CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 245 (Cy.24)

BWYD, CYMRU

Rheoliadau Bwyd (Rheolaeth Frys) (Diwygiadau Amrywiol) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Bwyd (Cnau Brasil) (Rheolaeth Frys) (Cymru) 2003 (O.S. 2003/2254 (Cy.224)); Rheoliadau Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Cymru) (Rhif 2) 2003 (O.S. 2003/2288 (Cy.227)); Rheoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003 (O.S. 2003/2455 (Cy.238)); a Rheoliadau Bwyd (Pysgnau o'r Aifft) (Rheolaeth Frys) (Cymru) 2003 (O.S. 2003/2910 (Cy.276)) sy'n cael eu hadnabod yn eu crynswth at ddibenion y Nodyn Esboniadol hwn fel "y Rheoliadau Bwyd"

Mae'r Rheoliadau hyn yn dileu geiriad diangen o reoliad 6(2) o'r priod Reoliadau Bwyd, sy'n darparu bod rhaid i hysbysiad, sy'n gorchymyn ailanfon neu ddistrywio mewnforion anghyfreithlon, gynnwys gwybodaeth am yr hawl i apelio.

Mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 6(3) o'r priod Reoliadau Bwyd er mwyn sicrhau bod y Llys Ynadon yn gallu penderfynu a yw hysbysiad sydd wedi'i gyflwyno gan swyddog awdurdodedig o dan reoliad 6(1) wedi'i gyflwyno'n gywir a hefyd a yw'n gyfreithlon mewnforio'r cynnyrch o dan sylw.

Mae'r Rheoliadau hyn yn diwygio'n benodol hefyd Reoliadau Bwyd (Cnau Brasil) (Rheolaeth Frys) (Cymru) 2003 (O.S. 2003/2254 (Cy.224)). Maent yn diwygio'r weithdrefn sydd i'w dilyn pan fydd arolygiad neu archwiliad o gnau Brasil yn dangos nad ydynt yn cydymffurfio â'r lefelau uchaf ar gyfer afflatocsin B1 a'r cyfanswm o afflatocsin a sefydlwyd drwy Reoliad y Comisiwn (EC) Rhif 466/2001 sy'n pennu'r lefelau

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 245 (W.24)

FOOD, WALES

The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254 (W.224)); the Food (Pistachios from Iran) (Emergency Control) (Wales) (No. 2) Regulations 2003 (S.I. 2003/288 (W.227)); the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2455 (W.238)); and the Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2910 (W.276)) which are collectively known for the purposes of this Explanatory Note as "the Food Regulations".

These Regulations remove unnecessary wording from regulation 6(2) of the respective Food Regulations which provide that a notice ordering the re-dispatch or destruction of illegal imports has to contain information about the right of appeal.

These Regulations also amend regulation 6(3) of the respective Food Regulations in order to ensure that the Magistrates' Court can determine both whether a notice served by an authorised officer under regulation 6(1) has been correctly served and also whether importation of the product in question is lawful.

These Regulations also specifically amend the Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254 (W.224)). They revise the procedure to be followed when an inspection or examination of Brazil nuts reveals that they do not comply with the maximum levels for aflatoxin B1 and aflatoxin total established by Commission Regulation (EC) No. 466/2001 setting maximum levels for certain

uchaf ar gyfer halogion penodol mewn bwydydd (OJ Rhif L77, 16.3.2001, t.1) (rheoliad 2(2)). Mae'r weithdrefn ddiwygiedig yn cydweddu â Phenderfyniad y Comisiwn 2003/493/EC sy'n gosod amodau arbennig ar fewnforio cnau Brasil yn eu plisg sy'n deillio o Frasil neu wedi'u traddodi oddi yno (OJ Rhif L168, 5.7.2003, t. 33).

Mae'r Rheoliadau hyn (rheoliad 3(4)) hefyd yn diwygio'n benodol Reoliadau Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Cymru) (Rhif 2) 2003 (O.S. 2003/2288 (Cy.227)) er mwyn cywiro gwall drafftio.

Nid oes unrhyw arfarniad rheoliadol wedi'i baratoi ynglŷn â'r Rheoliadau hyn.

contaminants in foodstuffs (OJ No. L77, 16.3.2001, p.1) (regulation 2(2)). The revised procedure accords with Commission Decision 2003/493/EC imposing special conditions on the import of Brazil nuts in shell originating or consigned from Brazil (OJ No. L168, 5.7.2003, p.33).

