



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 2651 (Cy.219)

2010 No. 2651 (W.219)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Deunyddiau Bwyd sy'n
Addas i Bobl ag Anoddefiad tuag
at Glwten (Cymru) 2010

The Foodstuffs Suitable for People
Intolerant to Gluten (Wales)
Regulations 2010

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 darparu ar gyfer gweithredu a gorfodi yno Reoliad y Comisiwn (EC) Rhif 41/2009 sy'n ymwneud â chyfansoddiad a labelu deunyddiau bwyd sy'n addas i bobl ag anoddefiad tuag at glwten (OJ Rhif L16, 21.1.2009, t.3) ("Rheoliad y Comisiwn") fel y'i darllenir gydag Erthygl 10(2) o Gyfarwyddeb 2009/39/EC Senedd Ewrop a'r Cyngor ar ddeunyddiau bwyd y bwriedir eu defnyddio at ddibenion maethol penodol (OJ Rhif L124, 20.5.2009, t.21).

1. These Regulations, which apply in relation to Wales, provide for the execution and enforcement there of Commission Regulation (EC) No. 41/2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten (OJ No. L16, 21.1.2009, p.3) ("the Commission Regulation") as read with Article 10(2) of Directive 2009/39/EC of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (OJ No. L124, 20.5.2009, p.21).

2. Mae Rheoliad y Comisiwn yn gosod gofynion ar gyfer cyfansoddiad a labelu deunyddiau bwyd i bobl ag anoddefiad tuag at glwten a deunyddiau bwyd eraill sy'n addas i bobl ag anoddefiad tuag at glwten, yn benodol parthed defnyddio'r termau "very low gluten" a "gluten-free".

2. The Commission Regulation imposes requirements on the composition and labelling of foodstuffs for people intolerant to gluten and other foodstuffs suitable for people intolerant to gluten, in particular as regards the use of the terms "very low gluten" and "gluten-free".

3. Mae'r Rheoliadau hyn—

3. These Regulations—

- (a) yn darparu bod person sy'n mynd yn groes i ddarpariaethau penodedig yn Rheoliad y Comisiwn yn euog o dramgwydd (*rheoliad 3(1)*);
- (b) yn darparu cosbau am dramgwyddau (*rheoliad 3(2)*);
- (c) yn pennu'r awdurdod gorfodi (*rheoliad 3(3)*);
- (ch) yn darparu bod y Rheoliadau hyn yn gymwys parthed deunyddiau bwyd i bobl ag anoddefiad tuag at glwten a osodir ar y farchnad fanwerthu p'un ai a fyddant wedi'u pecynnu'n barod fel y darperir ar eu cyfer yn Erthygl 10(2) o Gyfarwyddeb 2009/39/EC (*rheoliad 4*) ai peidio; a

- (a) provide that a person who contravenes specified provisions of the Commission Regulation is guilty of an offence (*regulation 3(1)*);
- (b) provide penalties for offences (*regulation 3(2)*);
- (c) specify the enforcement authority (*regulation 3(3)*);
- (d) provide that these Regulations apply in relation to foodstuffs for people intolerant to gluten that are placed on the retail market irrespective of whether they are in pre-packaged form as provided for in Article 10(2) of Directive 2009/39/EC (*regulation 4*); and

(d) yn darparu ar gyfer cymhwyso, gydag addasiadau, ddarpariaethau penodedig yn Neddf Diogelwch Bwyd 1990 (1990 p.16) at ddibenion y Rheoliadau hyn (*rheoliad 5*).

4. Paratowyd asesiad effaith rheoleiddiol parthed costau a buddion tebygol cydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd, CF10 1EW.

(e) provide for the application, with modifications, of specified provisions of the Food Safety Act 1990 (1990 c.16) for the purposes of these Regulations (*regulation 5*).

4. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

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**Rheoliadau Deunyddiau Bwyd sy'n
Addas i Bobl ag Anoddefiad tuag
at Glwten (Cymru) 2010**

**The Foodstuffs Suitable for People
Intolerant to Gluten (Wales)
Regulations 2010**

Gwnaed 23 Hydref 2010
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 2 Tachwedd 2010
Yn dod i rym 1 Ionawr 2012

Made 23 October 2010
*Laid before the National
Assembly for Wales* 2 November 2010
Coming into force 1 January 2012

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

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

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

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

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, ac yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn

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

(1) 1990 p.16; amnewidiwyd adran 1(1) a (2) (y diffiniad o "food") 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, O.S. 2004/2990 ac O.S. 2004/3279.

