



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 2602 (Cy.228)

2008 No. 2602 (W.228)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Fformiwla Fabanod a
Fformiwla Ddilynol (Diwygio)
(Cymru) 2008**

**The Infant Formula and Follow-on
Formula (Amendment) (Wales)
Regulations 2008**

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 o ran Cymru, yn gwneud y darpariaethau deddfwriaethol a ddisgrifir ym mharagraff 2 yr ystyrir eu bod yn angenrheidiol i roi ei effaith i'r dyfarniad yn yr Uchel Lys yn yr achos sy'n dwyn yr enw R v. the Secretary of State for Health and the Welsh Ministers on the application of the Infant and Dietetics Food Association Limited (achos rhif CO/230/2008). Traddodwyd y dyfarniad ar 29 Chwefror 2008. Yn sgil y dyfarniad hwnnw, gwnaeth yr Uchel Lys ddatganiad nad oedd Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007 (O.S. 2007/3573 (Cy.316) yn cydymffurfio â Chyfarwyddeb y Comisiwn 2006/141/EC ar fformwlâu babanod a fformwlâu ddilynol ac yn diwygio Cyfarwyddeb 1999/21/EC (OJ Rhif. L401, 30.12.2006, t.1) i'r graddau eu bod yn gwahardd masnach o 11 Ionawr 2008 (yn hytrach nag o 31 Rhagfyr 2009) mewn fformiwla fabanod a fformiwla ddilynol sydd â'u labelu yn bodloni gofynion Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol 1995 (O.S. 1995/77) ond nad ydynt yn bodloni gofynion Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007.

2. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007 er mwyn—

- (a) Diwygio'r rhestr o reoliadau y mae'n rhaid cydymffurfio â hwy os yw person am farchnata fformiwla fabanod neu fformiwla ddilynol (rheoliad 2(2));
- (b) darparu bod rhaid i gyflwyniad fformiwla fabanod a fformiwla ddilynol gydymffurfio â darpariaethau rheoliadau penodedig (rheoliad 2(3));

1. These Regulations, which apply in relation to Wales, make the legislative provisions described in paragraph 2 which are considered necessary to give effect to the judgment in the High Court of Justice in the case called R v. the Secretary of State for Health and the Welsh Ministers on the application of the Infant and Dietetics Food Association Limited (action number CO/230/2008). Judgment was delivered on 29 February 2008. Following that judgment, the High Court granted a declaration that the Infant Formula and Follow-on Formula (Wales) Regulations 2007 (S.I. 2007/3573 (W.316) fail to comply with Commission Directive 2006/141/EC on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ No. L401, 30.12.2006, p.1) to the extent that they prohibit as from 11 January 2008 (instead of as from 31 December 2009) trade in infant formula and follow-on formula whose labelling satisfies the labelling requirements of the Infant Formula and Follow-on Formula Regulations 1995 (S.I. 1995/77) but does not satisfy the labelling requirements of the Infant Formula and Follow-on Formula (Wales) Regulations 2007.

2. These Regulations amend the Infant Formula and Follow-on Formula (Wales) Regulations 2007 to—

- (a) revise the list of regulations that have to be complied with if a person is to market infant formula or follow-on formula (regulation 2(2));
- (b) provide that the presentation of infant formula and follow-on formula must comply with the provisions of specified regulations (regulation 2(3));

- (c) Diwygio'r rhestr o reoliadau y mae'n rhaid cydymffurfio â hwy os yw person am allforio fformiwla fabanod i drydydd gwledydd (rheoliad 2(4));
- (ch) diwygio'r rhestr o reoliadau y mae'n rhaid cydymffurfio â hwy os yw person am allforio fformiwla ddilynol i drydydd gwledydd (rheoliad 2(5)); a
- (d) creu trefniadau trosiannol sy'n gymwys i orfodi—
 - (i) y gofynion labelu ar gyfer fformiwla fabanod a fformiwla ddilynol, a
 - (ii) y gofynion sy'n gymwys o ran siâp, ymddangosiad a phecynnu fformiwla fabanod a fformiwla ddilynol (rheoliad 2(6)).

3. Mae'r Rheoliadau hyn hefyd yn darparu trefniadau trosiannol o ran Rheoliadau Bwyd Meddygol (Cymru) 2000 (O.S. 2000/1866 (Cy.125)).

