



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 911 (Cy. 207)

2021 No. 911 (W. 207)

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

**EXITING THE EUROPEAN
UNION, WALES**

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd a Diod
(Darpariaethau Trosiannol)
(Cymru) (Ymadael â'r UE) 2021

The Food and Drink (Transitional
Provisions) (Wales) (EU Exit)
Regulations 2021

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 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.

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.

Mae'r Rheoliadau hyn yn mewnosod darpariaethau trosiannol mewn is-ddeddfwriaeth sy'n gymwys o ran Cymru ym maes safonau a labelu bwyd a diod ac maent yn ymwneud â diwygiadau i gyfraith yr UE a ddargedwir a wnaed gan offerynnau statudol Ymadael â'r UE eraill.

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

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 911 (Cy. 207)

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

BWYD, CYMRU

**Rheoliadau Bwyd a Diod
(Darpariaethau Trosiannol)
(Cymru) (Ymadael â'r UE) 2021**

Gofynion *sifftio* *wedi* *eu*
bodloni *12 Gorffennaf 2021*

Gwnaed *28 Gorffennaf 2021*

Gosodwyd *gerbron* *Senedd*
Cymru *30 Gorffennaf 2021*

Yn dod i rym *23 Awst 2021*

2021 No. 911 (W. 207)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

**The Food and Drink (Transitional
Provisions) (Wales) (EU Exit)
Regulations 2021**

Sift requirements satisfied *12 July 2021*

Made *28 July 2021*

Laid *before* *Senedd*
Cymru *30 July 2021*

Coming into force *23 August 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.

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

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.

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) 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 (Y 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).

bwyd(1), ymgynghorwyd yn agored ac yn dryloiw â'r cyhoedd wrth lunio'r Rheoliadau hyn.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd a Diod (Darpariaethau Trosiannol) (Cymru) (Ymadael â'r UE) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 23 Awst 2021.

Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014

2. Yn Rheoliadau Gwybodaeth am Fwyd (Cymru) 2014(2), ar ôl rheoliad 14 mewnosoder—

“Darpariaethau trosiannol: ymadael â'r UE

15.—(1) Ni chaiff swyddog awdurdodedig o awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio ag Erthygl 9(1)(h), ac Erthygl 9(1)(i) fel y'i darllenir gydag Erthygl 26(3)—

- (a) pe bai'r hysbysiad gwella yn ymwneud â chynnyrch a osodwyd ar y farchnad ar 30 Medi 2022 neu cyn hynny, a
- (b) pe na bai'r mater wedi methu â chydymffurfio â'r darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn dyddiad cwblhau'r cyfnod gweithredu.

(2) Ni chaiff swyddog awdurdodedig o awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio ag Erthygl 7(1) neu Erthygl 36(2)(a) neu (b)—

- (a) pe bai'r hysbysiad gwella yn ymwneud â chynnyrch penodedig a osodwyd ar y farchnad cyn diwrnod cwblhau'r cyfnod gweithredu, a
- (b) pe na bai labelu'r cynnyrch penodedig wedi methu â chydymffurfio â'r darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

(3) Caniateir i gynhyrchion y mae paragraff (1) neu (2) yn gymwys iddynt barhau i gael eu marchnata nes i'r stociau gael eu disbyddu.

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 and Drink (Transitional Provisions) (Wales) (EU Exit) Regulations 2021.

(2) These Regulations come into force on 23 August 2021.

The Food Information (Wales) Regulations 2014

2. In the Food Information (Wales) Regulations 2014(2), after regulation 14 insert—

“Transitional provisions: withdrawal from the EU

15.—(1) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 9(1)(h), and Article 9(1)(i) as read with Article 26(3), 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 as they 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 Article 7(1) or Article 36(2)(a) or (b) if—

- (a) the improvement notice would relate to a specified product that was placed on the market before IP completion day, and
- (b) the labelling of the specified product would not have constituted a failure to comply with those provisions as they had effect immediately before IP completion day.

(3) Products to which paragraph (1) or (2) applies may continue to be marketed until stocks are exhausted.

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

(2) O.S. 2014/2303 (Cy. 227), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

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

(2) S.I. 2014/2303 (W. 227), to which there are amendments not relevant to these Regulations.

(4) Ni chaiff swyddog awdurdodedig o awdurdod bwyd gyflwyno i berson hysbysiad gwella sy'n ymwneud â methiant i gydymffurfio ag Erthygl 7(1) neu Erthygl 36(2)(a) neu (b)—

(a) pe bai'r hysbysiad gwella yn ymwneud â chynnyrch penodedig a osodwyd ar y farchnad o fewn y cyfnod sy'n dechrau â diwrnod cwblhau'r cyfnod gweithredu ac yn dod i ben ar 31 Rhagfyr 2023, a

(b) pe na bai labelu'r cynnyrch penodedig wedi methu â chydymffurfio â'r darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu.

(5) Caniateir i gynhyrchion gwin y mae paragraff (4) yn gymwys iddynt barhau i gael eu marchnata nes i'r stociau gael eu disbyddu.

(6) Caniateir i gynhyrchion eraill y mae paragraff (4) yn gymwys iddynt barhau i gael eu marchnata hyd 31 Rhagfyr 2023.