(2) Trosglwyddwyd swyddogaethau oedd gynt yn arferadwy gan "the Ministers" (sef, mewn perthynas â Chymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog dros Amaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol sydd â chyfrifoldeb yn eu tro dros iechyd yn Lloegr a bwyd ac iechyd yng Nghymru, ac, mewn perthynas â'r Alban, yr Ysgrifennydd Gwladol), i'r graddau maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S.1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, ac a drosglwyddwyd wedi hynny i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (2006 p.32) a pharagraff 30 o Atodlen 11 iddi.

(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, S.I. 2004/2990 and S.I. 2004/3279.

(2) Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, 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 1999 Act, and subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

pennu gweithdrefnau o ran materion diogelwch bwyd(1), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi a gwerthuso'r Rheoliadau hyn.

Enwi, cychwyn a chymhwys

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Deunyddiau Bwyd sy'n Addas i Bobl ag Anoddefiad tuag at Glwten (Cymru) 2010, a deuant i rym ar 1 Ionawr 2012.

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

Dehongli

2.–(1) Yn y Rheoliadau hyn—

mae i "awdurdod bwyd" yr ystyr y mae "*food authority*" yn ei ddwyn yn rhinwedd adran 5(1A) o'r Ddeddf;

ystyr "darpariaeth benodedig" ("*specified provision*") yw unrhyw ddarpariaeth yn Rheoliad y Comisiwn sydd wedi'i phennu yng Ngholofn 1 o'r Atodlen ac y mae pwnc y ddarpariaeth honno wedi'i ddisgrifio yng Ngholofn 2 o'r Atodlen;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Diogelwch Bwyd 1990; ac

ystyr "Rheoliad y Comisiwn" ("*the Commission Regulation*") yw Rheoliad y Comisiwn (EC) Rhif 41/2009 sy'n ymwneud â chyfansoddiad a labelu deunyddiau bwyd sy'n addas i bobl ag anoddefiad tuag at glwten (2).

(2) Yn ddarostyngedig i baragraff (3), mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn, ac eithrio un a ddiffinnir ym mharagraff (1), ac y defnyddir yr ymadrodd Saesneg cyfatebol yn y Rheoliadau hyn ac yn y Ddeddf yr ystyr a roddir i'r ymadrodd Saesneg cyfatebol hwnnw yn y Ddeddf.

(3) Mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn ac y defnyddir yr ymadrodd Saesneg cyfatebol yn y Rheoliadau hyn ac yn Rheoliad y Comisiwn yr ystyr a roddir i'r ymadrodd Saesneg cyfatebol hwnnw yn Rheoliad y Comisiwn.

(4) Pan fo unrhyw swyddogaethau o dan y Ddeddf yn cael eu neilltuo—

(a) drwy orchymyn o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(3) i awdurdod iechyd porthladd; neu

(1) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor yn addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468/EC mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasiad i'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(2) OJ Rhif L16, 21.1.2009, t.3.

(3) 1984 p.22.

Food Safety Authority and laying down procedures in matters of food safety(1) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, commencement and application

1.–(1) The title of these Regulations is the Foodstuffs Suitable for People Intolerant to Gluten (Wales) Regulations 2010, and they come into force on 1 January 2012.

(2) These Regulations apply in relation to Wales.

Interpretation

2.–(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 41/2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten(2);

"food authority" ("*awdurdod bwyd*") has the meaning that it bears by virtue of section 5(1A) of the Act; and

"specified provision" ("*darpariaeth benodedig*") means any provision of the Commission Regulation that is specified in Column 1 of the Schedule and whose subject-matter is described in Column 2 of the Schedule.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

(3) Any expression used both in these Regulations and in the Commission Regulation has the meaning that it bears in the Commission Regulation.

(4) Where any functions under the Act are assigned—

(a) by an order under section 2 of the Public Health (Control of Disease) Act 1984(3), to a port health authority; or

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

(2) OJ No. L16, 21.1.2009, p.3.

(3) 1984 c.22.

- (b) drwy orchymyn o dan adran 6 o Ddeddf Iechyd y Cyhoedd 1936(1), i gyd-fwrdd ar gyfer dosbarth unedig;

rhaidd dehongli unrhyw gyfeiriad yn y Rheoliadau hyn at awdurdod bwyd, i'r graddau y mae'n ymwneud â'r swyddogaethau hynny, fel cyfeiriad at yr awdurdod y neilltuoliwyd hwy iddo.

Tramgwyddau, cosbau a gweithredu a gorfodi

3.–(1) Bydd unrhyw berson sy'n mynd yn groes i unrhyw ddarpariaeth benodedig yn euog o dramgwydd.

