



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 3229 (Cy.309)

2003 No. 3229 (W.309)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Colagen a Gelatin
(Masnach o fewn y Gymuned)
(Cymru) 2003**

**The Collagen and Gelatine (Intra-
Community Trade) (Wales)
Regulations 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn gweithredu, mewn perthynas â Chymru, Penderfyniad y Comisiwn 2003/721/EC sy'n diwygio Cyfarwyddeb y Cyngor 92/118/EEC ynglŷn â'r gofynion ar gyfer colagen (OJ Rhif L260, 11.10.2003, t.21) fel y'i diwygiwyd gan Benderfyniad y Comisiwn 2003/503/EC (OJ Rhif L170, 9.7.2003, t.30) - "Penderfyniad y Comisiwn" - i'r graddau y mae'n ymwneud â masnach rhwng Aelod-wladwriaethau'r Gymuned Ewropeaidd.

1. These Regulations, which apply to Wales only, implement, in relation to Wales, Commission Decision 2003/721/EC amending Council Directive 92/118/EEC as regards requirements for collagen (OJ No. L260, 11.10.2003, p.21) as amended by Commission Decision 2003/503/EC (OJ No. L170, 9.7.2003, p.30) - "the Commission Decision" - so far as it relates to trade between Member States of the European Community.

2. Mae darpariaethau Cyfarwyddeb y Cyngor 92/118/EEC (OJ Rhif L62, 15.3.93, t.49) sy'n berthnasol i fasnach o fewn y Gymuned yn cael eu gweithredu mewn perthynas â Phrydain Fawr yn ei chyfarwydd gan Reoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforio ac Allforio) 1996 (O.S. 1996/3124, fel y'u diwygiwyd eisoes) - "Rheoliadau 1996".

2. The provisions of Council Directive 92/118/EEC (OJ No. L62, 15.3.93, p.49) which relate to intra-Community trade are implemented in relation to Great Britain as a whole by the Products of Animal Origin (Import and Export) Regulations 1996 (S.I. 1996/3124, as already amended) - "the 1996 Regulations".

3. Mae Penderfyniad y Comisiwn yn diwygio Atodiad II i Gyfarwyddeb y Cyngor 92/118/EEC - a hynny'n effeithiol o 31 Rhagfyr 2003 ymlaen -

3. With effect from 31st December 2003 the Commission Decision amends Annex II to Council Directive 92/118/EEC by -

- (a) drwy ddiwygio'r ddogfen fasnachol gyfredol, a geir ym Mhennod IV o'r Atodiad hwnnw, ar gyfer deunydd crai a fwriedir ar gyfer cynhyrchu gelatin i'w fwyta gan bobl; a
- (b) drwy fewnosod yn yr Atodiad hwnnw ofynion newydd yn gysylltiedig â cholagen a fwriedir i'w fwyta gan bobl.

- (a) amending the current commercial document for raw material destined for the production of gelatine for human consumption which is contained in Chapter IV of that Annex; and
- (b) inserting into that Annex new requirements relating to collagen intended for human consumption.

4. Mae'r Rheoliadau hyn yn diwygio Rheoliadau 1996, a hynny'n effeithiol o 31 Rhagfyr 2003 ymlaen er

4. With effect from 31st December 2003 these Regulations amend the 1996 Regulations to give effect

mwyn gwneud y diwygiad a ddisgrifir ym mharagraff 3(a) a'r gofynion y cyfeirir atynt ym mharagraff 3(b) yn effeithiol; mae'r rhain yn cyfeirio at -

- (a) sefydliadau cynhyrchu;
- (b) y deunyddiau crai y caniateir eu defnyddio wrth gynhyrchu a'r amodau sydd ynghlwm wrth eu defnyddio;
- (c) cludo a storio deunyddiau crai o'r fath;
- (ch) y broses gynhyrchu;
- (d) camau priodol i'w cymryd i sicrhau bod sypau a gynhyrchir yn bodloni meini prawf penodol; ac
- (dd) pacio, storio a chludo (*rheoliad 3(3)*).

