



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 845 (Cy. 214)

2016 No. 845 (W. 214)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Hylendid Bwyd
(Cymru) (Diwygio) 2016**

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

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud amrywiol ddiwygiadau i Reoliadau Hylendid Bwyd (Cymru) 2006 (O.S. 2006/31 (Cy. 5)) i ddarparu ar gyfer gweithredu a gorfodi yng Nghymru Reoliad Gweithredu'r Comisiwn (EU) 2015/1375 sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer *Trichinella* mewn cig (OJ Rhif L 212, 11.8.2015, t 7).

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W. 5)) to provide for the execution and enforcement in Wales of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat (OJ No L 212, 11.8.2015, p 7).

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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Gwnaed 16 Awst 2016

Made 16 August 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 19 Awst 2016

Laid before the National Assembly for Wales
19 August 2016

Yn dod i rym 15 Hydref 2016

Coming into force 15 October 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1A o Atodlen 2 iddi(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(1).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion yr adran honno mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd(2).

The Welsh Ministers have been designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food(2).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac fe ymddengys i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau at Atodiad i Reoliad Gweithredu'r Comisiwn (EU) 2015/1375 sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer *Trichinella* mewn cig i gael eu dehongli fel cyfeiriadau at yr Atodiad 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 is expedient for references to an Annex to Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat to be construed as references to that Annex as amended from time to time.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ("Deddf 2006") a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) ("Deddf 2008"). Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf 2006 ac fe'i diwygiwyd gan Ran 1 o Ddeddf 2008 ac O.S. 2007/1388.

(2) O.S. 2005/1971. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 28 a 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru drwy'r gorchymyn dynodi hwn wedi eu trosglwyddo i Weinidogion Cymru.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) ("the 2006 Act") and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) ("the 2008 Act"). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act and was amended by Part 1 of 2008 Act and S.I. 2007/1388.

(2) S.I. 2005/1971. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the National Assembly for Wales by this designation order are transferred to the Welsh Ministers.

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⁽¹⁾ wrth lunio a gwerthuso'r Rheoliadau hyn.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hylendid Bwyd (Cymru) (Diwygio) 2016.

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

(3) Daw'r Rheoliadau hyn i rym ar 15 Hydref 2016.

Diwygio Rheoliadau Hylendid Bwyd (Cymru) 2006

2.—(1) Mae Rheoliadau Hylendid Bwyd (Cymru) 2006⁽²⁾ wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1) (dehongli)—

(a) yn y diffiniad o "Rheoliadau'r Gymuned" yn lle "Rheoliad 2075/2005" rhodder "Rheoliad 2015/1375"; a

(b) yn y diffiniad sy'n dechrau â "mae i "Penderfyniad 2006/766"—

(i) yn lle "Rheoliad 2075/2005" ("Regulation 2075/2005") rhodder "Rheoliad 2015/1375" ("Regulation 2015/1375"); a

(ii) hepgorer "Rheoliad 1109/2011" ("Regulation 1109/2011").

(3) Yn Atodlen 1 (diffiniadau o ddeddfwriaeth UE)—

(a) yn y diffiniad o "Rheoliad 854/2004" ("Regulation 854/2004"), yn lle "Rheoliad 2075/2005" rhodder "Rheoliad 2015/1375";

(b) hepgorer y diffiniad o "Rheoliad 2075/2005" ("Regulation 2075/2005");

(c) hepgorer y diffiniad o "Rheoliad 1109/2011" ("Regulation 1109/2011"); a

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⁽¹⁾ during the preparation and evaluation of these Regulations.

Title, application and commencement

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

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 15 October 2016.

Amendment of the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006⁽²⁾ are amended as follows.

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

(a) in the definition of "the Community Regulations" for "Regulation 2075/2005" substitute "Regulation 2015/1375"; and

(b) in the definition beginning "Decision 2006/766"—

(i) for "Regulation 2075/2005" ("Rheoliad 2075/2005") substitute "Regulation 2015/1375" ("Rheoliad 2015/1375"); and

(ii) omit "Regulation 1109/2011" ("Rheoliad 1109/2011").

(3) In Schedule 1 (definitions of EU legislation)—

(a) in the definition of "Regulation 854/2004" ("Rheoliad 854/2004"), for "Regulation 2075/2005" substitute "Regulation 2015/1375";

(b) omit the definition of "Regulation 2075/2005" ("Rheoliad 2075/2005");

(c) omit the definition of "Regulation 1109/2011" ("Rheoliad 1109/2011"); and

(1) 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.

(2) O.S. 2006/31 (Cy. 5) diwygiwyd gan O.S. 2010/893 (Cy. 92), O.S. 2011/1043, O.S. 2012/975 (Cy. 129), O.S. 2012/1765 (Cy. 225), O.S. 2013/479 (Cy. 55), O.S. 2013/3007 (Cy. 298), O.S. 2013/3049 (Cy. 308), O.S. 2014/1858 (Cy. 192), O.S. 2014/2303 (Cy. 227), O.S. 2014/3080 (Cy. 305).

(1) 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.

(2) S.I. 2006/31 (W. 5) amended by S.I. 2010/893 (W. 92), S.I. 2011/1043, S.I. 2012/975 (W. 129), S.I. 2012/1765 (W. 225), S.I. 2013/479 (W. 55), S.I. 2013/3007 (W. 298), S.I. 2013/3049 (W. 308), S.I. 2014/1858 (W. 192), S.I. 2014/2303 (W. 227), S.I. 2014/3080 (W. 305).

- (d) ar ddiwedd yr Atodlen ychwaneger y diffiniad a ganlyn—

“ystyr “Rheoliad 2015/1375” (“*Regulation 2015/1375*”) yw Rheoliad Gweithredu'r Comisiwn (EU) 2015/1375 sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer *Trichinella* mewn cig(1).”

- (4) Yn Atodlen 2 (darpariaethau Cymunedol penodedig)—

- (a) yng ngholofn gyntaf y cofnod olaf, yn lle “Reoliad 2073/2005” rhodder “Reoliad 2015/1375”; a
- (b) yn ail golofn y cofnod olaf, yn lle'r testun presennol rhodder y testun a ganlyn—

“Gofyniad bod rhaid i weithredwyr busnes bwyd daliadau y cydnabyddir yn swyddogol eu bod yn cymhwyso amodau tai a reolir roi gwybod i'r awdurdod cymwys am unrhyw ofyniad o Atodiad IV i Reoliad 2015/1375 nad yw bellach yn cael ei gyflawni neu unrhyw newid arall a allai effeithio ar statws *Trichinella* daliadau.”

- (d) at the end of the Schedule add the following definition—

““*Regulation 2015/1375*” (“*Rheoliad 2015/1375*”) means Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat(1).”

- (4) In Schedule 2 (specified Community provisions)—

- (a) in the first column of the final entry, for “*Regulation 2073/2005*” substitute “*Regulation 2015/1375*”; and
- (b) in the second column of the final entry, for the existing text substitute the following—

“Requirement that food business operators of holdings officially recognised as applying controlled housing conditions must inform the competent authority of any requirement of Annex IV to Regulation 2015/1375 that is no longer fulfilled or of any other change that might affect the holdings’ *Trichinella* status.”

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru.
16 Awst 2016

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers
16 August 2016

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(1) OJ Rhif L 212, 11.8.2015, t 7.

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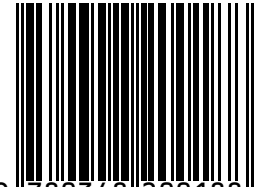
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