(2) Bydd person sy'n euog o dramgwydd o dan baragraff (1) yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

(3) Rhaid i bob awdurdod bwyd weithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal.

Cymhwysu'r darpariaethau penodedig

4. At ddibenion y Rheoliadau hyn, mae'r darpariaethau penodedig yn gymwys i ddeunyddiau bwyd i bobl ag anoddefiad tuag at glwten a osodir ar y farchnad fanwerthu p'un ai a fyddant wedi'u pecynnu'n barod ai peidio.

Cymhwysu amryfal adrannau o Ddeddf Diogelwch Bwyd 1990

5. Mae'r darpariaethau a ganlyn yn y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad bod rhaidd dehongli unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran ohoni fel cyfeiriad at y Rheoliadau hyn—

- (a) adran 3 (rhagdybiaethau y bwriedir i fwyd gael ei fwyta gan bobl);
- (b) adran 20 (tramgwyddau oherwydd bai person arall);
- (c) adran 21 (amddiffyniad diwydrwydd dyladwy)(2), gyda'r addasiadau bod is-adrannau (2) i (4) yn gymwys o ran tramgwydd o dan reoliad 3(1) fel y maent yn gymwys o ran tramgwydd o dan adran 14 neu 15 ac y bernir bod y cyfeiriadau yn is-adran (4)(b) at "sale or intended sale" yn cynnwys cyfeiriadau at "labelling, advertising or presentation";
- (ch) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (d) adran 33(1) (rhwystru etc. swyddogion);

- (b) by an order under section 6 of the Public Health Act 1936(1), to a joint board for a united district;

any reference in these Regulations to a food authority must be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

Offences, penalties and execution and enforcement

3.–(1) Any person who contravenes any of the specified provisions is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority must execute and enforce these Regulations within its area.

Application of the specified provisions

4. For the purposes of these Regulations, the specified provisions apply in relation to foodstuffs for people intolerant to gluten that are placed on the retail market irrespective of whether they are in pre-packaged form.

Application of various sections of the Food Safety Act 1990

5. The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof must be construed as a reference to these Regulations—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(2), with the modifications that subsections (2) to (4) apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15 and that in subsection (4)(b) the references to "sale or intended sale" are deemed to include references to "labelling, advertising or presentation";
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33(1) (obstruction etc. of officers);

(1) 1936 p.49; mae adran 6 i'w darllen gyda pharagraff 1 o Atodlen 3 i Ddeddf Diogelwch Bwyd 1990.

(2) Diwygiwyd adran 21 gan O.S. 2004/3279.

(1) 1936 c.49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

(2) Section 21 was amended by S.I. 2004/3279.

- (dd) adran 33(2), gyda'r addasiad y bernir bod y cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn gyfeiriad at unrhyw ofyniad o'r fath a grybwyllir yn yr is-adran honno fel y'i cymhwysir gan baragraff (d);
- (e) adran 35(1) (cosbi tramgwyddau)(1), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) fel y'i cymhwysir gan baragraff (d);
- (f) adran 35(2) a (3)(2), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(2) fel y'i cymhwysir gan baragraff (dd);
- (ff) adran 36 (tramgwyddau gan gyrrff corfforaethol);
- (g) adran 36A (tramgwyddau gan bartneriaethau Albanaidd)(3); ac
- (ng) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll).

- (f) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b) above" is deemed to be a reference to any such requirement as is mentioned in that subsection as applied by paragraph (e);
- (g) section 35(1) (punishment of offences)(1), in so far as it relates to offences under section 33(1) as applied by paragraph (e);
- (h) section 35(2) and (3)(2), in so far as it relates to offences under section 33(2) as applied by paragraph (f);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(3); and
- (k) section 44 (protection of officers acting in good faith).

Gwenda Thomas

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol, o dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

The deputy Minister for Social Services, under the authority of the Minister for Health and Social Services, one of the Welsh Ministers

23 Hydref 2010

23 October 2010

(1) Diwygir adran 35(1) gan Ddeddf Cyfiawnder Troseddol 2003 (2003 p. 44), Atodlen 26, paragraff 42, o ddyddiad sydd i'w benodi.

(2) Diwygiwyd adran 35(3) gan O.S. 2004/3279.

(3) Mewnosodwyd adran 36A gan Ddeddf Safonau Bwyd 1999 (1999 p.28), Atodlen 5, paragraff 16.

(1) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c. 44), Schedule 26, paragraph 42, from a date to be appointed.

(2) Section 35(3) was amended by S.I. 2004/3279.