4. Ni chafodd asesiad effaith rheoleiddiol llawn ei baratoi ar gyfer yr offeryn hwn gan na ragwelir unrhyw effaith ar y sector breifat na'r sector wirfoddol.

- (c) revise the list of regulations that have to be complied with if a person is to export infant formula to third countries (regulation 2(4));
- (d) revise the list of regulations that have to be complied with if a person is to export follow-on formula to third countries (regulation 2(5)); and
- (e) create transitional arrangements that apply to the enforcement of—
 - (i) the labelling requirements for infant formula and follow-on formula, and
 - (ii) the requirements that apply in relation to the shape, appearance and packaging of infant formula and follow-on formula (regulation 2(6)).

3. These Regulations also provide transitional arrangements with regard to the Medical Food (Wales) Regulations 2000 (S.I. 2000/1866 (W.125)).

4. A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

2008 Rhif 2602 (Cy.228)

BWYD, CYMRU

**Rheoliadau Fformiwla Fabanod a
Fformiwla Ddilynol (Diwygio)
(Cymru) 2008**

Gwnaed 1 Hydref 2008
*Gosodwyd gerbron
Cynulliad Cenedlaethol Cymru* 6 Hydref 2008
Yn dod i rym 29 Hydref 2008

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e), 17(1), (26)(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac sydd bellach wedi'u breinio ynddynt hwy(2).

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(3), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

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- (1) 1990 p.16; amnewidwyd adran 1(1) a (2) (y diffiniad o "bwyd") gan O.S. 2004/2990. Diwygiwyd adrannau 17 a 48 gan baragraffau 12 a 21 yn eu trefn o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (1999 p. 28), "Deddf 1999". Diwygiwyd adran 48 hefyd gan O.S. 2004/2990. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 53(2) gan baragraff 19 o Atodlen 16 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (1994 p.40), Atodlen 6 i Ddeddf 1999 ac O.S. 2004/2990.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, 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). Trosglwyddwyd y Swyddogaethau hyn i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru (p.32) a pharagraff 30 o Atodlen 11 iddi.
- (3) OJ Rhif. L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 202/2008 sy'n diwygio Rheoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor ynghylch nifer ac enwau Panelau Gwyddonol Awdurdod Diogelwch Bwyd Ewrop (OJ Rhif L60, 5.3.2008, t.17).

2008 No. 2602 (W.228)

FOOD, WALES

**The Infant Formula and Follow-on
Formula (Amendment) (Wales)
Regulations 2008**

Made 1 October 2008
*Laid before the National
Assembly for Wales* 6 October 2008
Coming into force 29 October 2008

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2).

In accordance with section 48(4A) of the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

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) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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- (1) 1990 c.16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), "the 1999 Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990.
- (2) Functions of 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). Those Functions were transferred to Welsh Ministers by section 162 and Schedule 11, paragraph 30 of the Government of Wales Act 2006 (c.32).
- (3) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 202/2008 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Scientific Panels of the European Food Safety Authority (OJ No. L60, 5.3.2008, p.17).

Enwi a chychwyn

1. O ran y Rheoliadau hyn—

- (a) eu henw yw Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Diwygio) (Cymru) 2008; a
- (b) deuant i rym ar 29 Hydref 2008.

Diwygio Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007

2.—(1) Diwygir Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007(1) yn unol â'r paragraffau canlynol.

(2) Yn lle darpariaethau rheoliad 3 (gwaharddiad ar farchnata fformiwla fabanod neu fformiwla ddilynol oni fo amodau penodol wedi'u bodloni) rhodder y darpariaethau canlynol—

"(1) Ni chaiff neb farchnata fformiwla sy'n torri rheoliad 5, 6, 8, 10, 11, 12, 14(1), (2) neu (3), 15, 17, 19 neu 20(1) neu nad yw'n cydymffurfio â hwy.

(2) Ni chaiff neb farchnata fformiwla ddilynol sy'n torri rheoliad 5, 7, 9, 10, 11, 12, 14(1), (2) neu (3), 16, 18, 19 neu 20(2) neu nad yw'n cydymffurfio â hwy."

(3) Yn lle paragraffau (1) a (2) o reoliad 20 (cyflwyno (fformiwla fabanod a fformiwla ddilynol)) rhodder y paragraffau canlynol—

"(1) Rhaid i gyflwyniad fformiwla fabanod gydymffurfio â darpariaethau rheoliadau 17(1)(d), (2), (3) a (4) ac 19.

