



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2005 Rhif 1628 (Cy.122)**

**2005 No. 1628 (W.122)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Lliwiau mewn Bwyd  
(Diwygio) (Cymru) 2005**

**The Colours in Food (Amendment)  
(Wales) Regulations 2005**

**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, sy'n gymwys o ran Cymru, yn gweithredu Cyfarwyddeb y Comisiwn 2004/47/EC(1) sy'n diwygio Cyfarwyddeb 95/45/EC(2). Maent yn gwneud hynny drwy ddiwygio ymhellach Reoliadau Lliwiau mewn Bwyd 1995(3). Mae'r Rheoliadau yn-

These Regulations, which apply in relation to Wales, implement Commission Directive 2004/47/EC(1) amending Directive 95/45/EC(2). They do so by further amending the Colours in Food Regulations 1995(3). The Regulations -

- (a) darparu meini prawf purdeb diwygiedig ar gyfer carotenau cymysg E160 a (i) a beta-caroten E160 a (ii) (rheoliad 2(2));
- (b) mewnosod darpariaeth amddiffyn drosiannol ar gyfer cynhyrchion a roddwyd ar y farchnad neu a labelwyd cyn 1 Ebrill 2005 sydd fel arall yn cydymffurfio â Rheoliadau Lliwiau mewn Bwyd 1995, er mwyn caniatáu i stociau cyfredol gael eu dihybyddu (rheoliad 2(3)).

- (a) provide amended purity criteria for mixed carotenes E160 a (i) and beta carotene E160 a (ii) (regulation 2(2));
- (b) insert a transitional defence provision for products put on the market or labelled before 1 April 2005 which otherwise comply with the Colours in Food Regulations 1995, allowing current stocks to be exhausted (regulation 2(3)).

Mae arfarniad rheoliadol yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 wedi'i baratoi ar gyfer y Rheoliadau hyn a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau o'r ddogfen hon oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd CF10 1EW.

A regulatory appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared for these Regulations and placed in the Library of the National Assembly for Wales. Copies of this document may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.

(1) OJ Rhif L113, 20.4.2004, t.24.

(2) Cyfarwyddeb y Comisiwn 95/45/EC 26 Gorffennaf 1995 sy'n pennu meini prawf purdeb penodol sy'n ymwneud â lliwiau sydd i'w defnyddio mewn deunyddiau bwyd (OJ Rhif L226, 22.9.1995, t.1).

(3) O.S. 1995/3124, y diwygiadau perthnasol yw O.S. 2000/1799 (Cy.124) ac O.S. 2001/3909 (Cy.321).

(1) OJ No. L113, 20.4.2004, p.24.

(2) Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L226, 22.9.1995, p.1).

(3) S.I. 1995/3124, relevant amendments are S.I. 2000/1799 (W.124) and S.I. 2001/3909 (W.321).

**2005 Rhif 1628 (Cy.122)****2005 No. 1628 (W.122)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Lliwiau mewn Bwyd  
(Diwygio) (Cymru) 2005****The Colours in Food (Amendment)  
(Wales) Regulations 2005***Wedi'u gwneud* 14 Mehefin 2005*Made* 14 June 2005*Yn dod i rym* 24 Mehefin 2005*Coming into force* 24 June 2005

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), 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 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, 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:

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(1) and now vested in it(2), and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, 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(3) makes the following Regulations:

**Enwi, cychwyn a chymhwysio****Title, commencement and application****1. O ran y Rheoliadau hyn -****1. These Regulations -**

- (a) eu henw yw Rheoliadau Lliwiau mewn Bwyd (Diwygio) (Cymru) 2005;
- (b) deuant i rym ar 24 Mehefin 2005; ac
- (c) maent yn gymwys o ran Cymru.

- (a) may be cited as the Colours in Food (Amendment) (Wales) Regulations 2005;
- (b) come into force on 24 June 2005; and
- (c) apply in relation to Wales.

(1) 1990 p.16

(1) 1990 c.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).