(3) Section 36A was inserted by the Food Standards Act 1999 (1999 c.28), Schedule 5, paragraph 16.

YR ATODLEN

Rheoliadau 2(1) a 3(1)

Darpariaethau Penodedig Rheoliad y Comisiwn (EC) Rhif 41/2009

<i>Y Ddarpariaeth yn Rheoliad y Comisiwn</i>	<i>Y pwnc</i>
Erthygl 3(1), fel y'i darllenir gydag Erthygl 3(5)	<p>Gofyniad bod rhaid i ddeunyddiau bwyd i bobl ag anoddefiad at glwten–</p> <p>(a) a gyfansoddir o neu sy'n cynnwys un neu fwy o gynhwysion sydd wedi'u gwneud o wenith, rhyg, haidd, ceirch neu o'u hamrywiaethau trawsfridiol a broseswyd yn arbennig er mwyn lleihau glwten; neu</p> <p>(b) sy'n cynnwys cynhwysion sy'n disodli gwenith, rhyg, haidd, ceirch neu eu hamrywiaethau trawsfridiol a hefyd gynhwysion sydd wedi'u gwneud o wenith, rhyg, haidd, ceirch neu o'u hamrywiaethau trawsfridiol a broseswyd yn arbennig er mwyn lleihau glwten,</p> <p>beidio bod â lefel glwten sy'n uwch na 100 mg/kg yn y bwyd fel y'i gwerthir i'r defnyddiwr terfynol.</p>
Erthygl 3(2), fel y'i darllenir gydag Erthygl 3(5)	<p>Gofyniad bod rhaid i labelu, hysbysebu a chyflwyno deunyddiau bwyd i bobl ag anoddefiad at glwten–</p> <p>(a) a gyfansoddir o neu sy'n cynnwys un neu fwy o gynhwysion sydd wedi'u gwneud o wenith, rhyg, haidd, ceirch neu o'u hamrywiaethau trawsfridiol a broseswyd yn arbennig er mwyn lleihau glwten; neu</p> <p>(b) sy'n cynnwys cynhwysion sy'n disodli gwenith, rhyg, haidd, ceirch neu eu hamrywiaethau trawsfridiol a hefyd gynhwysion sydd wedi'u gwneud o wenith, rhyg, haidd, ceirch neu o'u hamrywiaethau trawsfridiol a broseswyd yn arbennig er mwyn lleihau glwten,</p> <p>fod yn dwyn y term "very low gluten", er y dichon labelu, hysbysebu a chyflwyno'r deunyddiau bwyd hynny fodd bynnag ddwyn y term "gluten-free" cyhyd ag nad yw'r cynnwys glwten yn uwch na 20 mg/kg yn y bwyd fel y'i gwerthir i'r defnyddiwr terfynol.</p>
Erthygl 3(3), fel y'i darllenir gydag Erthygl 3(5)	<p>– Gofyniad bod rhaid i geirch a gynhwysir mewn deunyddiau bwyd i bobl ag anoddefiad at glwten (gan gynnwys deunyddiau bwyd i bobl ag anoddefiad at glwten sy'n cynnwys cynhwysion sy'n disodli gwenith, rhyg, haidd, ceirch neu eu hamrywiaethau trawsfridiol a hefyd gynhwysion sydd wedi'u gwneud o wenith, rhyg, haidd, ceirch neu o'u hamrywiaethau trawsfridiol a broseswyd yn arbennig er mwyn lleihau glwten) fod wedi cael eu cynhyrchu, eu paratoi a/neu eu prosesu'n arbennig mewn ffordd sy'n osgoi bod gwenith, rhyg, haidd neu eu hamrywiaethau trawsfridiol yn eu llygru.</p> <p>– Gofyniad bod rhaid i gynnwys glwten ceirch o'r fath beidio â bod yn uwch na 20 mg/kg.</p>

