
OFFERYNNAU STATUDOL CYMRU

2005 Rhif 1156 (Cy.73)

BWYD, CYMRU

Rheoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2005

Wedi'u gwneud - - - *12 Ebrill 2005*

Yn dod i rym - - - *30 Ebrill 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (e), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990 a pharagraff 1 o Atodlen 1 iddi(1) ac sydd bellach wedi'u breinio ynddo(2) ac wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno at 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, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(3) yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1. O ran y Rheoliadau hyn —
 - (a) eu henw yw Rheoliadau Melysyddion mewn Bwyd (Diwygio) (Cymru) 2005;
 - (b) deuant i rym ar 30 Ebrill 2005; ac
 - (c) maent yn gymwys o ran Cymru yn unig.

Diwygio Rheoliadau Melysyddion mewn Bwyd 1995

2. Diwygir Rheoliadau Melysyddion mewn Bwyd 1995(4) i'r graddau y maent yn gymwys o ran Cymru yn unol â rheoliadau 3 i 7.

3.—(1) Yn rheoliad 2 (dehongli) paragraff (1) —

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- (1) 1990 p. 16.
 - (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).
 - (3) OJ Rhif L31, 1.2.2001, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4). Yn rhinwedd Rheoliad 5 o Reoliadau Deddf Diogelwch Bwyd 1990 (Diwygio) 2004 (O.S. 2004/2990) gydag effaith o 7 Rhagfyr 2004 ymlaen datgymhwysir y gofyniad i ymgynghori a geir yn adran 48(4) o Ddeddf 1990 mewn unrhyw achos lle mae ymgynghori yn ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002.
 - (4) O.S. 1995/3123, fel y'i diwygiwyd gan O.S. 1996/1477, O.S. 1997/814, O.S. 1999/982, O.S. 2001/2679 (Cy.220), O.S. 2002/330 (Cy.43) ac O.S. 2003/1713 (Cy.181).

- (a) yn y diffiniad o “Directive 94/35/EC” ar ôl y geiriau “Directive 96/83/EC of the European Parliament and Council” mewnosoder —
“and by Directive 2003/115/EC(5)
- (b) yn y diffiniad o “Directive 95/31/EC”, yn lle'r geiriau “Directive 2001/52/EC” mewnosoder —
“and by Directive 2004/46/EC(6)
- (c) yn lle'r diffiniad o “permitted sweetener” rhodder y diffiniad canlynol —
““permitted sweetener” means any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener specified in the Annex to Directive 95/31/EC;”.
- (2) Yn rheoliad 2 paragraff (3) —
- (a) yn is-baragraff (c)(i) hepgorer y geiriau —
“and salt of aspartame-acesulfame”;
a
- (b) yn is-baragraff (c)(ii) ar ôl y geiriau “as the case may be” lle'r ymddengys y geiriau hynny gyntaf yn yr is-baragraff hwnnw, mewnosoder y geiriau canlynol —
“the maximum amount of free imide contained in the”.
4. Yn rheoliad 3 (gwerthu a defnyddio melysyddion) —
- (a) ym mharagraff (3) ychwaneger ar y diwedd y geiriau “as read with the notes to that Schedule”; a
- (b) hepgorer paragraff (5).
5. Yn rheoliad 4 (gwerthu melysyddion y bwrdd bwyd) ym mharagraff (b)(iii), ar ôl y geiriau “where it contains aspartame” mewnosoder y geiriau canlynol —
“or salt of aspartame-acesulfame”.
6. Yn rheoliad 11 (darpariaeth drosiannol ac esemptiad) ar ôl paragraff (1A) mewnosoder y paragraff canlynol —
“(1B) In any proceedings for an offence under these Regulations which allege a contravention of regulations 3, 4 or 5 it is a defence to prove that —
(a) the act was committed before 29th January 2006;
(b) the act was that of —
(i) selling a sweetener or food,
(ii) using a sweetener in or on food,
which in either case was placed on the market before 29th July 2005; and
(c) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(1)(c) or (2), or 4 to 7 of the Sweeteners in Food (Amendment) (Wales) Regulations 2005 had not been made when the act was committed.”.
7. Yn Atodlen 1 (melysyddion a ganiateir a'r bwydydd y caniateir eu defnyddio ynddynt neu arnynt) —

(5) OJ Rhif L24, 29.1.2004, t.65.

