



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 832 (Cy.104)

2003 No. 832 (W.104)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Labelu Bwyd
(Diwygio) (Cymru) 2003**

**The Food Labelling (Amendment)
(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 yn diwygio Rheoliadau Labelu Bwyd 1996, fel y'u diwygiwyd ("y prif Reoliadau") i'r graddau y maent yn gymwys i Gymru. Mae'r Rheoliadau hynny yn cwmpasu Prydain Fawr yn ei chyfanrwydd.
2. Mae'r Rheoliadau hyn yn gweithredu yng Nghymru Gyfarwyddeb y Comisiwn 2001/101/EC (OJ Rhif L310, 28.11.2001, t.19) sy'n diwygio Cyfarwyddeb 2000/13/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesiad cyfreithiau Aelod-wladwriaethau sy'n ymwneud â labelu, cyflwyno a hysbysebu bwydydd. Mae'r Rheoliadau yn caniatáu defnyddio'r term generig "meat" gydag enw rhywogaeth yr anifail y mae'n tarddu ohono (neu dermau cyfatebol megis "pork" neu "beef") ar gyfer cyhyrau ysgerbydol rhywogaethau mamalaidd a rhywogaethau adar mewn rhestrau cynhwysion, yn ddarostyngedig i amodau penodol (rheoliadau 2, 3 a 5). Mae'r rheolau yn rheoliad 19 o'r prif Reoliadau ar ddynodi swmp cynhwysion neu gategoriâu penodol o gynhwysion yn gymwys mewn perthynas â'r enw generig hwnnw. Mae'r Rheoliadau hyn hefyd yn mewnosod darpariaeth drosiannol mewn perthynas â'r enw generig hwnnw er mwyn rhoi ar waith Gyfarwyddeb 2002/86/EC ar gyfer bwyd sy'n cael ei werthu, ei farcio neu ei labelu cyn 1 Gorffennaf 2003 (rheoliad 4).

1. These Regulations amend the Food Labelling Regulations 1996, as amended ("the principal Regulations"), in so far as they apply to Wales. Those Regulations extend to the whole of Great Britain.
2. These Regulations implement in Wales Commission Directive 2001/101/EC (OJ No. L310, 28.11.2001, p.19) as amended by Commission Directive 2002/86/EC (OJ No.L305, 7.11.2002, p.19). Directive 2001/101/EC amends Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. The Regulations allow use of the generic name "meat" with the name of the animal species from which it comes (or equivalent terms such as "pork" or "beef") for skeletal muscles of mammalian and bird species in ingredients lists, subject to certain conditions (regulations 2, 3 and 5). The rules in regulation 19 of the principal Regulations on indications of quantities of certain ingredients or categories of ingredients apply in respect of that generic name. These Regulations also insert a transitional provision in respect of that generic name in implementation of Directive 2002/86/EC for food sold, marked or labelled before 1st July 2003 (regulation 4).

3. Paratowyd arfarniad rheoliadol a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trawsosod yn nodi sut y mae prif elfennau Cyfarwyddeb 2001/101/EC a Chyfarwyddeb 2002/86/EC i gael eu trawsosod yn y Rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Ty Southgate, Wood Street, Caerdydd, CF10 1EW.
3. A regulatory appraisal has been prepared and placed in the Library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of Directive 2001/101/EC and Directive 2002/86/EC are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

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(Diwygio) (Cymru) 2003****The Food Labelling (Amendment)
(Wales) Regulations 2003***Wedi'u gwneud* 21 Mawrth 2003*Made* 21st March 2003*Yn dod i rym* 24 Mawrth 2003*Coming into force* 24th March 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) ac (f), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) ac sydd yn awr wedi'u breinio ynddo(b), ac yntau wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori fel sy'n ofynnol gan erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(c) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewropeaidd ac yn gosod gweithdrefnau mewn materion sy'n ymwneud â diogelwch bwyd ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

Enw, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Bwyd (Diwygio) (Cymru) 2003; deuant i rym ar 24 Mawrth 2003 ac maent yn gymwys i Gymru yn unig.

Diwygio Rheoliadau Labelu Bwyd 1996

2. Caiff Rheoliadau Labelu Bwyd 1996(ch) eu diwygio (i'r graddau y maent yn gymwys i Gymru) yn unol â rheoliadau 3 i 5.

3. Yn rheoliad 14 (enwau cynhwysion) yn lle paragraff (4) rhoddir y paragraff canlynol -

(a) 1990 p.16.