Erthygl 3(4)	<ul style="list-style-type: none"> – Gofyniad bod rhaid i ddeunyddiau bwyd i bobl ag anoddefiad at glwten a gyfansoddir o neu sy'n cynnwys un neu fwy o gynhwysion sy'n disodli gwenith, rhyg, haid, ceirch neu eu hamrywiaethau trawsfridiol beidio bod â lefel glwten uwch na 20 mg/kg yn y bwyd fel y'i gwerthir i'r defnyddiwr terfynol. – Gofyniad bod rhaid i labelu, cyflwyno a hysbysebu'r cynhyrchion hynny ddwyn y term "gluten-free".
Erthygl 3(6)	Gofyniad bod rhaid i'r termau "very low gluten" a "gluten-free" y cyfeirir atynt yn Erthygl 3(2) a (4) ymddangos wrth ymyl yr enw y gwerthir y deunydd bwyd perthnasol i bobl ag anoddefiad at glwten oddi tano.
Erthygl 4	<p>Gwaharddiad ar labelu, hysbysebu a chyflwyno—</p> <ul style="list-style-type: none"> (a) deunyddiau bwyd i'w bwyta'n arferol; neu (b) deunyddiau bwyd at ddibenion maethol penodol sydd wedi cael eu fformiwleiddio, eu prosesu neu eu paratoi'n arbennig i gyfarfod anghenion dietegol arbennig heblaw rhai'r bobl hynny sydd ag anoddefiad tuag at glwten ond sydd fodd bynnag yn addas, yn rhinwedd eu cyfansoddiad, i gyfarfod anghenion dietegol arbennig pobl sydd ag anoddefiad tuag at glwten, <p>sy'n dwyn y term "very low gluten", er y dichon labelu, hysbysebu a chyflwyno'r deunyddiau bwyd hynny fodd bynnag ddwyn y term "gluten-free" cyhyd ag nad yw'r cynnwys glwten yn uwch na 20 mg/kg yn y bwyd fel y'i gwerthir i'r defnyddiwr terfynol.</p>

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THE SCHEDULE

Regulations 2(1) and 3(1)

Specified Provisions of Commission Regulation (EC) No. 41/2009

<i>Provision of the Commission Regulation</i>	<i>Subject-matter</i>
Article 3(1), as read with Article 3(5)	<p>Requirement that foodstuffs for people intolerant to gluten–</p> <p>(a) consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten; or</p> <p>(b) containing both ingredients which substitute wheat, rye, barley, oats or their crossbred varieties and ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten,</p> <p>must not contain a level of gluten exceeding 100 mg/kg in the food as sold to the final consumer.</p>
Article 3(2), as read with Article 3(5)	<p>Requirement that the labelling, advertising and presentation of foodstuffs for people intolerant to gluten–</p> <p>(a) consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten; or</p> <p>(b) containing both ingredients which substitute wheat, rye, barley, oats or their crossbred varieties and ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten,</p> <p>must bear the term "very low gluten", although the labelling, advertising and presentation of those foodstuffs may nevertheless bear the term "gluten-free" if the gluten content does not exceed 20 mg/kg in the food as sold to the final consumer.</p>
Article 3(3), as read with Article 3(5)	<p>– Requirement that oats contained in foodstuffs for people intolerant to gluten (including foodstuffs for people intolerant to gluten containing both ingredients which substitute wheat, rye, barley, oats or their crossbred varieties and ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten) must have been specially produced, prepared and/or processed in a way to avoid contamination by wheat, rye, barley or their crossbred varieties.</p> <p>– Requirement that the gluten content of such oats must not exceed 20 mg/kg.</p>
Article 3(4)	<p>– Requirement that foodstuffs for people intolerant to gluten consisting of or containing one or more ingredients which substitute wheat, rye, barley, oats or their crossbred varieties must not contain a level of gluten exceeding 20 mg/kg in the food as sold to the final consumer.</p> <p>– Requirement that the labelling, presentation and advertising of those products must bear the term "gluten-free".</p>

Article 3(6)	Requirement that the terms "very low gluten" and "gluten-free" referred to in Article 3(2) and (4) must appear in proximity to the name under which the relevant foodstuff for people intolerant to gluten is sold.
Article 4	<p>Prohibition on the labelling, advertising and presentation of–</p> <ul style="list-style-type: none"> (a) foodstuffs for normal consumption; or (b) foodstuffs for particular nutritional uses which are specially formulated, processed or prepared to meet special dietary needs other than those of people intolerant to gluten but which are nevertheless suitable, by virtue of their composition, to meet the special dietary needs of people intolerant to gluten, <p>bearing the term "very low gluten", although the labelling, advertising and presentation of those foodstuffs may nevertheless bear the term "gluten-free" provided that the gluten content does not exceed 20 mg/kg in the food as sold to the final consumer.</p>

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OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 2651 (Cy.219)

BWYD, CYMRU

Rheoliadau Deunyddiau Bwyd sy'n
Addas i Bobl ag Anoddefiad tuag
at Glwten (Cymru) 2010

WELSH STATUTORY
INSTRUMENTS

2010 No. 2651 (W.219)

FOOD, WALES

The Foodstuffs Suitable for People
Intolerant to Gluten (Wales)
Regulations 2010