(6) OJ Rhif L114, 21.4.2004, t.15.

- (a) yn y cofnodion yng Ngholofn 3 ynghylch “E951 Aspartame” ar ôl y geiriau ““snacks”:
certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts”
mewnosoder y cofnod canlynol —
“Essoblaten”
ac yn y lle cyfatebol yng ngholofn 4 mewnosoder y cofnod canlynol —
“1000mg/kg”;
- (b) yn y cofnodion ynghylch “E952 Cyclamic Acid and its Na and Ca salts”—
- (i) yn y cofnod o dan y pennawd “non-alcoholic drinks” ynghylch “Water-based
flavoured drinks, energy-reduced or with no added sugar” yn lle'r cofnod “400 mg/
l” yng Ngholofn 4 rhodder y cofnod canlynol—
“250 mg/l”,
- (ii) yn y cofnod o dan y pennawd ynghylch “Milk and milk-derivative based or fruit
juice-based energy-reduced or with no added sugar”, yn lle'r cofnod “400 mg/l” yng
Ngholofn 4 rhodder y cofnod canlynol —
“250 mg/l”,
- (iii) hepgorer y cofnodion a restrir yng Ngholofn 3 a 4 o dan y pennawd “Confectionery”,
a
- (iv) hepgorer y cofnod yng Ngholofnau 3 a 4 o dan y pennawd “Miscellaneous” ynghylch
“Edible ices, energy-reduced or with no added sugar”;
- (c) ar ôl y cofnodion ynghylch “E954 Saccharin and its Na, K and Ca salts”, mewnosoder y
cofnodion canlynol —

“E955	Sucralose	Non-alcoholic drinks	
		— Water-based flavoured drinks, energy-reduced or with no added sugar	300 mg/l
		— Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	300 mg/l
		Desserts and similar products	
		— Water-based flavoured desserts, energy-reduced or with no added sugar	400 mg/kg
		— Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	400 mg/kg

— Fruit and vegetable-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Egg-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Cereal-based desserts, energy-reduced or with no added sugar	400 mg/kg
— Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar	400 mg/kg
— Fat-based desserts, energy-reduced or with no added sugar	400 mg/kg
Confectionery	
— Confectionery with no added sugar	1000 mg/kg
— Cocoa or dried-fruit based confectionery, energy-reduced or with no added sugar	800 mg/kg
— Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg
— Cornets and wafers, for ice cream, with no added sugar	800 mg/kg
— Breath freshening micro-sweets with no added sugar	2400 mg/kg
— Strongly flavoured freshening	1000 mg/kg

throat pastilles with
no added sugar

— Chewing gum 3000 mg/kg
with no added sugar

— Energy- 200 mg/kg
reduced tablet form
confectionery

Miscellaneous

— “Snacks”: certain 200 mg/kg
flavours of ready
to eat, pre-packed,
dry, savoury starch
products and coated
nuts

— Essoblaten 800 mg/kg

— Cocoa, milk, 400 mg/kg
dried fruit or fat-
based sandwich
spreads, energy-
reduced or with no
added sugar

— Cider and Perry 50 mg/l

— Drinks consisting 250 mg/l
of a mixture of non-
alcoholic drink and
beer, cider, perry,
spirits or wine

— Spirit drinks 250 mg/l
containing less than
15% alcohol by
volume

— Alcohol-free 250 mg/l
beer or with an
alcohol content not
exceeding 1.2% vol

— Biere de table/ 250 mg/l
Tafelbier/Table
beer (original
wort content less
than 6% except
for “Obergariges
Einfachbier”

— Beers with a 250 mg/l
minimum acidity of
30 milli-equivalents
expressed as NaOH