(2) Rhaid i gyflwyniad fformiwla ddilynol gydymffurfio â darpariaethau rheoliadau 18(2) ac 19."

(4) Yn lle is-baragraff (a) o baragraff (1) o reoliad 26 (allforio fformiwla fabanod i drydydd gwledydd) rhodder yr is-baragraff canlynol—

"(a) rheoliad 5, 6, 8, 10, 11, 12, 14(1), (2) neu (3), 17, 19 neu 20(1);".

(5) Yn lle paragraff (a) o reoliad 27 (allforio fformiwla ddilynol i drydydd gwledydd) rhodder y paragraff canlynol—

"(a) rheoliad 5, 7, 9, 10, 11, 12, 14(1), (2) neu (3), 18, 19 neu 20(2);".

(6) Yn lle paragraff (3) o reoliad 31 (dirymu a threfniadau trosiannol) rhodder y paragraff canlynol—

"(3) Mewn perthynas ag unrhyw dorri rheol neu fethiant i gydymffurfio cyn 1 Ionawr 2010, nid yw unrhyw berson yn cyflawni tramgwydd o dan reoliad 28(1) sy'n cynnwys torri rheol neu fethiant i gydymffurfio ag—

Title and commencement

1. These Regulations—

- (a) may be cited as the Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2008; and
- (b) come into force on 29 October 2008.

Amendment of the Infant Formula and Follow-on Formula (Wales) Regulations 2007

2.—(1) The Infant Formula and Follow-on Formula (Wales) Regulations 2007(1) are amended in accordance with the following paragraphs.

(2) For the provisions of regulation 3 (prohibition on the marketing of infant formula or follow-on formula unless certain conditions are met) there are substituted the following provisions—

"(1) No person may market infant formula which contravenes or fails to comply with regulation 5, 6, 8, 10, 11, 12, 14(1), (2) or (3), 15, 17, 19 or 20(1).

(2) No person may market follow-on formula which contravenes or fails to comply with regulation 5, 7, 9, 10, 11, 12, 14(1), (2) or (3), 16, 18, 19 or 20(2)."

(3) For paragraphs (1) and (2) of regulation 20 (presentation (infant formula and follow-on formula)) there are substituted the following paragraphs—

"(1) The presentation of an infant formula must comply with the provisions of regulations 17(1)(e), (2), (3) and (4) and 19.

(2) The presentation of a follow-on formula must comply with the provisions of regulations 18(2) and 19."

(4) For sub-paragraph (a) of paragraph (1) of regulation 26 (export of infant formula to third countries) there is substituted the following sub-paragraph—

"(a) regulation 5, 6, 8, 10, 11, 12, 14(1), (2) or (3), 17, 19 or 20(1);".

(5) For paragraph (a) of regulation 27 (export of follow-on formula to third countries) there is substituted the following paragraph—

"(a) regulation 5, 7, 9, 10, 11, 12, 14(1), (2) or (3), 18, 19 or 20(2);".

(6) For paragraph (3) of regulation 31 (revocation and transitional arrangements) there is substituted the following paragraph—

"(3) In respect of any contravention or failure to comply before 1 January 2010, no person commits an offence under regulation 28(1) consisting of a contravention of or a failure to comply with—

(a) rheoliad 3(1),—

- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla fabanod sy'n torri neu'n methu cydymffurfio â rheoliad 5, 6, 8, 10, 11, 12 neu 14 (1), (2) neu (3), a
- (ii) nad yw'r weithred honno yn ffurfio tramgwydd o dan reoliad 22(1) o Reoliadau 1995 sy'n cynnwys torri neu fethu â chydymffurfio â Rheoliad 2(a)(i) neu (ii) o'r Rheoliadau hynny;

(b) rheoliad 3(1),—

- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla fabanod sy'n torri neu'n methu cydymffurfio â rheoliad 17 neu 19, a
- (ii) na fyddai'r weithred honno, petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â chydymffurfio â rheoliad 2(a)(iii) o'r Rheoliadau hynny;