(b) Trosglwyddwyd swyddogaethau a fu gynt yn arferadwy gan "yr Ysgrifennydd Gwladol" i'r graddau y maent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) o'i ddarllen gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

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

(ch) O.S. 1996/1499; yr offerynnau diwygio perthnasol yw O.S. 1998/1398, 1999/747, 1136, 1483, 2000/768.

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and now vested in it(b), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) 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 and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Food Labelling (Amendment) (Wales) Regulations 2003; they come into force on 24th March 2003 and apply to Wales only.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(d) shall be amended (in so far as they apply to Wales) in accordance with regulations 3 to 5.

3. In regulation 14 (names of ingredients) there shall be substituted for paragraph (4) the following paragraph -

(a) 1990 c.16.

(b) Functions formerly exercisable by "the Secretary of State" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28).

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

(d) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/1925 (W.134).

"(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule."

4. Yn Rheoliad 50 (darpariaeth drosiannol) mewnosodir ar y diwedd y paragraff canlynol -

"(10) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that -

- (a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) (Wales) Regulations 2003 had not been in operation when the food was sold, marked or labelled."

5. Yn Atodlen 3 (enwau generig mewn rhestr gynhwysion) -

- (a) menwosodir ar y dechrau y pennawd canlynol -

"PART I
GENERAL";

- (b) yn dilyn y cyfeiriadau at berlysieuyn, perlyisiau neu berlyisiau cymysg mewnosodir colofn 1 (enw generig), colofn 2 (cynhwysion) a cholofn 3 (amodau defnyddio enw generig)) yn y drefn honno -

" "Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes	Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding -	The total fat and connective tissue content must not exceed the l i m i t s specified in Part II of this Schedule and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to
	(a) the heart,	
	(b) the tongue,	
	(c) the muscles of the head (other than the masseters),	
	(d) the muscles of the carpus,	
	(e) the tarsus,	

"(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule."

4. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph -

"(10) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that -

- (a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) (Wales) Regulations 2003 had not been in operation when the food was sold."

5. In Schedule 3 (generic names in list of ingredients) -

- (a) there shall be inserted at the beginning the following heading -

"PART I
GENERAL";

- (b) after the entries relating to herb, herbs or mixed herbs, the following entries shall be inserted in column 1 (generic name), column 2 (ingredients) and column 3 (conditions of use of generic name) respectively -

" "Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes	Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding -	The total fat and connective tissue content must not exceed the l i m i t s specified in Part II of this Schedule and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to
	(a) the heart,	
	(b) the tongue,	
	(c) the muscles of the head (other than the masseters),	
	(d) the muscles of the carpus,	
	(e) the tarsus,	

<p>(f) the tail, and</p> <p>(g) any products covered by the definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC(a) on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC(b).</p>	<p>the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.";</p>	<p>(f) the tail, and</p> <p>(g) any products covered by the definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC(a) on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC(b).</p>	<p>the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.";</p>
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(c) mewnosodir ar y diwedd y Rhan ganlynol -

(c) there shall be inserted at the end the following Part -

"PART II

"PART II

MAXIMUM FAT AND CONNECTIVE TISSUE CONTENTS FOR INGREDIENTS FOR WHICH THE GENERIC NAME MEAT OR EQUIVALENT AS REFERRED TO IN PART I OF THIS SCHEDULE IS USED

MAXIMUM FAT AND CONNECTIVE TISSUE CONTENTS FOR INGREDIENTS FOR WHICH THE GENERIC NAME MEAT OR EQUIVALENT AS REFERRED TO IN PART I OF THIS SCHEDULE IS USED

Species	Fat (%)	Connective tissue (%) ¹
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

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Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

(a) OJ Rhif L121, 29.7.64, t. 2012 (OJ/SE 1963-64 t.185).

(b) OJ Rhif L243, 11.10.95, t.7.

(a) OJ No. L121, 29.7.64, p.2012 (OJ/SE 1963-64 p.185).

(b) OJ No. L243, 11.10.95, p.7.

Note

¹ The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8."

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

21 Mawrth 2003

Prif Weinidog y Cynulliad Cenedlaethol

(a) 1998 p.38.

Note

¹ The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8."

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

21st March 2003

Rhodri Morgan

The First Minister of the National Assembly

(a) 1998 c.38.

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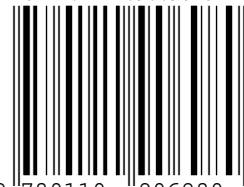
W106/4/03

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ISBN 0-11-090698-5



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