(7) Yn y rheoliad hwn—

ystyr “cynnyrch gwin” (“*wine product*”) yw cynnyrch y mae Rhan 2 o Atodiad 7 i Reoliad (EU) Rhif 1308/2013 Senedd Ewrop a'r Cyngor sy'n sefydlu trefniadaeth gyffredin ar gyfer y marchnadoedd mewn cynhyrchion amaethyddol(1) fel yr oedd y Rheoliad hwnnw yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu yn gymwys iddo;

ystyr “cynnyrch penodedig” (“*specified product*”) yw cynnyrch y gellir ei adnabod yn unigol, gan gynnwys cynnyrch gwin, sy'n dwyn dangosiad a restrir ym mhwynt 5, 6 neu 7 o Atodiad 10 i Reoliad Gweithredu'r Comisiwn (EU) Rhif 668/2014 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1151/2012 Senedd Ewrop a'r Cyngor ynghylch cynlluniau ansawdd ar gyfer cynhyrchion amaethyddol a deunydd bwyd(2) fel yr oedd y Rheoliad hwnnw yn cael effaith yn union cyn diwrnod cwblhau'r cyfnod gweithredu;

ystyr “hysbysiad gwella” (“*improvement notice*”) yw hysbysiad gwella yn unol â rheoliad 12(1).”

(4) An authorised officer of a food authority must not serve on a person an improvement notice relating to a failure to comply with Article 7(1) or Article 36(2)(a) or (b) if—

(a) the improvement notice would relate to a specified product placed on the market within the period beginning with IP completion day and ending on 31 December 2023, and

(b) the labelling of the specified product would not have constituted a failure to comply with those provisions as they had effect immediately before IP completion day.

(5) Wine products to which paragraph (4) applies may continue to be marketed until stocks are exhausted.

(6) Other products to which paragraph (4) applies may continue to be marketed until 31 December 2023.

(7) In this regulation—

“improvement notice” (“*hysbysiad gwella*”) means an improvement notice pursuant to regulation 12(1);

“specified product” (“*cynnyrch penodedig*”) means an individually identifiable product, including a wine product, bearing an indication listed in point 5, 6 or 7 of Annex 10 to Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs(1) as that Regulation had effect immediately before IP completion day;

“wine product” (“*cynnyrch gwin*”) means a product to which Part 2 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(2) as that Regulation had effect immediately before IP completion day applies.”

(1) OJ Rhif L 347, 20.12.2013, t. 671, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) Rhif 2020/2220 (OJ Rhif L 437, 28.12.2020, t. 1).

(2) OJ Rhif L 179, 19.6.2012, t. 36.

(1) OJ No L 179, 19.6.2012, p. 36.

(2) OJ No L 347, 20.12.2013, p. 671, as last amended by Regulation (EU) No 2020/2220 (OJ No L 437, 28.12.2020, p. 1).

Rheoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015

3. Yn Rheoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015(1), ar ôl rheoliad 6 mewnosoder—

“Darpariaeth drosiannol: ymadael â’r UE

7.—(1) Ni chaiff swyddog awdurdodedig gyflwyno i berson hysbysiad gwella sy’n ymwneud â methiant i gydymffurfio ag ail is-baragraff Erthygl 5(1), Erthygl 6 neu Erthygl 7—

- (a) pe bai’r hysbysiad gwella yn ymwneud â chynnyrch a roddwyd ar y farchnad cyn diwrnod cwblhau’r cyfnod gweithredu; a
- (b) pe na bai’r mater sy’n fethiant honedig i gydymffurfio wedi methu â chydymffurfio â’r darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu.

(2) Ni chaiff swyddog awdurdodedig gyflwyno i berson hysbysiad gwella sy’n ymwneud â methiant i gydymffurfio ag ail is-baragraff Erthygl 5(1), Erthygl 6 neu Erthygl 7—

- (a) pe bai’r hysbysiad gwella yn ymwneud â chynnyrch a roddwyd ar y farchnad ar 30 Medi 2022 neu cyn hynny;
- (b) pe bai’r cynnyrch yn dwyn un o’r dangosiadau y darperir ar eu cyfer yn y darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu; ac
- (c) pe na bai defnyddio’r dangosiad yn fethiant i gydymffurfio â’r darpariaethau hynny fel yr oeddent yn cael effaith yn union cyn diwrnod cwblhau’r cyfnod gweithredu.

(3) Yn y rheoliad hwn, ystyr “hysbysiad gwella” (“*improvement notice*”) yw hysbysiad gwella yn unol â rheoliad 6(1) fel y’i darllenir gyda Rhan 1 o’r Atodlen i’r Rheoliadau hyn.”

The Country of Origin of Certain Meats (Wales) Regulations 2015

3. In the Country of Origin of Certain Meats (Wales) Regulations 2015(1), after regulation 6 insert—

“Transitional provision: withdrawal from the EU

7.—(1) An authorised officer must not serve on a person an improvement notice relating to a failure to comply with the second subparagraph of Article 5(1), Article 6 or Article 7 if—

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

(2) An authorised officer must not serve on a person an improvement notice relating to a failure to comply with the second subparagraph of Article 5(1), Article 6 or Article 7 if—

- (a) the improvement notice would relate to a product placed on the market on or before 30 September 2022;
- (b) the product bears one of the indications provided for in those provisions as they had effect immediately before IP completion day; and
- (c) the use of the indication would not constitute a failure to comply with those provisions as they had effect immediately before IP completion day.

(3) In this regulation, “improvement notice” (“*hysbysiad gwella*”) means an improvement notice pursuant to regulation 6(1) as read with Part 1 of the Schedule to these Regulations.”

(1) O.S. 2015/1519 (Cy. 177), y mae diwygiadau iddo nad ydynt yn berthnasol i’r Rheoliadau hyn.

(1) S.I. 2015/1519 (W. 177), to which there are amendments not relevant to these Regulations.

Lynne Neagle

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant o dan
awdurdod y Gweinidog Iechyd a Gwasanaethau
Cymdeithasol, un o Weinidogion Cymru
28 Gorffennaf 2021

Deputy Minister for Mental Health and Wellbeing
under authority of the Minister for Health and Social
Services, one of the Welsh Ministers
28 July 2021

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