



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 371 (Cy. 114)

2021 No. 371 (W. 114)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

BWYD, CYMRU

FOOD, WALES

AMAETHYDDIAETH, CYMRU

AGRICULTURE, WALES

HADAU, CYMRU

SEEDS, WALES

Rheoliadau Bwyd, Bwyd
Anifeiliaid a Hadau (Diwygiadau
Amrywiol a Darpariaethau
Trosiannol) (Cymru) (Ymadael â'r
UE) 2021

The Food, Animal Feed and Seeds
(Miscellaneous Amendments and
Transitional Provisions) (Wales)
(EU Exit) Regulations 2021

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir i Weinidogion Cymru gan baragraff 1(1) o Atodlen 2 a pharagraff 21(b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) er mwyn ymdrin ag unrhyw fethiant yng nghyfraith yr UE a ddargedwir i weithredu'n effeithiol a diffygion eraill sy'n deillio o ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd.

Mae'r Rheoliadau hyn yn cyflwyno darpariaethau trosiannol i is-ddeddfwriaeth sy'n gymwys o ran Cymru ym maes safonau a labelu bwyd a bwyd anifeiliaid ac yn ymwneud â diwygiadau i ddeddfwriaeth a wneir gan offerynnau statudol Ymadael â'r UE eraill.

Mae'r Rheoliadau hyn hefyd yn cywiro mân wall mewn is-ddeddfwriaeth sy'n gymwys o ran Cymru mewn perthynas â marchnata hadau.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred on the Welsh Ministers by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations insert transitional provisions into subordinate legislation applying in relation to Wales in the field of food and animal feed standards and labelling and relate to amendments to legislation made by other EU Exit statutory instruments.

The Regulations also correct a minor error in subordinate legislation applying in relation to Wales in relation to the marketing of seeds.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

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.

2021 Rhif 371 (Cy. 114)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

BWYD, CYMRU

AMAETHYDDIAETH, CYMRU

HADAU, CYMRU

Rheoliadau Bwyd, Bwyd
Anifeiliaid a Hadau (Diwygiadau
Amrywiol a Darpariaethau
Trosiannol) (Cymru) (Ymadael â'r
UE) 2021

Bodlonwyd y gofynion sifftio 22 Mawrth 2021

Gwnaed 23 Mawrth 2021

*Gosodwyd gerbron Senedd
Cymru* 24 Mawrth 2021

Yn dod i rym 14 Ebrill 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 1(1) o Atodlen 2 a pharagraff 21(b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1).

Mae gofynion paragraff 4(2) o Atodlen 7 i'r Ddeddf honno (sy'n ymwneud â gweithdrefn briodol Senedd Cymru(2) ar gyfer y Rheoliadau hyn) wedi eu bodloni.

2021 No. 371 (W. 114)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

AGRICULTURE, WALES

SEEDS, WALES

The Food, Animal Feed and Seeds
(Miscellaneous Amendments and
Transitional Provisions) (Wales)
(EU Exit) Regulations 2021

Sift requirements satisfied 22 March 2021

Made 23 March 2021

Laid before Senedd Cymru 24 March 2021

Coming into force 14 April 2021

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate Senedd Cymru(2) procedure for these Regulations) have been satisfied.

(1) 2018 p. 16. Mae diwygiadau i baragraff 1 o Atodlen 2 nad ydynt yn berthnasol i'r Rheoliadau hyn. Diwygiwyd paragraff 21 o Atodlen 7 gan baragraff 53 o Atodlen 5 i Ddeddf yr Undeb Ewropeaidd (Cytundeb Ymadael) 2020 (p. 1).

(2) Mae'r cyfeiriad yn Neddf yr Undeb Ewropeaidd (Ymadael) 2018 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 2018 c. 16. There are amendments to paragraph 1 of Schedule 2 which are not relevant to these Regulations. Paragraph 21 of Schedule 7 was amended by paragraph 53 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

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), ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio'r Rheoliadau hyn.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd, Bwyd Anifeiliaid a Hadau (Diwygiadau Amrywiol a Darpariaethau Trosiannol) (Cymru) (Ymadael â'r UE) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 14 Ebrill 2021.