(2) Functions of the Secretary of State under the Food Safety Act 1990, 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).

(3) OJ Rhif L31, 1.2.2002, 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. Rhif 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 pan fo ymgynghori yn ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002.

(3) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p.4). By virtue of regulation 5 of the Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. No. 2004/2990), with effect from 7th December 2004 the consultation requirement contained in section 48(4) of the 1990 Act is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.

## Diwygio Rheoliadau Lliwiau mewn Bwyd 1995

2.-(1) Diwygir Rheoliadau Lliwiau mewn Bwyd 1995(1) yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Ym mharagraff (1) o reoliad 2 (dehongli) yn y diffiniad o "Directive 95/45/EC"(2), yn lle'r geiriau "and Directive 2001/50/EC" rhodder y geiriau -

"Directive 2001/50/EC(3) and Directive 2004/47/EC(4)".

(3) Yn rheoliad 13 (darpariaeth drosiannol ac esemptiad) ar ôl paragraff (1) mewnosoder y paragraff canlynol -

"(1A) In any proceedings for an offence against these Regulations it is a defence to prove that -

- (a) the colour or food which is the subject of the allegation was put on the market or labelled before 1 April 2005; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Colours in Food (Amendment) (Wales) Regulations 2005."

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(5)

14 Mehefin 2005

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

## Amendment of the Colours in Food Regulations 1995

2.-(1) The Colours in Food Regulations 1995(1) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) in the definition of "Directive 95/45/EC"(2), for the words "and Directive 2001/50/EC" substitute the words -

"Directive 2001/50/EC(3) and Directive 2004/47/EC(4)".

(3) In regulation 13 (transitional provision and exemption) after paragraph (1) insert the following paragraph -

"(1A) In any proceedings for an offence against these Regulations it is a defence to prove that -

- (a) the colour or food which is the subject of the allegation was put on the market or labelled before 1 April 2005; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Colours in Food (Amendment) (Wales) Regulations 2005."

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

14 June 2005

The Presiding Officer of the National Assembly

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(1) O.S. 1995/3124, yr offerynnau diwygio perthnasol yw O.S. 2000/1799 (Cy.124) ac O.S. 2001/3909 (Cy.321).

(2) Diwygiwyd y diffiniad o "Directive 95/45/EC" gan O.S. 2000/1799 (Cy.124) ac O.S. 2001/3909 (Cy.321).

(3) Cyfarwyddeb y Comisiwn 2001/50/EC 3 Gorffennaf 2001 sy'n diwygio Cyfarwyddeb 95/45/EC sy'n pennu meini prawf purdeb penodol sy'n ymwneud â lliwiau sydd i'w defnyddio mewn deunyddiau bwyd (OJ Rhif L190, 12.7.2001, t.14).

(4) Cyfarwyddeb y Comisiwn 2004/47/EC 16 Ebrill 2004 sy'n diwygio Cyfarwyddeb 95/45/EC o ran carotenau cymysg (E160 a (i)) a beta-caroten (E160 a (ii)) (OJ Rhif L113, 20.4.2004, t.24).

(5) 1998 p.38.

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(1) S.I. 1995/3124, relevant amending instruments are S.I. 2000/1799 (W.124) and S.I. 2001/3909 (W.321).

(2) The definition of "Directive 95/45/EC" was amended by S.I. 2000/1799 (W.124) and S.I. 2001/3909 (W.321).

(3) Commission Directive 2001/50/EC of 3 July 2001 amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L190, 12.7.2001, p.14).

(4) Commission Directive 2004/47/EC of 16 April 2004 amending Directive 95/45/EC as regards mixed carotenes (E160 a (i)) and beta-carotene (E160 a (ii)) (OJ No. L113, 20.4.2004, p.24).

(5) 1998 c.38.

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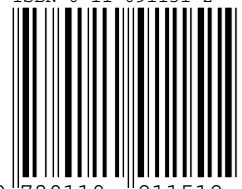
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