5. Wrth weithredu gweddill y gofynion y cyfeirir atynt ym mharagraff 3(b), mae'r Rheoliadau hyn hefyd yn gwneud y canlynol a hynny'n effeithiol o 31 Rhagfyr 2003 ymlaen -

- (a) trwy ddiwygio paragraff 9 o Atodlen 3 i Reoliadau 1996-
 - (i) maent yn datgymhwyso, mewn cysylltiad â sefydliadau sy'n cynhyrchu collagen a fwriedir i'w fwyta gan bobl, y gofynion cofrestru yn rheoliad 11 o Reoliadau 1996 a fyddai'n gymwys iddynt fel arall, a
 - (ii) maent yn peri bod rheoliad 12 o'r Rheoliadau hynny (*rheoliad 3(2)*) yn dal heb fod yn gymwys i'r sefydliadau hynny a;
- (b) maent yn rhoi'r pŵer i awdurdodau bwyd yng Nghymru ganiatáu, atal, tynnu'n ôl neu ddileu, a hynny'n ddarostyngedig i'r hawl i apelio, awdurdodiadau -
 - (i) i ganolfannau casglu a thanerddai sy'n cyflenwi deunyddiau crai ar gyfer cynhyrchu collagen a fwriedir i'w fwyta gan bobl, a
 - (ii) sefydliadau sy'n cynhyrchu collagen a fwriedir i'w fwyta gan bobl (*rheoliadau 4 i 8*).

6. Mae'n ofynnol i'r Asiantaeth Safonau Bwyd gadw cofrestr o'r safleoedd a awdurdodwyd gan awdurdodau bwyd o dan reoliadau 4 a 5 ac mae'n ofynnol i awdurdodau bwyd roi i'r Asiantaeth wybodaeth benodol ynghylch awdurdodiadau a ganiatawyd ganddynt (*rheoliad 9*).

7. Mae'r Rheoliadau hyn yn darparu ar gyfer eu gorfodi gan yr awdurdod bwyd perthnasol ac, at ddibenion gorfodi o'r fath, yn cymhwyso rheoliad 6(2) i (6) o Reoliadau 1996 (*rheoliad 10*).

8. Mae Arfarniad Rheoliadaol o effaith y Rheoliadau hyn ar gostau busnes wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 ac wedi'i roi yn

to the amendment described in paragraph 3(a) and to the requirements referred to in paragraph 3(b) which relate to -

- (a) production establishments;
- (b) the raw materials which may be used in production and the conditions attaching to their use;
- (c) transport and storage of such raw materials;
- (d) the process of production;
- (e) appropriate measures to be taken to ensure that production batches meet specified criteria; and
- (f) packaging, storage and transport (*regulation 3(3)*).

5. In implementation of the remainder of the requirements referred to in paragraph 3(b), with effect from 31st December 2003 these Regulations also -

- (a) by means of an amendment to paragraph 9 of Schedule 3 to the 1996 Regulations -
 - (i) disapply in respect of establishments producing collagen intended for human consumption the registration requirements in regulation 11 of the 1996 Regulations which would otherwise apply in relation to them, and
 - (ii) continue to disapply in respect of such establishment of regulation 12 of those Regulations (*regulation 3(2)*) and;
- (b) give power to food authorities in Wales, subject to a right of appeal, to grant, suspend, withdraw or cancel authorisations of -
 - (i) collection centres and tanneries which supply raw materials for the production of collagen intended for human consumption, and
 - (ii) establishments which produce collagen intended for human consumption (*regulations 4 to 8*).

6. The Food Standards Agency is required to maintain a register of premises authorised by food authorities under regulations 4 and 5 and food authorities are required to give the Agency certain information about authorisations granted by them (*regulation 9*).

7. These Regulations provide for their enforcement by the relevant food authority and, for the purposes of such enforcement, apply regulation 6(2) to (6) of the 1996 Regulations (*regulation 10*).

8. A Regulatory appraisal of the effect these Regulations have on business costs, has been prepared pursuant to section 65 of the Government of Wales Act

Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd, CF10 1EW.