(c) rheoliad 3(1),—

- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla fabanod sy'n torri neu'n methu cydymffurfio â rheoliad 20(1) i'r graddau y mae rheoliad 20(1) yn gymwys o ran siâp, ymddangosiad a phecynnu'r fformiwla fabanod honno, a
- (ii) na fyddai'r weithred honno, petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â chydymffurfio â rheoliad 2(a)(iv) o'r Rheoliadau hynny i'r graddau yr oedd rheoliad 2(a)(iv) yn gymwys o ran siâp, ymddangosiad a phecynnu'r cynnyrch o dan sylw;

(ch) rheoliad 3(2),—

- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla ddilynol sy'n torri neu'n methu cydymffurfio â rheoliad 5, 7, 9, 10, 11, 12 neu 14 (1), (2) neu (3), a
- (ii) nad yw'r weithred honno yn ffurfio tramgwydd o dan reoliad 22(1) o Reoliadau 1995 sy'n cynnwys torri

(a) regulation 3(1), where—

- (i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes or fails to comply with regulation 5, 6, 8, 10, 11, 12 or 14 (1), (2) or (3), and
- (ii) that action does not constitute an offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to comply with regulation 2(a)(i) or (ii) of those Regulations;

(b) regulation 3(1), where—

- (i) the action that would otherwise constitute the offence consists of marketing infant formula which contravenes or fails to comply with regulation 17 or 19, and
- (ii) that action, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 Regulations as they then stood consisting of a contravention of or a failure to comply with regulation 2(a)(iii) of those Regulations;

(c) regulation 3(1), where—

- (i) that action would otherwise constitute the offence consists of marketing infant formula which contravenes or fails to comply with regulation 20(1) in so far as regulation 20(1) applies in relation to the shape, appearance and packaging of that infant formula, and
- (ii) that action, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 regulations as they then stood consisting of a contravention of or a failure to comply with regulation 2(a)(iv) of those Regulations in so far as regulation 2(a)(iv) applied to the shape, appearance and packaging of the product concerned;

(d) regulation 3(2), where—

- (i) the action that would otherwise constitute to offence consists of marketing follow-on formula which contravenes or fails to comply with regulation 5, 7, 9, 10, 11, 12 or 14(1), (2) or (3), and
- (ii) that action does not constitute an offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to

- neu fethu â chydymffurfio â rheoliad 3(a) neu (b) o'r Rheoliadau hynny;
- (d) rheoliad 3(2),—
- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla ddilynol sy'n torri neu'n methu a chydymffurfio â rheoliad 18 neu 19, a
- (ii) na fyddai'r weithred honno petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â chydymffurfio â rheoliad 3(c) o'r Rheoliadau hynny;
- (dd) rheoliad 3(2),—
- (i) os mai'r weithred a fyddai fel arall yn dramgwydd yw marchnata fformiwla ddilynol sy'n torri neu'n methu a chydymffurfio â rheoliad 20(2) i'r graddau y mae rheoliad 20(2) yn gymwys o ran siâp, ymddangosiad a phecynnu'r fformiwla ddilynol honno, a
- (ii) na fyddai'r weithred honno, petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â chydymffurfio â rheoliad 3(d) o'r Rheoliadau hynny i'r graddau yr oedd rheoliad 3(d) yn gymwys i siâp, ymddangosiad a phecynnu'r cynnyrch o dan sylw; neu
- (e) rheoliad 4, na fyddai'r weithred a fyddai fel arall yn dramgwydd yn ffurfio tramgwydd o dan reoliad 22(1) o Reoliadau 1995 sy'n cynnwys torri neu fethu â chydymffurfio â rheoliad 2(b)(i) neu (ii) o'r Rheoliadau hynny;
- (f) rheoliad 4, na fyddai'r weithred a fyddai fel arall yn dramgwydd, petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â chydymffurfio â rheoliad 2(b)(iii) o'r Rheoliadau hynny; neu
- (ff) rheoliad 4, na fyddai'r weithred a fyddai fel arall yn dramgwydd, petai wedi digwydd ar 10 Ionawr 2008 wedi ffurfio tramgwydd o dan Reoliad 22(1) o Reoliadau 1995 fel y safent y pryd hynny a'i fod yn cynnwys torri neu fethu â
- comply with regulation 3 (a) or (b) of those Regulations;
- (e) regulation 3(2), where—
- (i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes or fails to comply with regulation 18 or 19, and
- (ii) that action, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 Regulations as they then stood consisting of a contravention of or a failure to comply with regulation 3(c) of those Regulations;
- (f) regulation 3(2), where—
- (i) the action that would otherwise constitute the offence consists of marketing follow-on formula which contravenes or fails to comply with regulation 20(2) in so far as regulation 20(2) applies in relation to the shape, appearance and packaging of that follow-on formula, and
- (ii) that action, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 Regulations as they then stood consisting of a contravention of or a failure to comply with regulation 3(d) of those regulations in so far as regulation 3(d) applied to the shape, appearance and packaging of the product concerned; or
- (g) regulation 4, where the action that would otherwise constitute the offence does not constitute an offence under regulation 22(1) of the 1995 Regulations consisting of a contravention of or a failure to comply with regulation 2(b)(i) or (ii) of those Regulations;
- (h) regulation 4, where the action that would otherwise constitute the offence, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 Regulations as they then stood consisting of a contravention of or a failure to comply with regulation 2(b)(iii) of those Regulations; or
- (i) regulation 4, where the action that would otherwise constitute the offence, had it taken place on 10 January 2008, would not have constituted an offence under regulation 22(1) of the 1995 Regulations as they then stood consisting of a