Rheoliadau Hylendid Bwyd (Cymru) 2006

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

(2) Yn rheoliad 17 (tramgwyddau a chosbau)—

- (a) ym mharagraff (1), yn lle "(8)" rhodder "(9)";
- (b) ar ôl paragraff (8) mewnosoder—

"(9) Nid ystyrir bod person wedi mynd yn groes i Erthygl 5(1) o Reoliad 853/2004 nac wedi methu â chydymffurfio â'r Erthygl honno—

(a) yn achos marc iechyd neu farc adnabod—

(i) os dodwyd y marc iechyd neu'r marc adnabod ar gynnyrch sy'n dod o anifeiliaid cyn diwrnod cwblhau'r cyfnod gweithredu; a

(ii) os oedd y marc iechyd neu'r marc adnabod yn cydymffurfio ag Erthygl 5(1) fel yr oedd yr Erthygl honno'n gymwys yn union cyn diwrnod cwblhau'r cyfnod gweithredu; neu

(b) os dodir marc adnabod ar gynnyrch sy'n dod o anifeiliaid, ar neu ar ôl y diwrnod y daeth y Rheoliadau Bwyd, Bwyd Anifeiliaid a Hadau (Diwygiadau Amrywiol a Darpariaethau Trosiannol) (Cymru)

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) there has been open and transparent public consultation during the preparation of these Regulations.

Title and commencement

1.—(1) The title of these Regulations is the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 14 April 2021.

The Food Hygiene (Wales) Regulations 2006

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

(2) In regulation 17 (offences and penalties)—

- (a) in paragraph (1), for "(8)" substitute "(9)";
- (b) after paragraph (8) insert—

"(9) A person is not considered to have contravened or failed to comply with Article 5(1) of Regulation 853/2004 if—

(a) in the case of a health mark or an identification mark—

(i) the health mark or identification mark was applied to a product of animal origin before IP completion day; and

(ii) the health mark or identification mark complied with Article 5(1) as that Article applied immediately before IP completion day; or

(b) an identification mark is applied to a product of animal origin, on or after the day on which the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations

(1) EUR 178/2002, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.S. 2006/31 (Cy. 5), a ddiwygiwyd gan O.S. 2010/893 (Cy. 92); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) EUR 178/2002, to which there are amendments not relevant to these Regulations.

(2) S.I. 2006/31 (W. 5), amended by S.I. 2010/893 (W. 92); there are other amending instruments but none is relevant to these Regulations.

(Ymadael â'r UE) 2021(1) i rym a chyn diwedd 30 Medi 2022, yn unol ag Erthygl 5(1), fel yr oedd yr Erthygl honno'n gymwys yn union cyn diwrnod cwblhau'r cyfnod gweithredu, gan ddefnyddio label, deunydd lapio neu ddeunydd pecynnu ac arno'r marc adnabod hwnnw ac sy'n perthyn i'r gweithredwr busnes bwyd yn union cyn diwrnod cwblhau'r cyfnod gweithredu.”

Rheoliadau Deunyddiau Bwyd sydd wedi'u Rhewi'n Gyflym 2007

3. Yn Rheoliadau Deunyddiau Bwyd sydd wedi'u Rhewi'n Gyflym 2007(2), ar ôl rheoliad 11 mewnosoder—

“Darpariaeth drosiannol: ymadael â'r UE

12. At ddiben rheoliad 9(1), nid ystyrir bod person wedi mynd yn groes i reoliad 5(1), neu wedi methu â chydymffurfio â rheoliad 5(1), mewn cysylltiad â'r gofynion a nodir mewn perthynas â rheoliad 5(4)(b)—

- (a) os byddai'r achos honedig o fynd yn groes yn ymwneud â chynnyrch sydd wedi'i roi ar y farchnad ar neu ar ôl y diwrnod y daeth y Rheoliadau Bwyd, Bwyd Anifeiliaid a Hadau (Diwygiadau Amrywiol a Darpariaethau Trosiannol) (Cymru) (Ymadael â'r UE) 2021 i rym a chyn diwedd 30 Medi 2022; a
- (b) os na fyddai'r mater sy'n ffurfio'r achos honedig o fynd yn groes neu'r methiant honedig i gydymffurfio wedi bod yn groes i'r darpariaethau hynny yn y Rheoliadau hyn, neu'n fethiant i gydymffurfio â hwy, fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu.”

Rheoliadau Marchnata Hadau (Cymru) 2012

4.—(1) Mae Rheoliadau Marchnata Hadau (Cymru) 2012(3) wedi eu diwygio fel a ganlyn.