1998 and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

2003 Rhif 3229 (Cy.309)**2003 No. 3229 (W.309)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Colagen a Gelatin
(Masnach o fewn y Gymuned)
(Cymru) 2003****The Collagen and Gelatine (Intra-
Community Trade) (Wales)
Regulations 2003***Wedi'u gwneud* 9 Rhagfyr 2003*Made* 9th December 2003*Yn dod i rym* 31 Rhagfyr 2003*Coming into force* 31st December 2003

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd gan yr adran honno, ac ar ôl ymgynghori yn unol â gofynion Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n pennu egwyddorion cyffredinol a gofynion cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau ar gyfer materion diogelwch bwyd(c), yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by that section and after 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(c), makes the following Regulations:

Teitl, cychwyn a chymhwysio

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Colagen a Gelatin (Masnach o fewn y Gymuned) (Cymru) 2003 ac daw i rym ar 31 Rhagfyr 2003.

(2) Mae'r Rheoliadau yma yn gymwys i Gymru yn unig.

Title, commencement and application

1.-(1) These Regulations may be cited as the Collagen and Gelatine (Intra-Community Trade) (Wales) Regulations 2003 and shall come into force on 31st December 2003.

(2) These Regulations apply to Wales only.

Dehongli**2. Yn y Rheoliadau hyn -**

ystyr "yr Asiantaeth" ("*the Agency*") yw'r Asiantaeth Safonau Bwyd;

mae i "awdurdod bwyd" yr ystyr a roddir i "*food authority*" yn Neddf Diogelwch Bwyd 1990(ch);

mae i'r ymadrodd "colagen a fwriedir i'w fwyta gan bobl", "sefydliad sy'n cynhyrchu colagen", "canolfan gasglu", "deunydd crai", a "thanerdy" yr ystyr a roddir, yn ôl eu trefn i

Interpretation**2. In these Regulations -**

"the Agency" ("*yr Asiantaeth*") means the Food Standards Agency;

each of the expressions "collagen intended for human consumption" ("*colagen a fwriedir i'w fwyta gan bobl*"), "establishment producing collagen" ("*sefydliad sy'n cynhyrchu colagen*") "collection centre" ("*canolfan gasglu*"), "raw material" ("*deunydd crai*") and "tannery" ("*tanerdy*") has the same meaning as in

(a) O.S. 1999/2788.

(b) 1972 p.68.

(c) OJ Rhif L31, 1.2.2002, t.1.

(ch) 1990 p.16.

(a) S.I. 1999/2788.

(b) 1972 c.68.

(c) OJ No. L31, 1.2.2002, p.1.

"collagen intended for human consumption", "establishment producing collagen" "collection centre", "raw material" a "tannery" yn Mhenderfyniad y Comisiwn 2003/721/EC; ac

ystyr "Penderfyniad y Comisiwn 2003/721/EC" yw Penderfyniad y Comisiwn 2003/721/EC sy'n diwygio Cyfarwyddeb y Cyngor 92/118/EEC(a) ynglŷn â'r gofynion ar gyfer collagen(b).

Diwygio Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforio ac Allforio) 1996

3.-(1) I'r graddau y maent yn gymwys i Gymru, diwygir Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforio ac Allforio) 1996(c) yn unol â pharagraffau (2) a (3).

(2) Ym mharagraff 9 o Atodlen 3 (Community measures relevant to intra-Community trade) caiff y geiriau "and Commission Decision 2003/721/EC (OJ No. L260, 11.10.2003, p.21)" eu mewnosod yn union o flaen y geiriau "and as amended by".

(3) Ym mharagraff 12 o Atodlen 3 caiff y geiriau "Commission Decision 2003/721/EC (OJ No.L260, 11.10.2003, p.21)" eu mewnosod ar ddiwedd y paragraff hwnnw.