These Regulations (regulation 3(4)) also specifically amend the Food (Pistachios from Iran) (Emergency Control) (Wales) (No. 2) Regulations (S.I. 2003/2288 (W.227)) to correct a drafting error.

No regulatory appraisal has been prepared in respect of these Regulations.

OFFERYNNAU STATUDOL

2004 Rhif 245 (Cy.24)

BWYD, CYMRU

Rheoliadau Bwyd (Rheolaeth Frys) (Diwygiadau Amrywiol) (Cymru) 2004

Wedi'u gwneud	*4 Chwefror 2004*
Yn dod i rym	*8 Chwefror 2004*

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 iddo gan yr adran honno, yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Rheolaeth Frys) (Diwygiadau Amrywiol) (Cymru) 2004 a deuant i rym ar 8 Chwefror 2004.

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

Diwygiadau i Reoliadau Bwyd (Cnau Brasil) (Rheolaeth Frys) (Cymru) 2003

2.-(1) Diwygir Rheoliadau Bwyd (Cnau Brasil) (Rheolaeth Frys) (Cymru) 2003(**c**) yn unol â pharagraffau (2) a (3).

(2) Yn lle paragraffau (1) a (2) o reoliad 6 (ailanfon neu ddistrywio mewnforion anghyfreithlon) rhowch y paragraffau canlynol -

"(1) Wedi arolygu neu archwilio unrhyw gnau Brasil, os yw'n ymddangos i swyddog awdurdodedig awdurdod iechyd porthladd neu, yn ôl y digwydd, awdurdod bwyd nad yw'r cnau hynny yn cydymffurfio â'r lefelau uchaf ar gyfer afflatocsin B1 a'r cyfanswm o afflatocsin a sefydlwyd drwy Reoliad y Comisiwn (EC) Rhif 466/2001 sy'n gosod y lefelau uchaf ar gyfer halogion penodol mewn bwydydd(**ch**), caiff y swyddog awdurdodedig, ar ôl ymgynghori'n

(a) O.S. 1999/2788.

(b) 1972 p. 68.

(c) O.S. 2003/2254 (Cy. 224).

(ch) OJ Rhif L77, 16.3.2001, t.1.

STATUTORY INSTRUMENTS

2004 No. 245 (W.24)

FOOD, WALES

The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004

Made	*4th February 2004*
Coming into force	*8th February 2004*

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 on it by that section makes the following Regulations:

Title, commencement and application

1.-(1) These Regulations may be cited as The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004 and shall come into force on 8th February 2004.

(2) These Regulations apply to Wales only.

Amendments to the Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003

2.-(1) The Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003(**c**) shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraphs (1) and (2) of regulation 6 (re-dispatch or destruction of illegal imports) substitute the following paragraphs -

"(1) If on an inspection or examination of any Brazil nuts it appears to an authorised officer of a port health authority or as the case may be food authority that they do not comply with the maximum levels for aflatoxin B1 and aflatoxin total established by Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs(**d**) the authorised officer may after appropriate consultation with a person appearing to the authorised officer to be the

(a) S.I. 1999/2788.

(b) 1972 c. 68.

(c) S.I. 2003/2254 (W. 224).

(d) OJ No. L77, 16.3.2001, p.1.

briodol â pherson y mae'n ymddangos i'r swyddog awdurdodedig mai ef yw'r mewnforiwr, gyflwyno i'r person hwnnw hysbysiad sy'n gorchymyn -

(a) ailanfon y cnau Brasil i'r wlad y maent yn tarddu ohoni o fewn y cyfnod rhesymol a bennir yn yr hysbysiad, ond dim ond os cydymffurfir â'r amodau a bennir ym mhwyntiau (a) i (c) o Erthygl 6 o Benderfyniad y Comisiwn; neu

(b) (pan na chydymffurfir â'r gofynion hynny) distrywio'r cnau Brasil o fewn y cyfnod rhesymol a bennir.

(2) Rhaid i'r hysbysiad a gyflwynir o dan baragraff (1) ddatgan-

(a) hawl apelio i lys ynadon; a

(b) y cyfnod erbyn pryd y caniateir dwyn yr apêl.".

(3) Ym mharagraff (3) o reoliad 6 yn lle'r geiriau "a gyflwynwyd yr hysbysiad yn gyfreithlon ai peidio" rhowch "a ddylid cadarnhau neu wrthod yr hysbysiad ai peidio".

Diwygiadau i Reoliadau Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Cymru) (Rhif 2) 2003

3.-(1) Diwygir Rheoliadau Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Cymru) (Rhif 2) 2003(**a**) yn unol â pharagraffau (2), (3) a (4).

