OFFERYNNAU STATUDOL CYMRU

2014 Rhif 440 (Cy. 49)

BWYD, CYMRU

Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) (Diwygio) 2014

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn gwneud diwygiad i Reoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) 2005 (O.S. 2005/1224 (Cy.82)) er mwyn darparu ar gyfer gweithredu a gorfodi Rheoliad y Comisiwn (EC) Rhif 608/2004 ynghylch labelu bwydydd a chynhwysion bwyd â ffytosterolau, esterau ffytosterol, ffytostanolau a/neu esterau ffytostanol ychwanegol (OJ Rhif L97, 1.4.2004, t.44) fel y'i diwygiwyd gan Reoliad y Comisiwn (EU) Rhif 718/2013, sy'n diwygio Rheoliad (EC) Rhif 608/2004 (OJ Rhif L201, 26.7.2013, t.49), ac fel y'i darllenir gyda'r Rheoliad hwnnw.

2. Mae Rheoliad y Comisiwn (EU) Rhif 718/2013 yn diwygio mewn un ffordd yr wybodaeth y mae'n ofynnol ei rhoi ar labeli bwydydd a chynhwysion bwyd â ffytosterolau, esterau ffytosterol, ffytostanolau a/neu esterau ffytostanol ychwanegol, ac mae'n darparu ar gyfer cyfnod trosiannol ar gyfer cydymffurfio â'r gofyniad hwn.

3. Mae'r Rheoliadau hyn yn peidio â chael effaith ar 13 Rhagfyr 2014.

4. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Tîm Polisi Bwyd yn yr Asiantaeth Safonau Bwyd yng Nghymru, 11eg Llawr, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW.

WELSH STATUTORY INSTRUMENTS

2014 No. 440 (W. 49)

FOOD, WALES

The Food with Added Phytosterols or Phytostanols (Labelling) (Wales) (Amendment) Regulations 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make an amendment to the Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005 (S.I. 2005/1224 (W.82)) in order to provide for the execution and enforcement of Commission Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters (OJ No. L97, 1.4.2004, p.44) as amended by and as read with Commission Regulation (EU) No 718/2013 amending Regulation (EC) No 608/2004 (OJ No. L201, 26.7.2013, p.49).

2. Commission Regulation (EU) No 718/2013 amends in one respect the information required to be given on the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters, and provides for a transitional period for compliance with this requirement.

3. These Regulations cease to have effect on 13 December 2014.

4. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Policy Team at the Food Standards Agency in Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

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BWYD, CYMRU

Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) (Diwygio) 2014

Gwnaed *24 Chwefror 2014*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *28 Chwefror 2014*

Yn dod i rym *21 Mawrth 2014*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) ac (f), 17, 26(1) a (3) ac 48(1) o Ddeddf Diogelwch Bwyd 1990(**1**) ac a freiniwyd bellach ynddynt hwy(**2**).

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru 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 Cygor, sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch

(**1**) 1990 p.16. Amnewidiwyd adran 1(1) a (2) (diffiniad o "food") gan O.S. 2004/2990. Diwygiwyd adrannau 17 ac 48 gan baragraffau 12 ac 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 "the Ministers", 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 Safonau Bwyd 1999 (1999 p.28), ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32).

WELSH STATUTORY INSTRUMENTS

2014 No. 440 (W. 49)

FOOD, WALES

The Food with Added Phytosterols or Phytostanols (Labelling) (Wales) (Amendment) Regulations 2014

Made *24 February 2014*

Laid before the National Assembly for Wales *28 February 2014*

Coming into force *21 March 2014*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e) and (f), 17, 26(1) and (3) and 48(1) of the Food Safety Act 1990(**1**) and now vested in them(**2**).

In accordance with section 48(4A) of the Food Safety Act 1990, the Welsh Ministers 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 of "the Ministers" 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), and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

bwyd(**1**), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio 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, cymhwyso, cychwyn a dod i ben

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) (Diwygio) 2014.

(2) Daw'r Rheoliadau hyn i rym ar 21 Mawrth 2014, ac maent yn gymwys o ran Cymru.

(3) Mae'r Rheoliadau hyn yn peidio â chael effaith ar 13 Rhagfyr 2014.

Title, application, commencement and expiry

1.—(1) The title of these Regulations is the Food with Added Phytosterols or Phytostanols (Labelling) (Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 21 March 2014, and apply in relation to Wales.

(3) These Regulations cease to have effect on 13 December 2014.

Diwygio Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) 2005

2.—(1) Mae Rheoliadau Bwyd â Ffytosterolau neu Ffytostanolau Ychwanegol (Labelu) (Cymru) 2005(**2**) wedi eu diwygio yn unol â pharagraff (2).

(2) Ym mharagraff (1) o reoliad 2 (dehongli), yn lle'r diffiniad o "Rheoliad 608/2004" ("*Regulation 608/2004*") rhodder y diffiniad a ganlyn —

> "ystyr "Rheoliad 608/2004" ("*Regulation 608/2004*") yw Rheoliad y Comisiwn (EC) Rhif 608/2004 ynghylch labelu bwydydd a chynhwysion bwyd â ffytosterolau, esterau ffytosterol, ffytostanolau a/neu esterau ffytostanol ychwanegol(**3**) fel y'i diwygiwyd gan Reoliad y Comisiwn (EU) Rhif 718/2013 sy'n diwygio Rheoliad (EC) Rhif 608/2004(**4**), ac fel y'i darllenir gyda'r Rheoliad hwnnw;".

Amendment of the Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005

2.—(1) The Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005(**2**) are amended in accordance with paragraph (2).

(2) In paragraph (1) of regulation 2 (interpretation) for the definition of "Regulation 608/2004" ("*Rheoliad 608/2004*") substitute the following definition —

> ""Regulation 608/2004"("*Rheoliad 608/2004*") means Commission Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters(**3**) as amended by and as read with Commission Regulation (EU) No 718/2013 amending Regulation (EC) No 608/2004(**4**);".

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

24 Chwefror 2014

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

24 February 2014

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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 sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468/EC o ran y weithdrefn reoleiddiol ynghyd â chraffu: Addasiad i'r weithdrefn reoleiddiol ynghyd â chraffu – Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(**2**) O.S. 2005/1224 (Cy.82).

(**3**) OJ Rhif L97, 1.4.2004, t.44.

(**4**) OJ Rhif L201, 26.7.2013, t.49.

(**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. 2005/1224.(W.82).

(**3**) OJ No. L97, 1.4.2004, p.44.

(**4**) OJ No. L201, 26.7.2013, p.49.

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