Awdurdodi canolfannau casglu a thanerdai

4.-(1) Pan wneir cais o dan y Rheoliad hwn, rhaid i awdurdod bwyd awdurdodi canolfan gasglu neu danerdy at ddibenion cyflenwi deunyddiau crai ar gyfer cynhyrchu collagen a fwriedir i'w fwyta gan bobl, os caiff yr awdurdod bwyd ei fodloni -

- (a) bod gan y ganolfan gasglu neu'r tanerdy ystafelloedd storio a chanddynt loriau caled a waliau llyfn y mae'n hawdd eu glanhau a'u diheintio;
- (b) bod gan y ganolfan gasglu neu'r tanerdy gyfleusterau oergell, os yw hynny'n briodol;
- (c) bod ystafelloedd storio'r ganolfan gasglu neu'r tanerdy yn cael eu cadw mewn cyflwr boddhaol o ran glendid ac adeiladwaith, fel nad ydynt yn creu ffynhonnell i halogi'r deunyddiau crai;
- (ch) bod, neu, yn ôl fel y digwydd, y bydd unrhyw ddeunydd crai nad yw'n cydymffurfio ag unrhyw ofyniad a osodir yn rhinwedd Rheoliadau Cynhyrchion sy'n Deillio o Anifeiliaid (Mewnforio ac Allforio) 1996, os

(a) OJ Rhif L62, 15.3.1993, t.49.

(b) OJ Rhif L13, 18.1.2003, t.24.

(c) O.S.1996/3124; fel y'i diwygiwyd gan O.S. 2001/2219(Cy. 159).

Commission Decision 2003/721/EC;

"Commission Decision 2003/721/EC" ("*Penderfyniad y Comisiwn 2003/42/EC*") means Commission Decision 2003/721/EC amending Council Directive 92/118/EEC(a) as regards requirements for collagen(b); and

"food authority" ("*awdurdod bwyd*") has the same meaning as in the Food Safety Act 1990(c).

Amendment to the Products of Animal Origin (Import and Export) Regulations 1996

3.-(1) In so far as they apply to Wales, the Products of Animal Origin (Import and Export) Regulations 1996(d) are amended in accordance with paragraphs (2) and (3).

(2) In paragraph 9 of Schedule 3 (Community measures relevant to intra-Community trade) the words "and Commission Decision 2003/721/EC (OJ No. L260, 11.10.2003, p.21)" shall be inserted immediately before the words "and as amended by".

(3) In paragraph 12 of Schedule 3 the words "Commission Decision 2003/721/EC (OJ No.L260, 11.10.2003, p.21)" shall be inserted at the end of that paragraph.

Authorisation of collection centres and tanneries

4.-(1) A food authority shall, on application under this Regulation, authorise a collection centre or tannery for the purpose of supplying raw materials for the production of collagen intended for human consumption, if the food authority is satisfied that -

- (a) the collection centre or tannery has storage rooms with hard floors and smooth walls which are easy to clean and disinfect;
- (b) where appropriate, the collection centre or tannery is provided with refrigeration facilities;
- (c) the storage rooms of the collection centre or tannery are kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination of raw materials;
- (d) where any raw material which does not comply with a requirement imposed by virtue of the Products of Animal Origin (Import and Export) Regulations 1996 is or will be stored or processed in the premises of the collection

(a) OJ No. L62, 15.3.1993, p.49.

(b) OJ No. L13, 18.1.2003, p.24.

(c) 1990 c. 16.

(d) S.I. 1996/3124; as amended by S.I. 2001/2219(W.159).

yw'n cael neu os bydd yn cael ei storio neu ei brosesu ar safle'r ganolfan gasglu neu'r tanerdy, wedi'i wahanu oddi wrth ddeunydd crai sy'n cydymffurfio felly drwy gydol y cyfnod derbyn, storio, prosesu ac anfon; a

- (d) bod gan yr awdurdod bwyd yr holl wybodaeth y mae arno ei hangen er mwyn hysbysu'r Asiantaeth o'r awdurdodiad yn unol â rheoliad 9(2)(a).

(2) Wrth ganiatáu unrhyw awdurdodiad o dan y rheoliadau hwn, rhaid i'r awdurdod bwyd roi rhif penodol i'r ganolfan gasglu neu'r tanerdy o dan sylw.

(3) Rhaid i berchennog y busnes sy'n cael ei redeg mewn unrhyw sefydliad sy'n cael ei awdurdodi o dan y rheoliad hwn hysbysu'r awdurdod bwyd ar unwaith -

- (a) o unrhyw newid, neu newid sylweddol a fwriedir, o ran perchnogaeth y busnes hwnnw; neu
- (b) unrhyw newid sylweddol, neu newid sylweddol a fwriedir, o ran rhedeg y busnes hwnnw.