— Brown beer of the “oud bruin” type	250 mg/l
— Energy-reduced beer	10 mg/l
— Edible ices, energy-reduced or with no added sugar	320 mg/kg
— Canned or bottled fruit, energy-reduced or with no added sugar	400 mg/kg
— Energy-reduced jams, jellies and marmalades	400 mg/kg
— Energy-reduced fruit and vegetable preparations	400 mg/kg
— Sweet-sour preserves of fruit and vegetables	180mg/kg
— Feinkostsalat	140 mg/kg
— Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	120 mg/kg
— Energy-reduced soups	45 mg/l
— Sauces	450 mg/kg
— Mustard	140 mg/kg
— Fine bakery products for special nutritional uses	700 mg/kg
— Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive 1996/8/EC	320 mg/kg
— Dietary foods for special medical purposes as defined in Directive 1999/21/EC	400 mg/kg

— Food supplements as defined in Directive 2002/46/EC supplied in a liquid form	240 mg/l
— Food supplements as defined in Directive 2002/46/EC supplied in a solid form	800 mg/kg
— Food supplements as defined in Directive 2002/46/EC based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form	2400 mg/kg [”]

(ch) ar ôl y cofnodion ynghylch “E959 Neohesperidine DC”, mewnosoder y cofnodion canlynol —

“E962	Salt of aspartame-acesulfame	Non-alcoholic drinks
		— Water-based flavoured drinks, energy-reduced or with no added sugar
		350 mg/l ^(a)
		— Milk and milk-derivative-based or fruit-juice based drinks, energy-reduced or with no added sugar
		350 mg/l ^(a)
		Desserts and similar products
		— Water-based flavoured desserts, energy-reduced or with no added sugar
		350 mg/kg ^(a)
		— Milk and milk-derivative-based preparations, energy-reduced or with no added sugar
		350 mg/kg ^(a)

— Fruit and vegetable-based desserts, energy-reduced or with no added sugar	350 mg/kg ^(a)
— Egg-based desserts, energy-reduced or with no added sugar	350 mg/kg ^(a)
— Cereal-based desserts, energy-reduced or with no added sugar	350 mg/kg ^(a)
— Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar	1000 mg/kg ^(b)
— Fat-based desserts, energy-reduced or with no added sugar	350 mg/kg ^(a)

Confectionery

— Confectionery with no added sugar	500 mg/kg ^(a)
— Cocoa or dried-fruit-based confectionery, 500 mg/kg ^(a) energy-reduced or with no added sugar	
— Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg ^(a)
— Breath freshening micro-sweets with no added sugar	2500 mg/kg ^(a)
— Chewing gum with no added sugar	2000 mg/kg ^(a)

Miscellaneous

“Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	500 mg/kg ^(b)
— Essoblaten	1000 mg/kg ^(b)
— Cocoa, milk, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	1000 mg/kg ^(b)
— Cider and perry	350 mg/l ^(a)
— Drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine	350 mg/l ^(a)
— Spirit drinks containing less than 15% alcohol by volume	350 mg/l ^(a)
— Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	350 mg/l ^(a)
— “Biere de table/ Tafelbier/Table beer” (original wort content less than 6%) except for “Obergariges Einfachbier”	350 mg/l ^(a)
— Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	350 mg/l ^(a)
— Brown beers of the “oud bruin” type	350 mg/l ^(a)
— Energy-reduced beer	25 mg/l ^(b)
— Edible ices, energy-reduced or with no added sugar	800 mg/kg ^(b)

— Canned or bottled fruit, energy-reduced or with no added sugar	350 mg/kg ^(a)
— Energy-reduced jams, jellies and marmalades	1000 mg/kg ^(b)
— Energy-reduced fruit and vegetable preparations	350 mg/kg ^(a)
— Sweet-sour preserves of fruit and vegetables	200 mg/kg ^(a)
— Feinkostsalat	350 mg/kg ^(b)
— Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	200 mg/kg ^(a)
— Energy-reduced soups	110 mg/l ^(b)
— Sauces	350 mg/kg ^(b)
— Mustard	350 mg/kg ^(b)
— Fine bakery products for special nutritional uses	1000 mg/kg ^(a)
— Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive 1996/8/EC	450 mg/kg ^(a)
— Dietary foods for special medical purposes as defined in Directive 1999/21/EC	450 mg/kg ^(a)
— Food supplements as defined in Directive 2002/46/EC supplied in a liquid form	350 mg/l ^(a)

