 2010/37/EU amending Directive 2008/60/EC laying down specific purity criteria on sweeteners (OJ No. L152, 18.6.2010, p.12); and

(b) Commission Directive 2010/67/EU amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L277, 21.10.2010, p.17).

2. These Regulations implement the amending Directives by making amendments to regulation 2 of the Food Additives (Wales) Regulations 2009 (S.I. 2009/3378 (W.300)) so that the definitions of Directive 08/60 and Directive 08/84 in that regulation include reference to the relevant amending Directive (regulation 2(2)).

OFFERYNNAU STATUDOL CYMRU

2011 Rhif 655 (Cy.93)

BWYD, CYMRU

Rheoliadau Ychwanegion Bwyd (Cymru) (Diwygio) 2011

Gwnaed	*5 Mawrth 2011*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*8 Mawrth 2011*
Yn dod i rym	*31 Mawrth 2011*

Mae Gweinidogion Cymru'n gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (f), 17(1) a 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**).

Yn unol ag adran 48(4A) o'r Ddeddf honno, maent wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac sy'n gosod gweithdrefnau o ran materion diogelwch

(**1**) 1990 p.16. Amnewidiwyd adran 1(1) a (2) (y diffiniad o "*food*") gan O.S. 2004/2990. Diwygiwyd adrannau 17 a 48 gan baragraffau 12 a 21 yn eu trefn o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (1999 p.28), "Deddf 1999". Diwygiwyd adran 48 hefyd gan O.S. 2004/2990. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 53(2) gan baragraff 19 o Atodlen 16 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (1994 p.40), Atodlen 6 i Ddeddf 1999, O.S. 2004/2990 ac O.S. 2004/3279.

(**2**) Trosglwyddwyd swyddogaethau oedd gynt yn arferadwy gan "*the Ministers*" (sef, mewn perthynas â Chymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog dros Amaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwledig oedd â chyfrifoldeb yn eu tro dros iechyd yn Lloegr a bwyd ac iechyd yng Nghymru ac, mewn perthynas â'r Alban, yr Ysgrifennydd Gwladol), 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) fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, ac maent bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (2006 p.32) a pharagraff 30 o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2011 No. 655 (W.93)

FOOD, WALES

The Food Additives (Wales) (Amendment) Regulations 2011

Made	*5 March 2011*
Laid before the National Assembly for Wales	*8 March 2011*
Coming into force	*31 March 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990(**1**) which are now vested in them(**2**).

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

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

(**1**) 1990 c.16. Section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), "the 1999 Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.

(**2**) Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, 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 1999 Act and are now vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (2006 c.32).

bwyd(**1**), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

matters of food safety(**1**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd (Cymru) (Diwygio) 2011, a deuant i rym ar 31 Mawrth 2011.

Diwygio Rheoliadau Ychwanegion Bwyd (Cymru) 2009

2.—(1) Diwygir Rheoliadau Ychwanegion Bwyd (Cymru) 2009(**2**) yn unol â pharagraff (2).

(2) Ym mharagraff (1) o reoliad 2 (dehongli)—

(a) ar ddiwedd y diffiniad o "Cyfarwyddeb 08/60" ychwaneger yr ymadrodd "fel y'i diwygir gan Gyfarwyddeb y Comisiwn 2010/37/EU sy'n diwygio Cyfarwyddeb 2008/60 sy'n pennu meini prawf purdeb penodol ar gyfer melysyddion"; a

(b) ar ddiwedd y diffiniad o "Cyfarwyddeb 08/84" ychwaneger yr ymadrodd "fel y'i diwygir gan Gyfarwyddeb y Comisiwn 2010/67/EU sy'n diwygio Cyfarwyddeb 2008/84 sy'n pennu meini prawf purdeb penodol ar gyfer ychwanegion bwyd ac eithrio lliwiau a melysyddion".

Title and commencement

1. The title of these Regulations is The Food Additives (Wales) (Amendment) Regulations 2011 and they come into force on 31 March 2011.

Amendment of the Food Additives (Wales) Regulations 2009

2.—(1) The Food Additives (Wales) Regulations 2009(**2**) are amended in accordance with paragraph (2).

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) at the end of the definition of "Directive 08/60" add the expression "as amended by Commission Directive 2010/37/EU amending Directive 2008/60 laying down specific purity criteria on sweeteners"; and

(b) at the end of the definition of "Directive 08/84" add the expression "as amended by Commission Directive 2010/67/EU amending Directive 2008/84 laying down specific purity criteria on food additives other than colours and sweeteners".

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

5 Mawrth 2011

Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

5 March 2011

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(**1**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r cytuniad i Benderfyniad y Cyngor 1999/468/EC mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasu'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(**2**) O.S. 2009/3378 (Cy.300).

(**1**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

(**2**) S.I. 2009/3378 (W.300).

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BWYD, CYMRU

FOOD, WALES

Rheoliadau Ychwanegion Bwyd (Cymru) (Diwygio) 2011

The Food Additives (Wales) (Amendment) Regulations 2011

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