Awdurdodi sefydliadau sy'n cynhyrchu collagen a fwriedir i'w fwyta gan bobl

5.-(1) Pan wneir cais o dan y rheoliad hwn, rhaid i awdurdod bwyd awdurdodi sefydliad i gynhyrchu collagen a fwriedir i'w fwyta gan bobl os yw'r awdurdod bwyd wedi'i fodloni-

- (a) bod perchennog y sefydliad yn cynnal profion i sicrhau -
 - (i) bod pwyntiau critigol yn y sefydliad mewn perthynas â'r broses gynhyrchu a ddefnyddir yn cael eu nodi a'u bod yn dderbyniol gan yr awdurdod bwyd,
 - (ii) bod dulliau o fonitro a rheoli'r fath bwyntiau yn cael eu rhoi ar waith a'u bod yn dderbyniol gan yr awdurdod bwyd,
 - (iii) bod samplau'n cael eu cymryd at ddbenion gwirio dulliau glanhau a diheintio a bod y sefydliad yn cydymffurfio â'r safonau a nodir yn unol â Phenderfyniad y Comisiwn 2003/721/EC,
 - (iv) bod y samplau hynny'n cael eu ddansoddi fel sy'n briodol a hynny mewn labordy sy'n dderbyniol gan yr awdurdod,
 - (v) yr hysbysir yr awdurdod bwyd ar unwaith pan fydd archwiliad o samplau mewn labordy neu unrhyw wybodaeth arall sydd yn nwylo'r perchennog yn datgelu bod yna risg ddifrifol i iechyd, a
 - (vi) os bydd yna risg ar fin digwydd i iechyd, tynnir oddi ar y farchnad y cynhyrchion hynny a geir o dan amodau tebyg yn dechnolegol ac sy'n debygol o beri'r un risg;

centre or tannery, it is or, as appropriate, will be, segregated throughout the period of receipt, storage, processing and dispatch from raw material which does so comply; and

- (e) the food authority has all the information it requires to notify the Agency of the authorisation in accordance with regulation 9(2)(a).

(2) When granting any authorisation under this regulation, the food authority shall allocate a distinctive number to the collection centre or tannery concerned.

(3) The proprietor of the business carried on at any establishment authorised under this regulation shall give notice immediately to the food authority of -

- (a) any change, or intended material change, of the proprietorship of such business; or
- (b) any material change, or intended material change, in the operation of such business.

Authorisation of establishments producing collagen intended for human consumption

5.-(1) A food authority shall, on application being made under this regulation, authorise an establishment for the production of collagen intended for human consumption if the food authority is satisfied that -

- (a) the proprietor of the establishment carries out checks to ensure that -
 - (i) critical points in the establishment relative to the production process used are identified and are acceptable to the food authority,
 - (ii) methods for monitoring and controlling such points are established and are acceptable to the food authority,
 - (iii) samples are taken for the purposes of checking cleaning and disinfection methods and compliance with the standards prescribed in accordance with the Commission Decision 2003/721/EC,
 - (iv) such samples are analysed as appropriate in a laboratory acceptable to the food authority,
 - (v) the food authority is notified immediately when a laboratory examination of samples or any other information at the proprietor's disposal reveals a serious health risk, and
 - (vi) in the event of an imminent health risk, those products which are obtained in technologically similar conditions and are likely to present the same risk, are withdrawn from the market;

- (b) bod gan berchennog y sefydliad sytem ar waith i sicrhau y gwneir cofnod ar ffurf barhaol mewn cysylltiad â'r materion a nodir yn is-adrannau (i) i (iii) o baragraff (a) a chanlyniadau'r dadansoddiad y cyfeirir ato yn is-adran (iv) o'r paragraff hwnnw, a bod y cofnod yn cael ei gadw am gyfnod o ddwy flynedd o leiaf a'i fod ar gael i'r awdurdod bwyd os gofynnir amdano;
- (c) bod perchennog y sefydliad wedi trefnu neu wedi rhoi ar waith raglen hyfforddi staff er mwyn galluogi staff, sy'n ymwneud â chynhyrchu collagen a fwriedir i'w fwyta gan bobl, ac nad oes ganddynt eisoes gymwysterau sy'n ddigonol ac yn berthnasol i'r pwrpas hwnnw, i gydymffurfio â'r amodau ar gynhyrchu hylan sy'n briodol i'w dyletswyddau; ac
- (ch) bod gan yr awdurdod bwyd yr holl wybodaeth y mae ei hangen arno i hysbysu'r Asiantaeth o awdurdodiad yn unol â rheoliad 9(2)(a).