(1) O.S. 2021/371 (C. 114)

(2) O.S. 2007/389 (Cy. 40), a ddiwygiwyd gan O.S. 2011/1043, O.S. 2014/2303 (Cy. 227) ac O.S. 2019/434 (Cy. 102). Diwygiwyd O.S. 2019/434 (Cy. 102) wedi hynny gan O.S. 2020/1581 (Cy. 331); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(3) O.S. 2012/245 (Cy. 39), a ddiwygiwyd gan O.S. 2019/368 (Cy. 90). Diwygiwyd O.S. 2019/368 (Cy. 90) gan O.S. 2020/1573 (Cy. 330). Mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

2021(1) came into force and before the end of 30 September 2022, in accordance with Article 5(1), as that Article applied immediately before IP completion day, using a label, wrapping or packaging bearing that identification mark which is owned by the food business operator immediately before IP completion day.”

The Quick-frozen Foodstuffs (Wales) Regulations 2007

3. In the Quick-frozen Foodstuffs (Wales) Regulations 2007(2), after regulation 11 insert—

“Transitional provision: withdrawal from the EU

12. For the purpose of regulation 9(1), a person is not considered to have contravened or failed to comply with regulation 5(1) in respect of the requirements set out in relation to regulation 5(4)(b) if—

- (a) the alleged contravention would relate to a product that was placed on the market on or after the day on which the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021 came into force and before the end of 30 September 2022; and
- (b) the matter constituting the alleged contravention or failure to comply would not have constituted a contravention of, or failure to comply with those provisions of these Regulations as they had effect immediately before IP completion day.”

The Seed Marketing (Wales) Regulations 2012

4.—(1) The Seed Marketing (Wales) Regulations 2012(3) are amended as follows.

(1) S.I. 2021/371 (W. 114)

(2) S.I. 2007/389 (W. 40), amended by S.I. 2011/1043, S.I. 2014/2303 (W. 227) and S.I. 2019/434 (W. 102). S.I. 2019/434 (W. 102) was subsequently amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none is relevant to these Regulations.

(3) S.I. 2012/245 (W. 39), amended by S.I. 2019/368 (W. 90). S.I. 2019/368 (W. 90) was amended by S.I. 2020/1573 (W. 330). There are other amending instruments but none is relevant to these Regulations

(2) Yn Atodlen 4 (eithriadau), ym mharagraff 10(4), yn lle “, Rhestr Amrywogaethau Gogledd Iwerddon neu restr gyfatebol mewn gwlad y caniatwyd cywerthedd iddi” rhodder “neu Restr Amrywogaethau Gogledd Iwerddon”.

Rheoliadau Ychwanegion, Cyflasynnau, Ensymau a Thoddyddion Echdynnu Bwyd (Cymru) 2013

5. Yn Rheoliadau Ychwanegion, Cyflasynnau, Ensymau a Thoddyddion Echdynnu Bwyd (Cymru) 2013(1), ar ôl rheoliad 21 mewnosoder—

“Darpariaeth drosiannol: ymadael â’r UE

22.—(1) Ni chaiff swyddog awdurdodedig gyflwyno i berson hysbysiad gwella sy’n ymwneud â methiant i gydymffurfio â rheoliad 13(2), mewn cysylltiad â’r gofyniad a nodir yn rheoliad 14(1)(d)—

- (a) os byddai’r hysbysiad gwella’n ymwneud â chynnyrch a osodwyd ar y farchnad ar neu cyn 30 Medi 2022; a
- (b) os na fyddai’r mater wedi bod yn fethiant i gydymffurfio â’r darpariaethau hynny yn y Rheoliadau hyn fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu.

(2) Yn y rheoliad hwn, ystyr “hysbysiad gwella” yw hysbysiad gwella yn unol â rheoliad 7.”

Rheoliadau Mêl (Cymru) 2015

6. Yn Rheoliadau Mêl (Cymru) 2015(2), ar ôl rheoliad 22 mewnosoder—

“Darpariaethau trosiannol: ymadael â’r UE

23.—(1) Ni chaiff swyddog awdurdodedig i awdurdod bwyd gyflwyno i berson hysbysiad gwella sy’n ymwneud â methiant i gydymffurfio â rheoliad 17(1)—

- (a) os byddai’r hysbysiad gwella’n ymwneud â chynnyrch a osodwyd ar y farchnad cyn diwrnod cwblhau’r cyfnod gweithredu; a

(1) O.S. 2013/2591 (Cy. 255), a ddiwygiwyd gan O.S. 2020/1581 (Cy. 331); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(2) O.S. 2015/1507 (Cy. 174), a ddiwygiwyd gan O.S. 2020/1581 (Cy. 331); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(2) In Schedule 4 (exceptions), in paragraph 10(4), for “, NI Variety List or an equivalent list of a country granted equivalence” substitute “or the NI Variety List”.

