



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 664 (Cy. 181)

2016 No. 664 (W. 181)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Gwybodaeth am Fwyd
(Cymru) (Diwygio) 2016**

**The Food Information (Wales)
(Amendment) Regulations 2016**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn darparu ar gyfer gweithredu a gorfodi Rheoliad Gweithredu'r Comisiwn (EU) Rhif 828/2014 dyddiedig 30 Gorffennaf 2014 ynghylch y gofynion ar gyfer darparu gwybodaeth i ddefnyddwyr am absenoldeb glwten mewn bwyd neu fod llai o glwten yn bresennol ynddo (OJ Rhif L 228, 31.7.2014, t 5) ("Rheoliad 828/2014").

These Regulations provide for the execution and enforcement of Commission Implementing Regulation (EU) No 828/2014 of 30 July 2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food (OJ No L 228, 31.7.2014, p 5) ("Regulation 828/2014").

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014 (O.S. 2014/2303 (Cy. 227)) ("RhGF") drwy—

These Regulations amend the Food Information (Wales) Regulations 2014 (S.I. 2014/2303 (W. 227)) ("FIR") by—

- (a) mewnosod diffiniad o Reoliad 828/2014 a thrwy ddarparu bod unrhyw gyfeiriad yn RhGF at Reoliad 828/2014 i gael ei ddehongli fel cyfeiriad at y Rheoliad hwnnw fel y'i diwygir o bryd i'w gilydd (*rheoliad 2(2), 2(5)*);
- (b) darparu y caiff awdurdodau bwyd, ar ac ar ôl 20 Gorffennaf 2016, ddyroddi hysbysiadau gwella, neu erlyn ar unwaith, ar gyfer methiannau i gydymffurfio ag Erthyglau 3(1) a 4 o Reoliad 828/2014 (*rheoliad 2(3), 2(4)(a), 2(6)(a), 2(7)*);
- (c) rhoi pŵer i swyddogion awdurdodedig awdurdod bwyd neu awdurdod iechyd porthladd i fynd i mewn i eiddo er mwyn darganfod a oes, neu a fu, unrhyw achos o fynd yn groes i Erthyglau 3(1) a 4 o Reoliad 828/2014 (*rheoliad 2(4)(b), 2(6)(b)*).

- (a) inserting a definition of Regulation 828/2014 and providing that any reference in FIR to Regulation 828/2014 is to be construed as a reference to that Regulation as it may be amended from time to time (*regulation 2(2), 2(5)*);
- (b) providing that food authorities may, on and from 20 July 2016, issue improvement notices, or prosecute immediately, for failures to comply with Articles 3(1) and 4 of Regulation 828/2014 (*regulation 2(3), 2(4)(a), 2(6)(a), 2(7)*);
- (c) giving authorised officers of a food authority or a port health authority power to enter property to ascertain whether there is, or has been, any contravention of Articles 3(1) and 4 of Regulation 828/2014 (*regulation 2(4)(b), 2(6)(b)*).

Mae'r Rheoliadau hyn hefyd yn dirymu Rheoliadau Deunyddiau Bwyd sy'n Addas i Bobl ag Anoddefiad tuag at Glwten (Cymru) 2010 (O.S. 2010/2651 (Cy. 219)) (*rheoliad 3*).

These Regulations also revoke the Foodstuffs Suitable for People Intolerant to Gluten (Wales) Regulations 2010 (S.I. 2010/2651 (W. 219)) (*regulation 3*).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Food Information (Wales)
(Amendment) Regulations 2016**

Gwnaed 22 Mehefin 2016

Made 22 June 2016

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Mehefin 2016

Laid before the National Assembly for Wales
24 June 2016

Yn dod i rym 20 Gorffennaf 2016

Coming into force 20 July 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 16(1), 17(2), 26(3) a 48 o Ddeddf Diogelwch Bwyd 1990(1) a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17(2), 26(3) and 48 of the Food Safety Act 1990(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau yn Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014(3) at Reoliad Gweithredu'r Comisiwn (EU) Rhif 828/2014 ynghylch y gofynion ar gyfer darparu gwybodaeth i ddefnyddwyr am absenoldeb glwten mewn bwyd neu fod llai o glwten yn bresennol ynddo gael eu dehongli fel cyfeiriadau at y Rheoliad hwnnw fel y'i diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references in the Food Information (Wales) Regulations 2014(3) to Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food to be construed as references to that Regulation as amended from time to time.

(1) 1990 p. 16. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999"). Diwygiwyd adran 17(2) gan baragraffau 8 a 12 o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 48 gan baragraff 8 o Atodlen 5 i Ddeddf 1999. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) ac O.S. 2007/1388.