(2) Pan ganiateir awdurdodiad o dan y rheoliad hwn, rhaid i'r awdurdod bwyd roi rhif adnabod unigryw i'r sefydliad dan sylw.

(3) Rhaid i berchennog y busnes sy'n cael ei redeg yn unrhyw sefydliad a awdurdodwyd o dan y rheoliad hwn hysbysu'r awdurdod bwyd ar unwaith -

- (a) o unrhyw newid, neu newid a fwriedir, o ran perchnogaeth y busnes hwnnw; neu
- (b) o unrhyw newid perthnasol, neu newid perthnasol a fwriedir, o ran gweithredu'r busnes hwnnw.

Atal awdurdodiadau a'u tynnu yn ôl

6.-(1) Caiff awdurdod bwyd atal awdurdodiad a ganiatawyd o dan reoliad 4 neu 5 neu ei dynnu'n ôl os yw wedi'i fodloni nad yw'r ganolfan gasglu, y tanerdy neu'r sefydliad dan sylw ("y safle") yn bodloni'r gofynion a bennir yn rheoliad 4(1) neu 5(1) fel sy'n briodol, neu fod perchennog y safle wedi methu â chydymffurfio â rheoliadau 4(3) neu 5(3), fel sy'n briodol.

(2) Rhaid i awdurdod bwyd beidio ag atal awdurdodiad neu ei dynnu'n ôl o dan y rheoliad hwn oni bai -

- (a) ei fod wedi cyflwyno hysbysiad i berchennog y busnes sy'n cael ei redeg ar y safle; a
- (b) ei fod wedi'i fodloni, ar ôl i'r amser ar gyfer cydymffurfio â'r hysbysiad ddod i ben, nad yw'r safle'n cydymffurfio â'r gofynion a bennir yn yr hysbysiad.

- (b) the proprietor of the establishment has a system in place for ensuring that a record is made in permanent form in respect of the matters specified in divisions (i) to (iii) of paragraph (a) and the results of the analysis referred to in division (iv) of that paragraph, and that it is kept for a period of at least two years and is made available to the food authority upon request;
- (c) the proprietor of the establishment has arranged or established a staff training programme to enable staff engaged in the production of collagen intended for human consumption, and who do not already have qualifications which are adequate and relevant for that purpose, to comply with the conditions of hygienic production appropriate to their duties; and
- (d) the food authority has all the information it requires to notify the Agency of an authorisation in accordance with regulation 9(2)(a).

(2) When granting an authorisation under this regulation, the food authority shall allocate a unique identification number to the establishment concerned.

(3) The proprietor of the business carried on at any establishment authorised under this regulation shall give notice immediately to the food authority of -

- (a) any change, or intended change, of the proprietorship of such business; or
- (b) any material change, or intended material change, in the operation of such business.

Suspension and withdrawal of authorisations

6.-(1) A food authority may suspend or withdraw an authorisation granted under regulation 4 or 5 if it is satisfied that the collection centre, tannery or establishment concerned ("the premises") does not satisfy the requirements specified in regulation 4(1) or 5(1) as appropriate, or that the proprietor of the premises has failed to comply with regulations 4(3) or 5(3), as appropriate.

(2) A food authority shall not suspend or withdraw an authorisation under this regulation unless -

- (a) it has served a notice on the proprietor of the business carried on at the premises; and
- (b) it is satisfied, after the time for compliance with the notice has expired, that the premises do not comply with the requirements specified in the notice.