chydymffurfio â rheoliad 2(b)(iv) o'r Rheoliadau hynny i'r graddau yr oedd rheoliad 2(b)(iv) yn gymwys i siâp, ymddangosiad a pheccynnu'r cynnyrch o dan sylw."

Diwygio Rheoliadau Bwyd Meddygol (Cymru) 2000

3.—(1) Diwygir Rheoliadau Bwyd Meddygol (Cymru) 2000(1) yn unol â pharagraff (2).

(2) Ar ôl rheoliad 7 (cymhwyso) mewnosoder y rheoliad canlynol—

"Trefniadau trosiannol

8. O ran unrhyw dorri rheol cyn 1 Ionawr 2010, ni fydd unrhyw berson yn cyflawni tramgwydd o dan reoliad 5(a) sy'n torri rheoliad 3(1)(a) os yw'r weithred a fyddai fel arall yn ffurfio tramgwydd yn cynnwys gwerthu bwyd meddygol y mae ei gyfansoddiad yn methu â chydymffurfio ag Erthygl 3 o'r Gyfarwyddeb fel y'i darllenir gyda'r rhes o ran manganis a osodir yn ail ran Tabl 1 (mwynau) yn yr Atodiad i'r Gyfarwyddeb fel yr oedd yn sefyll cyn iddi cael ei diwygio gan Gyfarwyddeb y Comisiwn 2006/141/EC ar fformiwla fabanod a fformiwla ddilynol ac yn diwygio Cyfarwyddeb 1999/21.EC."

contravention of or a failure to comply with regulation 2(b)(iv) of those Regulations in so far as regulation 2(b)(iv) applied to the shape, appearance and packaging of the product concerned."

Amendment of the Medical Food (Wales) Regulations 2000

3.—(1) The Medical Food (Wales) Regulations 2000(1) are amended in accordance with paragraph (2).

(2) After regulation 7 (application) insert the following regulation—

"Transitional arrangements

8. In respect of any contravention before 1 January 2010, no person commits an offence under regulation 5(a) consisting of a contravention of regulation 3(1)(a) where the action that would otherwise constitute the offence consists of selling a medical food whose composition fails to comply with Article 3 of the Directive as read with the row relating to manganese set out in the second part of Table 1 (minerals) in the Annex to the Directive as it stood before it was amended by Commission Directive 2006/141/EC on infant formulae and follow-on formulae and amending Directive 1999/21.EC."

Gwenda Thomas

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru.

1 Hydref 2008

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1 October 2008

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(1) O.S. 2000/1866 (Cy.125), a ddiwygiwyd gan O.S. 2007/3573 (Cy.316); y mae offerynnau diwygio eraill i'w cael, ond nid oes yr un ohonynt yn berthnasol.

(1) S.I. 2000/1866 (W.125), amended by S.I. 2007/3573 (W.316); there are other amending instruments but none is relevant.

OFFERYNNAU STATUDOL
CYMRU

2008 Rhif 2602 (Cy.228)

BWYD, CYMRU

Rheoliadau Fformiwla Fabanod a
Fformiwla Ddilynol (Diwygio)
(Cymru) 2008

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