(2) Ym mharagraff (2) o reoliad 6 hepgorwch y geiriau "Mewn unrhyw achos pan ganiateir dwyn apêl o'r math a grybwyllir ym mharagraff (3)".

(3) Ym mharagraff (3) o reoliad 6 yn lle'r geiriau "a gyflwynwyd yr hysbysiad yn gyfreithlon ai peidio" rhowch "a ddylid cadarnhau neu wrthod yr hysbysiad ai peidio".

(4) Yn rheoliad 7 hepgorwch y geiriau "Gorchymyn Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Cymru) 1997, Gorchymyn Bwyd (Cnau Pistasio o Iran) (Rheolaeth Frys) (Diwygio) 1997 a".

Diwygiadau i Reoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003 a Rheoliadau Bwyd (Pysgnau o'r Aifft) (Rheolaeth Frys) (Cymru) 2003

4.-(1) Diwygir Reoliadau Bwyd (Tsilis Poeth a Chynhyrchion Tsilis Poeth) (Rheolaeth Frys) (Cymru) 2003(**b**) a Rheoliadau Bwyd (Pysgnau o'r Aifft) (Rheolaeth Frys) (Cymru) 2003(**c**) yn unol â pharagraffau (2) a (3).

(a) O.S. 2003/2288 (Cy. 227).

(b) O.S. 2003/2455 (Cy. 238).

(c) O.S. 2003/2910 (Cy. 276).

importer serve on that person a notice ordering -

(a) the re-dispatch of the Brazil nuts to the country of origin within such reasonable period as shall be specified in the notice, but only if the conditions specified in points (a) to (c) of Article 6 of the Commission Decision are complied with; or

(b) (where those conditions are not complied with) the destruction of the Brazil nuts within such reasonable period as shall be so specified.

(2) The notice served under paragraph (1) shall state -

(a) the right of appeal to a magistrates' court; and

(b) the period within which such an appeal may be brought.".

(3) In paragraph (3) of regulation 6 for the words "was lawfully served" substitute "should be upheld or set aside".

Amendments to the Food (Pistachios from Iran) (Emergency Control) (Wales) (No. 2) Regulations 2003

3.-(1) The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003(**a**) shall be amended in accordance with paragraphs (2), (3) and (4).

(2) In paragraph (2) of regulation 6 omit the words "In any case where such an appeal as is mentioned in paragraph (3) may be brought".

(3) In paragraph (3) of regulation 6 for the words "was lawfully served" substitute "should be upheld or set aside".

(4) In regulation 7 omit the words "The Food (Pistachios from Iran) (Emergency Control) Order 1997, The Food (Pistachios from Iran) (Emergency Control) (Amendment) Order 1997 and".

Amendments to the Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 and the Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003

4.-(1) The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003(**b**) and the Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003(**c**) shall be amended in accordance with paragraphs (2) and (3).

(a) S.I. 2003/2288 (W. 227).

(b) S.I. 2003/2455 (W. 238).

(c) S.I. 2003/2910 (W. 276).

(2) Ym mhob achos, ym mharagraff (2) o reoliad 6 hepgorir y geiriau "Mewn unrhyw achos pan ganiateir dwyn apêl o'r math a grybwyllir ym mharagraff (3)".

(3) Ym mhob achos, ym mharagraff (3) o reoliad 6 yn lle'r geiriau "a gyflwynwyd yr hysbysiad yn gyfreithlon ai peidio" rhowch "a ddylid cadarnhau neu wrthod yr hysbysiad ai peidio".

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

4 Chwefror 2004

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

(2) In each case, in paragraph (2) of regulation 6 the words "In any case where such an appeal as is mentioned in paragraph (3) may be brought" shall be omitted.

(3) In each case, in paragraph (3) of regulation 6 for the words "was lawfully served" substitute "should be upheld or set aside".

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

4th February 2004

D. Elis-Thomas

The Presiding Officer of the National Assembly

(a) 1998 c.38.

OFFERYNNAU STATUDOL

2004 Rhif 245 (Cy.24)

BWYD, CYMRU

Rheoliadau Bwyd (Rheolaeth Frys) (Diwygiadau Amrywiol) (Cymru) 2004

STATUTORY INSTRUMENTS

2004 No. 245 (W.24)

FOOD, WALES

The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004

©© Hawlfraint y Goron 2004

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2004

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

ISBN 0-11-090862-7

9 780110 908625

£3.00

W14/2/04 ON