(3) Rhaid i hysbysiad a gyflwynir o dan baragraff (2)(a) -

- (a) datgan bod yr awdurdod bwyd yn bwriadu atal yr awdurdodiad neu, yn ôl fel y digwydd, ei dynnu'n ôl;
- (b) nodi pob gofyniad, a bennir yn rheoliad 4(1) neu (3) neu reoliad 5(1) neu (3), fel sy'n briodol, ac y mae'r awdurdod bwyd wedi'i fodloni na chydymffurfiwyd ag ef mewn perthynas â'r safle;
- (c) mewn perthynas â phob gofyniad a nodir o dan is-baragraff (b) uchod, rhoi'r rhesymau pam mae'r awdurdod bwyd wedi'i fodloni na chydymffurfiwyd â'r gofyniad; ac
- (ch) datgan y gall yr awdurdodiad gael ei atal neu ei dynnu'n ôl oni bai bod perchennog y busnes yn cydymffurfio â'r gofynion a bennir yn yr hysbysiad o fewn unrhyw amser rhesymol a nodir yn yr hysbysiad.

Yr hawl i apelio

7.-(1) Caiff person a dramgwyddir drwy benderfyniad gan awdurdod bwyd o dan y Rheoliadau hyn i wrthod awdurdodiad neu i atal awdurdodiad neu i dynnu awdurdodiad yn ôl apelio i lys ynadon.

(2) Bydd adran 37(3), (5) a (6) o Ddeddf Diogelwch Bwyd 1990 yn effeithiol mewn perthynas ag apelau o dan y rheoliad hwn fel y maent yn effeithiol mewn perthynas ag apêl o dan yr adran honno.

(3) Ni fydd tynnu yn ôl neu atal awdurdodiad a ganiatawyd o dan reoliad 4 neu 5 yn dod yn effeithiol nes i'r amser ar gyfer apelio yn erbyn hynny ddod i ben ac, os gwneir apêl, nes penderfynu ar yr apêl yn derfynol.

Dileu awdurdodiad

8. Rhaid i awdurdod bwyd ddileu awdurdodiad o dan reoliad 4 neu 5 -

- (a) ar gais perchennog y busnes y mae'r safle wedi'i awdurdodi mewn perthynas ag ef; neu
- (b) os yw'r awdurdod bwyd wedi'i fodloni nad yw'r busnes a oedd yn cael ei redeg ar y safle yn cael ei redeg yno mwyach.

Cofrestru

9.-(1) Rhaid i'r Asiantaeth gadw cofrestr o safleoedd sydd wedi'u hawdurdodi o dan reoliad 4 neu 5.

(2) Rhaid i bob awdurdod bwyd hysbysu'r Asiantaeth, drwy unrhyw gyfrwng y mae'n rhesymol i'r Asiantaeth ofyn amdano -

- (a) o bob awdurdodiad a roddir o dan reoliad 4 neu 5;

(3) A notice served under paragraph (2)(a) shall -

- (a) state that the food authority proposes to suspend or, as the case may be, withdraw the authorisation;
- (b) identify each requirement specified in regulation 4(1) or (3) or, as appropriate, regulation 5(1) or (3) which the food authority is satisfied has not been complied with in relation to the premises;
- (c) in relation to each requirement identified under subparagraph (b), give reasons why the food authority is satisfied that that requirement has not been complied with; and
- (d) state that, unless the proprietor of the business complies with the requirements specified in the notice within such reasonable time as is stated in the notice, the authorisation may be suspended or withdrawn.

Right of appeal

7.-(1) A person who is aggrieved by a decision of a food authority under these Regulations to refuse authorisation or to suspend or withdraw authorisation may appeal to a magistrates' court.

(2) Section 37(3), (5) and (6) of the Food Safety Act 1990 shall have effect in relation to appeals under this regulation as they have effect in relation to an appeal under that section.

(3) The withdrawal or suspension of any authorisation granted under regulation 4 or 5 shall not take effect until the time for appealing against it has expired and, if an appeal is lodged, until the appeal is finally disposed of.

Cancellation of authorisation

8. A food authority shall cancel an authorisation under regulation 4 or 5 -

- (a) at the request of the proprietor of the business in relation to which the premises are authorised; or
- (b) if the food authority is satisfied that the business carried on at the premises is no longer being carried on there.