(3) O.S. 2014/2303 (Cy. 227).

(1) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Section 17(2) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 48 was amended by paragraph 8 of Schedule 5 to the 1999 Act. Functions formerly exercisable by "the Ministers" so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.

(3) S.I. 2014/2303 (W. 227).

I'r graddau y mae'r Rheoliadau hyn wedi eu gwneud drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A)(1) o'r Ddeddf honno.

Cynhaliwyd ymgynghoriad 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 yn gosod gweithdrefnau o ran materion diogelwch bwyd(2) wrth lunio a gwerthuso'r Rheoliadau hyn.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth am Fwyd (Cymru) (Diwygio) 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 20 Gorffennaf 2016.

Diwygio Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

2.—(1) Mae Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014 wedi eu diwygio yn unol â pharagraffau (2) i (6).

(2) Yn rheoliad 2 (dehongli)—

(a) ym mharagraff (1)—

(i) ar ddiwedd y diffiniad o "parod i'w fwyta", hepgorer "ac";

(ii) ar ôl y diffiniad o "parod i'w fwyta" mewnosoder—

"ystyr "Rheoliad 828/2014" ("*Regulation 828/2014*") yw Rheoliad Gweithredu'r Comisiwn (EU) Rhif 828/2014 ynghylch y gofynion ar gyfer darparu gwybodaeth i ddefnyddwyr am absenoldeb glwten mewn bwyd neu fod llai o glwten yn bresennol ynddo; ac";

(b) ym mharagraff (3), ar ôl "(gan gynnwys cyfeiriad at Erthygl yn FIC neu Atodiad iddo ac y mae paragraff (2) yn gymwys iddo)" mewnosoder "neu at Reoliad 828/2014 neu ddarpariaeth yn Rheoliad 828/2014,".

(3) Yn rheoliad 10 (trosedd)—

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(1) of that Act.

There has been 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(2) during the preparation and evaluation of these Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Food Information (Wales) (Amendment) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 20 July 2016.

Amendment of the Food Information (Wales) Regulations 2014

2.—(1) The Food Information (Wales) Regulations 2014 are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) at the end of the definition of "prepacked for direct sale", omit "and";

(ii) at the end of the definition of "ready for consumption", for "." substitute—

“; and

“Regulation 828/2014” ("*Rheoliad 828/2014*") means Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food.”;

(b) in paragraph (3), after "(including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies)," insert "or to Regulation 828/2014 or a provision of Regulation 828/2014,".

(3) In regulation 10 (offence)—

(1) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

(2) OJ Rhif L 31, 1.2.2002, t 1, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor dyddiedig 15 Mai 2014.

(1) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

(2) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014.