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013

5. In the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013(1), after regulation 21 insert—

“Transitional provision: withdrawal from the EU

22.—(1) An authorised officer must not serve on a person an improvement notice relating to a failure to comply with regulation 13(2), in respect of the requirement set out in regulation 14(1)(d), if—

- (a) the improvement notice would relate to a product that was placed on the market on or before 30 September 2022; and
- (b) the matter would not have constituted a failure to comply with those provisions of these Regulations as they had effect immediately before IP completion day.

(2) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 7.”

The Honey (Wales) Regulations 2015

6. In the Honey (Wales) Regulations 2015(2), after regulation 22 insert—

“Transitional provisions: withdrawal from the EU

23.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with regulation 17(1) if—

- (a) the improvement notice would relate to a product that was placed on the market before IP completion day; and

(1) S.I. 2013/2591 (W. 255), amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none are relevant to these Regulations.

(2) S.I. 2015/1507 (W. 174), amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none are relevant to these Regulations.

(b) os na fyddai'r mater a fuasai'n ffurfio'r toriad honedig wedi bod yn drosedd o dan reoliad 17(1) fel yr oedd y ddarpariaeth honno'n cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

(2) Ni chaiff swyddog awdurdodedig i awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio â rheoliad 17(1)—

(a) os byddai'r hysbysiad gwella'n ymwneud â chynnyrch a osodwyd ar y farchnad ar neu cyn 30 Medi 2022;

(b) os oes ar y cynnyrch un o'r mynegiadau y darperir ar eu cyfer yn rheoliad 17(1) fel yr oedd y ddarpariaeth honno'n cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu;

(c) os na fyddai defnyddio'r mynegiad, pe bai'r cynnyrch wedi ei osod ar y farchnad yn union cyn diwrnod cwblhau'r cyfnod gweithredu, wedi bod yn doriad o reoliad 17(1) fel yr oedd y ddarpariaeth honno'n cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu; a

(d) os yw'r mynegiad yn gywir o ran adnabod tarddiad y melau yn y cynnyrch fel melau o'r UE, melau o'r tu allan i'r UE neu felau o'r UE ac o'r tu allan i'r UE, yn ôl y digwydd.

(3) Yn y rheoliad hwn, ystyr "hysbysiad gwella" yw hysbysiad gwella yn unol â rheoliad 19."

(b) the matter constituting the alleged contravention would not have constituted an offence under regulation 17(1) as that provision had effect immediately before IP completion day.

(2) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with regulation 17(1) if—

(a) the improvement notice would relate to a product that was placed on the market on or before 30 September 2022;

(b) the product bears one of the indications provided for in regulation 17(1) as that provision had effect immediately before IP completion day;

(c) had the product been placed on the market immediately before IP completion day, the use of the indication would not have constituted a contravention of regulation 17(1) as that provision had effect immediately before IP completion day; and

(d) the indication is accurate in identifying the EU, non-EU or EU and non-EU origins, as the case may be, of the honeys in the product.

(3) In this regulation, "improvement notice" means an improvement notice pursuant to regulation 19."

Rheoliadau Bwyd Anifeiliaid (Cyfansoddiad, Marchnata a Defnydd) (Cymru) 2016

7. Yn Rheoliadau Bwyd Anifeiliaid (Cyfansoddiad, Marchnata a Defnydd) (Cymru) 2016(1), yn Rhan 4, ar ôl rheoliad 10 (y drosedd o fethu â chydymffurfio â darpariaeth benodedig yn Rheoliad 1831/2003) mewnosoder—

The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016

7. In the Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016(1), in Part 4, after regulation 10 (offence of failing to comply with a specified provision of Regulation 1831/2003) insert—

(1) O.S. 2016/386 (Cy. 120), a ddiwygiwyd gan O.S. 2019/1046 (Cy. 185) ac O.S. 2020/1381 (Cy. 307); mae offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2016/386 (W. 120), amended by S.I. 2019/1046 (W. 185) and S.I. 2020/1381 (W. 307); there are other amending instruments but none are relevant to these Regulations.