Registration

9.-(1) The Agency shall maintain a register of premises authorised under regulation 4 or 5.

(2) Every food authority shall notify the Agency, by such means as may be reasonably required by the Agency, of -

- (a) every authorisation issued under regulation 4 or 5;

- (b) o bob awdurdodiad a dynnir yn ôl, a atelir neu a ddilëir gan yr awdurdod bwyd;
- (c) o bob hysbysiad a roddir o dan reoliad 6(2)(a);
- (ch) o unrhyw newid o ran perchnogaeth y busnes sy'n cael ei redeg ar safle sydd wedi'i awdurdodi o dan reoliad 4 neu 5; a
- (d) o unrhyw gamgymeriad neu hepgoriad yn yr wybodaeth yn y gofrestr sy'n dod i sylw'r awdurdod bwyd.

(3) Rhaid i bob hysbysiad o dan baragraff (2) gynnwys yr wybodaeth ganlynol -

- (a) cyfeiriad y safle;
- (b) enw perchennog y busnes sy'n cael ei redeg ar y safle;
- (c) unrhyw enw masnachu neu enw arall (ac eithrio enw'r perchennog) yr adnabyddir y busnes sy'n cael ei redeg ar y safle wrtho;
- (ch) y rhif adnabod a roddwyd o dan reoliad 4(2) neu 5(2);
- (d) ai fel canolfan gasglu, fel tanerdy ynteu fel sefydliad sy'n cynhyrchu colagen y mae'r safle wedi'i awdurdodi; ac
- (dd) y dyddiad y mae'r awdurdodiad a roddwyd o dan reoliad 4 neu 5 yn dod yn effeithiol a'r dyddiad y daeth atal yr awdurdodiad, ei dynnu'n ôl, neu ei ddileu yn effeithiol.

(4) Rhaid i'r Asiantaeth gymryd camau rhesymol i drefnu bod yr wybodaeth ar y gofrestr ar gael i'r cyhoedd ar adegau rhesymol.

Gorfodi

10. Bydd y Rheoliadau hyn yn cael eu gorfodi gan yr awdurdod bwyd yn ei ardal a bydd rheoliad 6(2) i (6) o Reoliadau Cynhyrchion Sy'n Deillio o Anifeiliaid (Mewnforio ac Allforio) 1996 yn gymwys mewn perthynas ag awdurdod bwyd sy'n gorfodi'r Rheoliadau hyn fel y mae'n gymwys mewn cysylltiad ag awdurdod lleol sy'n gorfodi'r Rheoliadau hynny.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

9 Rhagfyr 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

- (b) every withdrawal, suspension or cancellation of such an authorisation;
- (c) every notice issued under regulation 6(2)(a);
- (d) any change of the proprietor of the business carried on at premises authorised under regulation 4 or 5; and
- (e) any error or omission in the information in the register which comes to the attention of the food authority.

(3) Every notification under paragraph (2) shall contain the following information -

- (a) the address of the premises;
- (b) the name of the proprietor of the business carried on at the premises;
- (c) any trade name or other name (not being the name of the proprietor) by which the business carried on at the premises is known;
- (d) the number allocated under regulation 4(2) or 5(2);
- (e) whether the premises are authorised as a collection centre, a tannery or an establishment producing collagen; and
- (f) the date from which authorisation granted under regulation 4 or 5 has effect and the date any suspension, withdrawal or cancellation of authorisation took effect.

(4) The Agency shall take reasonable measures to make the information on the register available to the public at reasonable times.

Enforcement

10. These Regulations shall be enforced by the food authority in its area and regulation 6(2) to (6) of the Products of Animal Origin (Import and Export) Regulations 1996 shall apply in relation to a food authority enforcing these Regulations as it applies in relation to a local authority enforcing those Regulations.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

9th December 2003

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2003 Rhif 3229 (Cy.309)

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Rheoliadau Colagen a Gelatin
(Masnach o fewn y Gymuned)
(Cymru) 2003

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2003 No. 3229 (W.309)

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The Collagen and Gelatine (Intra-
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Regulations 2003

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£2.50

W225/12/03

ON

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ISBN 0-11-090846-5



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