- (a) ym mharagraff (1)(a) yn lle “, neu” rhodder “,”;
- (b) ym mharagraff (1)(b) yn lle “.” rhodder “; neu”;
- (c) ar ôl paragraff (1)(b) mewnosoder—
“(c) ag unrhyw ddarpariaeth yn Rheoliad 828/2014 a bennir ym mharagraff (3).”;
- (d) ar ôl paragraff (2), mewnosoder—
“(3) Y darpariaethau yn Rheoliad 828/2014 yw—
(a) Erthygl 3(1) fel y’i darllenir gydag Erthyglau 1(3), 6, 7 ac 36(1) a (2) yn FIC ac Erthyglau 2 a 3(2) a (3) o Reoliad 828/2014 a’r Atodiad iddo;
(b) Erthygl 4 fel y’i darllenir gydag Erthygl 2.”
- (4) Yn rheoliad 12 (cymhwyso darpariaethau’r Ddeddf)—
(a) ym mharagraff (1)(a)(i) ar ôl “darpariaeth yn FIC” mewnosoder “neu Reoliad 828/2014”;
(b) ym mharagraff (2)(a) ar ôl “darpariaeth yn FIC” mewnosoder “neu Reoliad 828/2014”.
- (5) Yn Atodlen 1 (darpariaethau y Rheoliadau hyn sy’n cynnwys cyfeiriadau newidiadwy at FIC yn rhinwedd rheoliad 2(3))—
(a) yn y pennawd ar ôl “FIC” mewnosoder “neu Reoliad 828/2014”; a
(b) yn y llinell gyntaf, ar ôl “ac eithrio’r diffiniad o “FIC””, mewnosoder “a Rheoliad 828/2014”.
- (6) Yn Atodlen 4 (cymhwyso ac addasu darpariaethau’r Ddeddf)—
(a) yn Rhan 1, paragraff 1—
(i) ar ddiwedd is-adran (1A)(c) hepgorer “or”;
(ii) ar ddiwedd is-adran (1A)(d)(iii) hepgorer “or”;
(iii) ar ddiwedd is-adran (1A)(d)(iv) yn lle “.” rhodder—
“; or
(e) a provision of Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food specified in the table in Part 4 of Schedule 5 to the Food Information Regulations (Wales) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations).”;
- (a) in paragraph (1)(a) for “, or” substitute “,”;
- (b) in paragraph (1)(b) for “.” substitute “; or”;
- (c) after paragraph (1)(b) insert—
“(c) any provision of Regulation 828/2014 specified in paragraph (3).”;
- (d) after paragraph (2), insert—
“(3) The provisions of Regulation 828/2014 are—
(a) Article 3(1) as read with Articles 1(3), 6, 7 and 36(1) and (2) of FIC and Articles 2 and 3(2) and (3) of and the Annex to Regulation 828/2014;
(b) Article 4 as read with Article 2.”
- (4) In regulation 12 (application of provisions of the Act)—
(a) in paragraph (1)(a)(i) after “provision of FIC” insert “or Regulation 828/2014”;
(b) in paragraph (2)(a) after “provision of FIC” insert “or Regulation 828/2014”.
- (5) In Schedule 1 (provisions of these Regulations that contain ambulatory references to FIC by virtue of regulation 2(3))—
(a) in the heading after “FIC” insert “or Regulation 828/2014”; and
(b) in the first line, after “except for the definition of “FIC””, insert “and Regulation 828/2014”.
- (6) In Schedule 4 (application and modification of provisions of the Act)—
(a) in Part 1, paragraph 1—
(i) at the end of subsection (1A)(c) omit “or”;
(ii) at the end of subsection (1A)(d)(iii) omit “or”;
(iii) at the end of subsection (1A)(d)(iv) for “.” substitute—
“; or
(e) a provision of Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food specified in the table in Part 4 of Schedule 5 to the Food Information Regulations (Wales) 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations).”;

(b) yn Rhan 2, paragraff 2, ym mharagraff (a)(iii) ar ôl “any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council” mewnosoder “or Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food”.

(7) Yn Atodlen 5 (hysbysiadau gwella – darpariaethau FIC penodedig)—

- (a) yn y pennawd, hepgorer “FIC”;
- (b) ar ôl Rhan 3 mewnosoder—

(b) in Part 2, paragraph 2, in paragraph (a)(iii) after “any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council” insert “or Commission Implementing Regulation (EU) No 828/2014 on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food”.

(7) In Schedule 5 (improvement notices – specified FIC provisions)—

- (a) in the heading, omit “FIC”;
- (b) after Part 3 insert—

“RHAN 4

Y darpariaethau yn Rheoliad 828/2014 y caniateir i hysbysiadau gwella gael eu cyflwyno mewn perthynas â hwy ar ac ar ôl 20 Gorffennaf 2016

<i>Y ddarpariaeth yn Rheoliad 828/2014</i>	<i>Y ddarpariaeth sydd i'w darllen gyda'r ddarpariaeth yn Rheoliad 828/2014</i>
Erthygl 3(1)	Erthyglau 1(3), 6, 7 ac 36(1) a (2) yn FIC ac Erthyglau 2 a 3(2) a (3) o Reoliad 828/2014 a'r Atodiad iddo
Erthygl 4	Erthygl 2 o Reoliad 828/2014”.

Dirymu

3. Mae Rheoliadau Deunyddiau Bwyd sy'n Addas i Bobl ag Anoddefiad tuag at Glwten (Cymru) 2010(1) wedi eu dirymu.

“PART 4

Regulation 828/2014 provisions in relation to which improvement notices may be served on and from 20 July 2016

<i>Provision of Regulation 828/2014</i>	<i>Provision to be read with the provision of Regulation 828/2014</i>
Article 3(1)	Articles 1(3), 6, 7 and 36(1) and (2) of FIC and Articles 2 and 3(2) and (3) of and the Annex to Regulation 828/2014
Article 4	Article 2 of Regulation 828/2014”.

Revocation

3. The Foodstuffs Suitable for People Intolerant to Gluten (Wales) Regulations 2010(1) are revoked.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau
Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet
dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion
Cymru

22 Mehefin 2016

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Rebecca Evans

Minister for Social Services and Public Health under
authority of the Cabinet Secretary for Health, Well-
being and Sport, one of the Welsh Ministers

22 June 2016

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