“Darpariaeth drosiannol: ymadael â’r UE

10A. At ddiben rheoliad 10(1), fel y’i darllenir gyda rheoliad 10(2)(e), nid ystyrir bod person wedi mynd yn groes i Erthygl 16(1)(b) o Reoliad 1831/2003, neu wedi methu â chydymffurfio â’r Erthygl honno—

- (a) os byddai’r mynd yn groes honedig yn ymwneud â chynnyrch a osodid ar y farchnad ar neu ar ôl y diwrnod y daeth y Rheoliadau Bwyd, Bwyd Anifeiliaid a Hadau (Diwygiadau Amrywiol a Darpariaethau Trosiannol) (Cymru) (Ymadael â’r UE) 2021 i rym a chyn diwedd 30 Medi 2022; a
- (b) os na fyddai’r mater a fuasai’n ffurfio’r mynd yn groes honedig neu’r methiant honedig i gydymffurfio wedi bod yn groes i’r Erthygl honno, neu’n fethiant i gydymffurfio â hi, fel yr oedd yn cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu.”

Rheoliadau Caseinau a Chaseinadau (Cymru) 2016

8. Yn Rheoliadau Caseinau a Chaseinadau (Cymru) 2016(1), ar ôl rheoliad 9 mewnosoder—

“Darpariaeth drosiannol: ymadael â’r UE

10.—(1) Ni chaiff swyddog awdurdodedig i awdurdod bwyd gyflwyno i berson hysbysiad gwella sy’n ymwneud â methiant i gydymffurfio â rheoliad 6(1)(d) neu (e)—

- (a) os byddai’r hysbysiad gwella’n ymwneud â chynnyrch a osodwyd ar y farchnad ar neu cyn 30 Medi 2022; a
- (b) os na fyddai’r mater a fuasai’n ffurfio’r methiant honedig i gydymffurfio wedi bod yn fethiant i gydymffurfio â rheoliad 6(1)(d) neu (e) (yn ôl y digwydd) fel yr oedd y darpariaethau hynny’n cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu.

(2) Yn y rheoliad hwn, ystyr “hysbysiad gwella” yw hysbysiad gwella yn unol â rheoliad 8.”

“Transitional provision: withdrawal from the EU

10A. For the purpose of regulation 10(1), as read with regulation 10(2)(e), a person is not considered to have contravened or failed to comply with Article 16(1)(b) of Regulation 1831/2003 if—

- (a) the alleged contravention would relate to a product that was placed on the market on or after the day on which the Food, Animal Feed and Seeds (Miscellaneous Amendments and Transitional Provisions) (Wales) (EU Exit) Regulations 2021 came into force and before the end of 30 September 2022; and
- (b) the matter constituting the alleged contravention or failure to comply would not have constituted a contravention of, or failure to comply with, that Article as it had effect immediately before IP completion day.”

The Caseins and Caseinates (Wales) Regulations 2016

8. In the Caseins and Caseinates (Wales) Regulations 2016(1), after regulation 9 insert—

“Transitional provision: withdrawal from the EU

10.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with regulation 6(1)(d) or (e) if—

- (a) the improvement notice would relate to a product that was placed on the market on or before 30 September 2022; and
- (b) the matter constituting the alleged failure to comply would not have constituted a failure to comply with regulation 6(1)(d) or (e) (as the case may be) as those provisions had effect immediately before IP completion day.

(2) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 8.”

(1) O.S. 2016/1130 (Cy. 270), a ddiwygiwyd gan O.S. 2020/1581 (Cy. 331); mae offerynnau diwygio eraill ond nid yw’r un ohonynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2016/1130 (W. 270), amended by S.I. 2020/1581 (W. 331); there are other amending instruments but none are relevant to these Regulations.

Eluned Morgan

Y Gweinidog Iechyd Meddwl, Llesiant a'r Gymraeg,
un o Weinidogion Cymru
23 Mawrth 2021

Minister for Mental Health, Wellbeing and Welsh
Language, one of the Welsh Ministers
23 March 2021

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under the authority and superintendence of Jeff James,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament.

£6.90

<http://www.legislation.gov.uk/id/wsi/2021/371>

ISBN 978-0-348-20817-7



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