— Food supplements as defined in Directive [2002/46/EC](#) supplied in a solid form 500 mg/kg^(a)

— Food supplements as defined in Directive [2002/46/EC](#) based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form 2000 mg/kg^(a)

- (d) hepgorer y cofnodion ynghylch “Sucralose” a restrir ar ddiwedd y Tabl yng Ngholofnau 2 i 4;
- (dd) yn lle'r geiriau “Complete formulae for weight control intended to replace total daily food intake or an individual meal”, ym mha le bynnag y digwyddant, rhodder y geiriau canlynol —
 “Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive [96/8/EC](#)”(7);
- (e) yn lle'r geiriau “Complete formulae and nutritional supplements for use under medical supervision”, ym mha le bynnag y digwyddant, rhodder y geiriau canlynol —
 “Dietary foods for special medical purposes as defined in Directive [1999/21/EC](#)”(8);
- (f) yn lle'r geiriau “Liquid food supplements/dietary integrators”, ym mha le bynnag y digwyddant, rhodder y geiriau canlynol —
 “Food supplements as defined in Directive [2002/46/EC](#) supplied in a liquid form”(9);
- (ff) yn lle'r geiriau “Solid food supplements/dietary integrators”, ym mha le bynnag y digwyddant, rhodder y geiriau canlynol —
 “Food supplements as defined in Directive [2002/46/EC](#) supplied in a solid form”;
- (g) yn lle'r geiriau “Food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type or chewable”, ym mha le bynnag y digwyddant, rhodder y geiriau canlynol —
 “Food supplements as defined in Directive [2002/46/EC](#) based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form”; ac
- (ng) ar ôl nodiadau 1 a 2 ychwaneger y nodiadau canlynol —
 “3. The maximum usable doses in Column 4 relating to salt of aspartame-acesulfame are derived from the maximum usable doses for its constituent parts, aspartame (E951) and acesulfame-K (E950). The maximum usable doses for both aspartame (E951) and acesulfame-K (E950) are not to be exceeded by use of the salt of aspartame-acesulfame, either alone or in combination with E950 or E951.

(7) OJ Rhif L55, 6.3.1966, t.22.

(8) OJ Rhif L91, 7.4.1999, t.29.

(9) OJ Rhif L183, 12.7.2002, t.51.

4. The maximum usable doses in Column 4 relating to E962 salt of aspartame-acesulfame are expressed either as^(a) acesulfame-K equivalents or^(b) aspartame equivalents.”.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998**(10)**

12 Ebrill 2005

D. Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

1. Mae'r Rheoliadau hyn yn gymwys o ran Cymru yn unig, ac maent yn diwygio ymhellach Reoliadau Melysyddion mewn Bwyd 1995 ([O.S.1995/3123](#) a ddiwygiwyd eisoes), ac maent yn rhychwantu Prydain Fawr, ac yn rhoi ar waith —

- (a) Cyfarwyddeb [2003/115/EC](#) o Senedd Ewrop a'r Cyngor sy'n diwygio Cyfarwyddeb [94/35/EC](#) ar felysyddion y ceir eu defnyddio mewn bwydydd (OJ Rhif L24, 29.1.2004, t.65); a
- (b) Cyfarwyddeb y Comisiwn [2004/46/EC](#) sy'n diwygio Cyfarwyddeb [95/31/EC](#) o ran E955 swcralos a E962 halwyn o asbartâm-aseswlffâm (OJ Rhif L114, 21.4.2004, t.15).

2. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Melysyddion mewn Bwyd 1995 o ran Cymru drwy —

- (a) diweddarau'r diffiniad o “Directive [94/35/EC](#)” er mwyn cynnwys y diwygiad o'r Gyfarwyddeb honno gan Gyfarwyddeb [2003/115/EC](#) (rheoliad 3(1)(a));
- (b) diweddarau'r diffiniad o “Directive [95/31/EC](#)” (mae'r Gyfarwyddeb yn ymwneud â meini prawf purdeb penodedig i felysyddion sydd i'w defnyddio mewn bwydydd) er mwyn cynnwys y diwygiad iddo gan Gyfarwyddeb [2004/46/EC](#) (rheoliad 3(1)(b));
- (c) rhoi diffiniad newydd yn lle'r diffiniad o'r term “permitted sweetener” i adlewyrchu'r ffaith bod swcralos a halwyn asbartâm-aseswlffâm bellach yn felysyddion a ganiateir (rheoliad 3(1)(c));
- (ch) gwneud mân ddiwygiadau i'r diffiniad o'r term “maximum usable dose” fel y'i cymhwysir i'r melysyddion hynny y caniateir eu defnyddio mewn bwydydd penodedig o dan y Rheoliadau (rheoliad 3(2));
- (d) dangos yn bendant bod Atodlen 1 (melysyddion a ganiateir a'r bwydydd y caniateir eu defnyddio ynddynt neu arnynt) i'w darllen ar y cyd â'r nodiadau sydd wrthynt (rheoliad 4(a));
- (dd) dileu'r ddarpariaeth a oedd yn mynnu bod rheolaethau ar ddefnyddio bwydydd penodedig o asbartâm ac aseswlffâm-K a geir yn Atodlen 1 yn gymwys hefyd i halwyn o asbartâm-aseswlffâm yn y bwydydd hynny (rheoliad 4(b));
- (e) ymestyn i halwyn o asbartâm-aseswlffâm y gofyniad presennol bod melysyddion ar y bwrdd bwyd sy'n cynnwys asbartâm i'w marcio neu eu labelu fel a bennir yn y Rheoliadau (rheoliad 5);
- (f) cynnwys darpariaethau trosiannol (rheoliad 6);
- (ff) ychwanegu categori pellach o fwyd at y categorïau y caniateir defnyddio'r melysydd E951 asbartâm a'i ddefnyddio'n gyfreithlon a phennu mwyafswm y dogn y gellir ei ddefnyddio sy'n gymwys i'r defnydd hwnnw (rheoliad 7(a));
- (g) o ran y melysydd a ganiateir E952 asid seiclamig a'i halwynau Na a Ca, lleihau mwyafswm y dogn y gellir ei ddefnyddio o'r melysydd hwnnw sy'n gymwys o ran bwydydd penodedig, a'i gwneud yn anghyfreithlon i ddefnyddio'r melysydd hwnnw mewn eitemau penodedig o gyffraith ac mewn iaioedd bwytadwy penodol (rheoliad 7(b));
- (ng) mewnosod cofnodion newydd yn Atodlen 1 sy'n ymwneud â melysyddion a ganiateir E955 swcralos ac i E962 halwyn o asbartâm-aseswlffâm (rheoliad 7(c) a (ch) yn eu trefn);
- (h) hepgor y cofnodion ynghylch swcralos a gafwyd yn flaenorol yn Atodlen 1 (rheoliad 7(d));

Statws This is the original version (as it was originally made).

- (i) yn unol â Chyfarwyddeb 2003/115/EC, rhoi disgrifiadau newydd yn lle'r disgrifiadau o gategoriâu bwyd penodedig yng ngholofn 3 o Atodlen 1 (rheoliad 7(dd) i (g)); a
- (j) ychwanegu troednodiadau pellach at Atodlen 1 sy'n ymwneud â'r melysydd a ganiateir halwyn o asbartâm-aseswlffâm (rheoliad 7(ng)).

3. Paratowyd arfarniad rheoliadol ar gyfer y Rheoliadau hyn a'i osod yn llyfrgell Cynulliad Cenedlaethol Cymru, ynghyd â nodyn trosi sy'n nodi sut y mae prif elfennau'r Cyfarwyddebau y cyfeirir atynt ym mharagraff 1 uchod yn cael eu trosi i'r gyfraith ddomestig gan y Rheoliadau hyn. Gellir cael copïau gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.